

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3725

[REDACTED], 2019
Signature Confirmation

[REDACTED]
Request # 144315

NOTICE OF DECISION

PARTY

[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED], 2019, the Department of Social Services (the "Department") sent [REDACTED] (the "Appellant"), a Notice of Action ("NOA") denying her Supplemental Nutrition Assistance Program ("SNAP") benefits for failing to cooperate with the eligibility process.

On [REDACTED] 2019, the Appellant requested an administrative hearing to contest the denial of her SNAP benefits.

On [REDACTED] 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for [REDACTED], 2019.

On [REDACTED], 2019, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

[REDACTED], the Appellant
Timika Cineus, Department's Representative
Carla Hardy, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to deny the SNAP benefits was correct.

FINDINGS OF FACT

1. On [REDACTED] 2019, the Appellant's SNAP benefit was discontinued. (Exhibit 6: Case Notes)
2. On [REDACTED] 2019, the Appellant moved from [REDACTED] in [REDACTED] CT. (Appellant's Testimony)
3. On [REDACTED], 2019, the Department reviewed the Appellant's Renewal form which was received on [REDACTED] 2019. They rescreened a new SNAP application and tried to contact the Appellant by telephone but were unsuccessful. The Appellant reported on the form that her rent was \$296.00; she worked for [REDACTED] earning \$600.00 biweekly; and paid \$300.00 monthly in daycare expenses for her child. She also reported that she was a student attending [REDACTED] and received \$177.00 quarterly in Educational Aid that is used for her living expenses. The Appellant was graduating in [REDACTED] 2019. (Exhibit 2: Renewal Form; Exhibit 6)
4. The Appellant's Renewal form indicates [REDACTED] in [REDACTED], CT as the Appellant's current address. (Exhibit 2)
5. The Appellant's household consists of the Appellant and three children. (Exhibit 2)
6. The Department mailed a request to the Appellant for proof of her gross earnings, educational aid, and dependent care expenses. They also notified her that an interview was required by [REDACTED] 2019, and that her SNAP application would be denied on [REDACTED], 2019. (Exhibit 3: Proofs We Need, [REDACTED] 19; Exhibit 4: Interview Notice, [REDACTED] 19)
7. The Appellant did not receive the Proofs We Need that was mailed to her on [REDACTED], 2019. (Appellant's Testimony)
8. On [REDACTED] 2019, the Department notated that the requested verifications were still outstanding. (Exhibit 6)
9. On [REDACTED] 2019, the Department had not received the requested verifications and denied the SNAP. (Exhibit 6)
10. On [REDACTED], 2019, the Appellant contacted the Department regarding her SNAP benefits. The Appellant was informed that the SNAP was denied. The

Department rescreened the SNAP as of [REDACTED] 2019, and conducted the telephone interview. The Appellant had graduated from [REDACTED] [REDACTED] by this date. The proof of earnings still had not been provided. (Exhibit 6)

11. The Department was unable to locate the verifications that they requested from the Appellant. (Exhibit 7: Document Search Screens; Department's Testimony)
12. On [REDACTED], 2019, the Department denied the SNAP because they had not received the requested verifications. (Exhibit 5: NOA, [REDACTED]/19; Exhibit 6; Hearing Summary)
13. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached and the household notified within 60 days of receipt of a request for a hearing. The Appellant requested an administrative hearing on [REDACTED], 2019. Therefore this decision is due not later than [REDACTED], 2019.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes provides that the Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. Title 7 of the Code of Federal Regulations ("CFR") Section 273.2 (c) (5) provides that the State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d) (1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in § 272.4 (b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period to time the documents should cover.
3. Title 7 of the CFR § 273.14 (e) (3) If a household files an application within 30 days after the end of the certification period, the application shall be considered an application for recertification; however, benefits must be prorated in accordance with §273.10(a). If a household's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the State agency, the

household's benefits for the new certification period shall be prorated based on the date of the new application, and the State agency shall provide restored benefits to the household back to the date the household's certification period should have begun had the State agency not erred and the household been able to apply timely.

