

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

██████████, 2019  
Signature Confirmation

Client ID # ██████████  
Request # 146273

**NOTICE OF DECISION**

**PARTY**

██████████  
████████████████████  
████████████████████

On ██████████, 2019, the Department of Social Services (the "Department"), sent ██████████ (the "Appellant") a Notice of Action ("NOA") granting Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████ 2019.

On ██████████, 2019, the Appellant requested a hearing to contest the effective date of SNAP benefits.

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

On ██████████, 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:

██████████, Appellant  
Marybeth Mark, Department's representative  
Marci Ostroski, Hearing Officer

## **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's decision to grant the Appellant's SNAP benefits effective [REDACTED], 2019 was correct.

## **FINDINGS OF FACT**

1. On [REDACTED], 2019, the Appellant applied in person at the Department's regional office for SNAP benefits for a household of four. (Ex. 1: Case Notes)
2. On [REDACTED], 2019, the Department screened the Appellant's application and conducted an in person SNAP interview. The Department determined that additional verifications were needed to complete the application. The Department gave the Appellant a 1348 request for information form requesting: verification of income from [REDACTED] verification of student status, financial aid disbursements, and a copy of the utility bill. The Appellant signed the printed Eligibility Determination Document ("EDD"). (Ex. 1: Case Notes)
3. On [REDACTED], 2019, the Department received from the Appellant: verification of student status and financial aid disbursements, a utility bill, and [REDACTED] award letter dated [REDACTED] 2018. The Department attempted to contact [REDACTED] to verify a current benefit amount but [REDACTED] would not release information to the Department. The Department informed the Appellant that she needed to provide an updated [REDACTED] statement. (Ex. 1: Case Notes)
4. On [REDACTED] 2019, the Appellant contacted the Department by telephone regarding her SNAP application. The Department confirmed by telephone with [REDACTED] that they only send one benefit letter per year and would not send another. The Department granted the Appellant's SNAP benefits back to the [REDACTED] 2019, date of application. (Ex. 1: Case Notes, Ex. 3: Notice of Action, [REDACTED]/19)
5. 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 requested for a fair hearing The Appellant requested an administrative hearing on [REDACTED] 2019. This decision, therefore, was due no later than [REDACTED], 2019. (Hearing Record

## CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes, authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Title 7 Section § 273.2(c)(1)(i) of the Code of Federal Regulations (“CFR”) provides for filing an application; Households must file SNAP applications by submitting the forms to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission.
3. Title 7 CFR § 273.2 (c)(1)(iv) provides for the filing date; The date of application is the date the application is received by the State agency.
4. “The Department’s Uniform Policy Manual (“UPM”) is the equivalent of a state regulation and, as such, carries the force of law.” *Bucchere v Rowe*; 43 Conn Supp. 175 178 (194) (citing Conn. Gen. Stat. § 17b-10; *Richard V. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d712 (1990)).
5. UPM § 1505.10(B) (1) provides that individuals who desire to obtain aid must file a formal request for assistance. (2) The formal request must be made in writing on the application form. (5) Telephone contacts or other requests for aid which are not written, do not contain the required information, or are not made on the prescribed application form are considered inquiries and do not constitute an application.
6. UPM § 1505.10(D)(3) provides for Food Stamp applications, except as noted below in 1510.10 D.4, the date of application is considered to be the date that a signed application form is received by: a. the appropriate District Office designated to serve the applicant's geographic region of residence; or b. an office of the Social Security Administration.
7. The Department correctly determined that the Appellant filed a formal request for assistance on an application form when she signed the EDD on [REDACTED] 2019.
8. Title 7 CFR § 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.
9. Title 7 CFR § 273.2(h)(i)(C) provides for in 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.

10. 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.
11. The Department correctly sent the Appellant a 1348 request for information.
12. Title 7 CFR § 273.2 (d) (1) provides for household cooperation and states in part to determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified.
13. UPM § 1560.15(A) provides for beginning dates of assistance for food stamp (SNAP) assistance; For assistance units which fully cooperate in providing eligibility information, the beginning date of Food Stamp assistance is the date the Department receives a signed application, or the first day of a subsequent month in which all eligibility factors are met, if eligibility does not exist in the month of application, except for prerelease applicants.
14. The Department correctly determined that the Appellant met the verification and eligibility factors.
15. The Department correctly determined that the Appellant submitted a signed SNAP application via the EDD on [REDACTED], 2019.
16. The Department correctly granted the Appellant's SNAP benefit effective [REDACTED], 2019, the date in which the Department received a signed application from the Appellant.

### **DISCUSSION**

The Department's determination of the effective date of SNAP benefits is upheld. The record reflects that the Appellant submitted this application on [REDACTED], 2019 which is the date the Department retroactively granted to. The Appellant argued that she had submitted applications in [REDACTED] and [REDACTED] of 2019 which were incorrectly denied. Those denials are not addressed in this decision as they are outside the scope of this hearing. The Appellant did not exercise her right to a hearing on those denials in the requisite time period and they are now immaterial.

**DECISION**

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

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*Marci Ostroski*  
Marci Ostroski  
Hearing Officer

CC: Tyler Nardine, Cheryl Stuart, Department of Social Services, Operations  
Managers, Norwich Regional Office  
Marybeth Mark, Department of Social Services, Hearing Liaison, Norwich  
Regional 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, 55 Farmington Avenue, Hartford, CT 06105. 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.