

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

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

Client ID # ██████████
Request # 146399

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2019, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) closing her benefits under the Supplemental Nutritional Assistance Program (“SNAP”), effective ██████████ 2019.

On ██████████ 2019, the Appellant requested an administrative hearing to contest the Department’s decision to close such 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
Garfield White, Department’s Representative
Lisa Nyren, Hearing Officer

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. The Department authorized SNAP benefits for the Appellant, a household of one, through [REDACTED], 2019. (Hearing Record)
2. On [REDACTED] 2019, the Department received a Renewal of Eligibility ("renewal") form signed by the Appellant on [REDACTED] 2019. (Exhibit 1: Renewal of Eligibility, Department Representative's Testimony, and Appellant's Testimony)
3. The Appellant works for [REDACTED] earning \$348.75 bi-monthly. (Exhibit 1: Renewal of Eligibility)
4. The Appellant works for [REDACTED] earning \$104.13 weekly. (Exhibit 1: Renewal of Eligibility)
5. On [REDACTED] 2019, the Department mailed a W-3015N Interview Notice ("W-3015N") to the Appellant. The notice confirmed the receipt of the Appellant's renewal form and informed the Appellant she must complete an interview via telephone or in person with the Department before [REDACTED], 2019. (Exhibit 2: Interview Notice)
6. On [REDACTED], 2019, the Department mailed a W1348 Proofs We Need ("W1348") form to the Appellant. The Department requested proof of gross earnings and instructed the Appellant to contact the Department to complete a SNAP interview. The Department listed the due date for the information as [REDACTED], 2019. (Exhibit 3: Proofs We Need)
7. On [REDACTED], 2019, the Appellant contacted the Department and completed the SNAP redetermination telephone interview. (Exhibit 5: Case Notes)
8. The Department did not receive proof of the household's income by the [REDACTED] 2019 due date. (Department Representative's Testimony and Exhibit 6: Document Search)
9. On [REDACTED], 2019, the Department discontinued the Appellant's benefits under the SNAP effective [REDACTED] 2019 for failure to complete the review process and issued a notice of action to the Appellant. The notice

listed the SNAP status as closed effective [REDACTED] 2019 and the reason for discontinuance as renewal process not completed, no household members are eligible for this program, and does not meet program requirements. (Exhibit 4: Notice of Action)

10. The issuance of this decision is timely under Connecticut General Statutes § 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative 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(7) 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. “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))
3. Title 7 of the Code of Federal Regulations (“CFR”) § 273.14(b)(2) provides that the State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time application for recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the case file, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in § 273.2(b)(2), and provide the household with a notice of required verification as specified in § 273.2(c)(5).

Uniform Policy Manual (“UPM”) § 1545.25(A) provides that assistance units are required to complete redetermination form at each redetermination.

Title 7 of the CFR § 273.14(c)(2) provides for other household reporting required changes in circumstances that submit applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.

UPM § 1545.35(B)(1)(b) provides that an assistance unit must submit the redetermination form by the following date in order to be considered timely filed. All other PA and FS non-monthly reporting assistance units must file by the fifteenth day of the redetermination month.

UPM § 1545.35(B)(2) provides that the assistance unit is considered to have timely filed if by the filing deadline the redetermination form is:

- a. Delivered in person or by mail to the appropriate district office, or for SSI assistance units being redetermined for food stamps, to an SSA office; and
 - b. Complete to the extent that a legible name and address appear on the form; and
 - c. Signed by the applicant and other qualified individual.
4. The Department correctly determined the Appellant submitted an application for recertification under the SNAP on [REDACTED] 2019.
 5. The Department correctly determined the Appellant's application for recertification under the SNAP as timely.
 6. Title 7 of the CFR § 273.14(b)(4) provides that information provided by the household shall be verified in accordance with § 273.2(f)(8)(i). The State agency shall provide the household a notice of required verification as provided in § 273.2(c)(5) and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 days to provide required verification information. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within 5 working days after the household submits the missing verification and benefits cannot be prorated.

Title 7 of the 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. 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 of time the documents should cover.

Title 7 of the CFR § 273.2(f)(8)(i)(D) provides that other information which has changed may be verified at recertification. Unchanged information shall not be verified unless the information is incomplete, inaccurate, inconsistent or outdated. Verification under this paragraph shall be subject to the same verification procedures as apply during initial verification.

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.

UPM § 1015.10(A) provides that the Department must inform the assistance unit regarding the eligibility requirements of the programs administered by the Department, and regarding the unit's rights and responsibilities.