4. The Department correctly screened the Appellant's Renewal application effective [REDACTED], 2019, the date they received the form.
5. Title 7 of the CFR § 273.2 (h) (1) (i) (C) provides for cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing.
6. "The department's uniform policy manual is the equivalent of a state regulation and, as such, carries the force of law." *Bucchere v. Rowe*, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712 (1990)).
7. Uniform Policy Manual ("UPM") § 1015.05 (C) provides that the Department must tell the assistance unit what the unit has to do to establish eligibility when the Department does not have sufficient information to make an eligibility determination.
8. The Department was correct when it sent the Appellant a Proofs We Need notice, advising that additional proofs were needed to establish eligibility beyond [REDACTED], 2019.
9. Title 7 of the CFR § 273.2 (f) (5) (i) provides for the responsibility of obtaining verification. The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under paragraph (d)(1) of this section. Households may supply documentary evidence in person, through the mail, by facsimile or other electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the food stamp office. The State agency must accept any reasonable documentary evidence provided by the household and must be primarily concerned with how adequately the verification proves the statements on the application. However, the State agency has primary responsibility for verifying fleeing felon and parole or probation violator status in accordance with §273.11(n).

10. UPM 1505.40 (C) (1) provides that the applicant is considered responsible for incomplete applications if the Department has taken the following actions: (a) offered assistance in completing applications materials or procuring difficult to obtain verification; or (c) with the exception of (3) below, has allowed at least ten days from the date it notifies the applicant of a required action for the applicant to complete the action, including requests to provide verification.
11. Title 7 CFR § 273.2 (g) (3) provides for denying the application and states households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed. If the household has failed to appear for a scheduled interview and has made no subsequent contact with the State agency to express interest in pursuing the application, the State agency shall send the household a notice of denial on the 30th day following the date of application.
12. UPM § 1505.40 (B) (1) (b) (2) provides if assistance cannot be granted, SNAP applications are denied on the thirtieth day following the date of the application.
13. Title 7 CFR § 273.2 (e) (1) provides that except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter.
14. Title 7 CFR § 273.2 (e) (2) CFR provides in part that the State agency may opt to waive the face-to-face interview in favor of a telephone interview for all households which have no earned income and all members of the household are elderly or disabled. The State agency has the option of conducting a telephone interview or a home visit that is scheduled in advance with the household if the office interview is waived.
15. UPM § 1505.30 (A) (2) (b) provides that the office interview is conducted as a condition of eligibility in the SNAP program.
16. The Department correctly denied the SNAP on [REDACTED], 2019, when the telephone interview had not been completed and the required verification needed to determine eligibility had not been received.
17. Title 7 CFR § 273.2 (h) (2) (A) provides that the State agency has the option of sending the household either a notice of denial or a notice of pending status on the 30th day. The option chosen may vary from one project area to another, provided the same procedures apply to all households within a project area. However, if a notice of denial is sent and the household takes the required action within 60 days following the date the application was filed, the State agency shall reopen the case without requiring a new application. No further

action by the State agency is required after the notice of denial or pending status is sent if the household failed to take the required action within 60 days following the date the application was filed, or if the State agency chooses the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing, and the household fails to provide the necessary verification by this 30th day.

18. UPM §1505.45 (A) (1) provides for the provisions for reopening denied applications.

- a. (SNAP) applicants who failed to complete the application and were denied on the thirtieth day following the date of the application, are given an additional thirty days to take the required action before requiring them to file a new application.
- b. The denied case is reopened if within the second thirty-day period the applicant takes the required action to complete the application process.
- c. The provisions for reopening a denied application applies only to those (SNAP) applicants who were denied assistance on the last day of the thirty day processing period because the Department could not take any further action on the application due to the fault of the applicant.

19. The Department correctly reopened the SNAP application on [REDACTED] 2019, when the Appellant contacted the Department to conduct her telephone interview.

20. The Appellant did not supply proof of her income.

21. On [REDACTED] 2019, the Department correctly denied the Appellant's SNAP application, 60 days after the [REDACTED] 2019 application date, when it had not received proof of the Appellant's income.

DISCUSSION

The Appellant testified that she submitted the requested information with her Renewal form on [REDACTED], 2019. The Department checked their computer system which showed that the documents were not received. The Appellant could not provide proof that the documents were sent prior to [REDACTED], 2019. The Department correctly denied the SNAP on [REDACTED] 2019.

DECISION

The Appellant's appeal is **DENIED.**



Carla Hardy
Hearing Officer

Pc: Yecenia Acosta, Department of Social Services, Stamford Office
Timika Cineus, Department of Social Services, Stamford Office

RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within 25 days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on §4-181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision, or 45 days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 55 Elm Street, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 25 Sigourney Street, Hartford, CT 06106. A copy of the petition must also be served on all parties to the hearing.

The 45 day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than 90 days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or the Commissioner's designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the appellant resides.