7. On [REDACTED] 2019, the Department correctly issued the Appellant W1348 form requesting verification of household income necessary to determine eligibility under the SNAP.
8. Title 7 of the CFR § 273.2(f) provides that verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The state agency must give households at least 10 days to provide required verification. Paragraph (i)(4) of this section contains verification procedures for expedited service cases.

Title 7 of the CFR § 273.2(f)(1)(i) provides for *mandatory verification*. State agencies shall verify the following information prior to certification for households initially applying: *Gross nonexempt income*. Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the State agency, and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information.

UPM § 1545.35(D) provides that required verification has been timely submitted if it is proved to the appropriate district office by the later of the following dates:

1. The deadline for filing the redetermination form; or

2. Ten days following the date the verification is initially requested by the Department.

UPM § 1010.05(A)(1) provides that the Assistance Unit must supply the Department, in an accurate and timely manner as defined by the Department, all pertinent information and verification which the Department requires to determine eligibility and calculate the amount of benefits. (cross reference 1555)

9. The Department correctly allowed the Appellant at least 10 days to submit the requested verification.
10. Title 7 of the CFR § 273.14(b)(3) provides as part of the recertification process, the State agency must conduct a face-to-face interview with a member of the household or its authorized representative at least once every 12 months for household certified for 12 months or less. The provisions of § 273.2(e) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertification within the 12-month period. The requirement for a face-to-face interview once every 12 months may be waived in accordance with § 273.2(e)(2).

Title 7 of the CFR § 273.2(e)(2) provides in part a State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview.

UPM § 1545.20(A)(1) provides that except for the following rules, the redetermination interview requirements are the same as the requirements established for the application process. (cross reference 1505)

UPM § 1545.35(C) provides that an assistance unit has timely completed the interview requirement if it appears for any interview by the later of the following dates:

1. The date scheduled by the Department; or
2. The deadline for filing the redetermination form.

UPM § 1545.20(E)(1) provides that the rules for waiving the office interview for the SNAP are the same at redetermination as at the time of application. (Cross Reference 1505.30)

UPM § 1505.30(A)(2)(b) provides that the office interview is conducted as a condition of eligibility in the following programs: FS.

UPM § 1505.30(G)(3) provides that for the FS program, the Department conducts a telephone interview or a home visit once every twelve months if the office interview is waived.

11. On [REDACTED] 2019, the Department correctly completed a telephone interview with the Appellant.
12. Title 7 of the CFR § 273.14(a) provides that no household may participate beyond the expiration of the certification period assigned in accordance with § 273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Household must apply for recertification and comply with interview and verification requirements.

UPM § 1545.05(A)(2) provides that a redetermination constitutes a reapplication for food stamp program.

UPM § 1545.35(A)(2) provides that the following actions must be timely completed in order to receive uninterrupted benefits:

- a. The redetermination form must be filed and completed; and
- b. The office interview must be completed, unless exempt from the requirement; and
- c. Required verification of factors that are conditions of eligibility must be provided.

UPM § 1545.40(A)(2) provides that unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process.

UPM § 1545.40(B)(2)(b) and (c) provides that discontinuance is automatic, regardless of the reason for incomplete redetermination. Good cause not a consideration in the food stamps program.

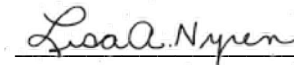
13. The Department correctly determined the SNAP renewal process incomplete because the Department did not receive the requested verification needed to make an accurate determination of eligibility under the SNAP by the [REDACTED] 2019 due date.
14. The Department correctly discontinued the Appellant's benefits under the SNAP effective [REDACTED] 2019 because the Appellant failed to complete the redetermination process before the Appellant's certification period expired on [REDACTED] 2019.

DISCUSSION

The Appellant testified she mailed wage verification, specifically paystubs, to the Department on two separate occasions directly from the post office. However, the Department could not locate any wage verification after searching for the documents via case number, client number, and case name. Without this information to complete the SNAP recertification, the Department is forced to terminate benefits under SNAP regulations and Department policies. The Department correctly discontinued SNAP benefits for failure to complete the recertification process.

DECISION

The Appellant's appeal is denied.



Lisa A. Nyren
Fair Hearing Officer

PC: Musa Mohamud, Social Services Operations Manager
Judy Williams, Social Services Operations Manager
Jessica Carroll, Social Services Operations Manager
Jay Bartolomei, Eligibility Services Supervisor
Garfield White, Fair Hearing Liaison

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.

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.