

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

██████████ 2020
Signature Confirmation

Case ID # ██████████
Client ID # ██████████
Request # 154297

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████, 2020, 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 ██████████ 2020.

On ██████████, 2020, the Appellant requested an administrative hearing to contest the Department’s decision to close such benefits.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2020.

On ██████████ 2020, the Appellant requested a reschedule of the administrative hearing.

On ██████████ 2020, OLCRAH issued a notice rescheduling the administrative hearing for ██████████ 2020.

On ██████████ 2020, 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 by telephone.

The following individuals participated in the hearing:

██████████, Appellant
 Althea Forbes-Francis, Department's Representative
 Marci Ostroski, 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 ██████████ 2020, was correct.

FINDINGS OF FACT

1. The Department authorized SNAP benefits for the Appellant, as a household of one, through ██████████, 2020. (Ex. 1: Notice of Renewal of Eligibility; Hearing Record)
2. On ██████████, 2020, the Department issued a Notice of Renewal of Eligibility to the Appellant for her SNAP benefits. The Renewal stated in part "You must complete your (renewal) form and submit all required proofs by ██████████/20 or your benefits may stop." (Ex. 1: Notice of Renewal of Eligibility)
3. On ██████████ 2020, the Appellant completed an in person SNAP renewal and interview at the Department's regional office. The Appellant reported that she was self employed with 4 companies; ██████████
 ██████████
 ██████████. (Ex. 9: Case Notes, Hearing Summary)
4. On ██████████ 2020, the Department issued a W1348, Proofs We Need Form requesting three months of pay stubs from the following employers:
 ██████████
 ██████████, with a due date of ██████████, 2020.
 (Ex.2: W1348 dated ██████████/20)
5. On ██████████ 2020, the Appellant submitted a statement that she was enclosing the following paystubs: ██████████: ██████████ 2019 A \$351.25, ██████████ 2019 B \$204.00, ██████████ 2019 \$158.00; ██████████
 ██████████: ██████████ 2019 \$766.25, ██████████ 2019 \$312.50, ██████████ 2019 \$227.50;
 ██████████: ██████████ 2019 \$350.00, ██████████ 2019 \$945.00; ██████████
 ██████████ ██████████ 2019 \$79.60. The Appellant incorrectly labeled ██████████ 2020 as ██████████ 2019 on her statement. (Ex. 3: Email coversheet, ██████████/20, Appellant's testimony)

6. On [REDACTED] 2020, the Department reviewed the Appellant's [REDACTED], 2020, submission of income verifications. The Department determined that the submission of [REDACTED] 2019, [REDACTED] 2019, and [REDACTED] 2020 was not three consecutive months. While the Appellant's spreadsheet does incorrectly label [REDACTED] 2020 as [REDACTED] 2019, the paychecks reflect the correct year. The Department did not take action on the wages and did not complete the Appellant's redetermination (Ex 3: Email coversheet and pay verifications, Ex. 9: Case Notes)
7. On [REDACTED] 2020, the Department issued a Notice of Action stating SNAP benefits were closed effective [REDACTED] 2020, and stating the reason for closure was "You did not return all of the required proofs by the date we asked; Does not meet program requirements." (Ex. 4: Notice of Action, [REDACTED] 20)
8. On [REDACTED] 2020, the Appellant's SNAP benefits were closed. (Hearing Record)
9. 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 fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2020, this decision was due not later than [REDACTED], 2020. The hearing, however, which was originally scheduled for [REDACTED] [REDACTED], 2020, was rescheduled for [REDACTED] 2020, at the request of the Appellant, which caused a 20-day delay. Because this 20-day delay resulted from the Appellant's request, this decision is not due until [REDACTED] 2020, and is therefore timely. (Hearing Record)

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. 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).
3. “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))
 4. Uniform Policy Manual (“UPM”) § 1545.25(A) provides that assistance units are required to complete redetermination form at each redetermination.
 5. 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.
 6. UPM § 1545.35(A)(1) provides that assistance units are provided benefits without interruption by the first normal issuance date following the redetermination month if they timely complete the required actions of the redetermination process.
 7. 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.
 8. 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.
 9. The Department correctly determined the Appellant submitted an application for recertification under the SNAP on [REDACTED], 2020.

10. The Department correctly determined the Appellant's application for recertification under the SNAP as timely.
11. Title 7 CFR § 273.14(b)(3) provides that 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 households certified for 12 months or less. The provisions of §273.2(e) also apply to interviews for recertification. The State agency may choose 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).
12. The Department completed the face to face SNAP interview on [REDACTED], 2020.
13. 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.
14. 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.
15. 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.
16. 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.
 17. 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.
 18. On [REDACTED] 2020, the Department correctly issued the Appellant W1348 form requesting additional verification to determine eligibility under the SNAP.
 19. Title 7 of the Code of Federal Regulations § 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
 20. The Department incorrectly failed to issue her a second w1348 form when it determined that it needed additional information.
 21. 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.
 22. 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.
 23. 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)

24. On [REDACTED] 2020, which was within 10 days of the Department's request, the Appellant supplied the Department all verifications which were requested on the [REDACTED] 2020, 1348 Proofs We Need form.
25. 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.
26. 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.
27. The Appellant correctly provided the Department with the requested information.
28. The Department incorrectly determined the SNAP renewal process was incomplete because the Department received the requested verification by the [REDACTED] 2020, due date.
29. The Department incorrectly discontinued the Appellant's benefits under the SNAP effective [REDACTED] 2020.

DISCUSSION

The Department's action to discontinue the Appellant's SNAP benefits effective [REDACTED] 2020, is overturned. When the Department determined that it needed additional information to complete the Appellant's redetermination it correctly sent her a request asking for three months of wage verifications from her four employers. The Appellant did timely comply with the basic request of verifying three months of her self employment income.

As the Appellant's self-employment income is sporadic, it is understandable that the Department may have additional questions or require further verifications regarding her income. The Department, is required, however to tell the Assistance Unit what it has to do to maintain eligibility. The Appellant fulfilled the Proofs We Need request for information sent on [REDACTED] 2020, if the Department required further verifications or clarifications it is required to notify the Appellant of those requirements in writing. The Department failed to send the Appellant a second 1348 Proofs We Need or act on the information she


submitted and was incorrect to discontinue the SNAP benefits for failure to provide information.

DECISION

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

ORDER

1. The Department is ordered to reopen the Appellant's SNAP benefits effective [REDACTED] 2020, and continue to complete the redetermination process.
2. Compliance with this order should be forwarded to the undersigned no later than [REDACTED] 2020.



Marci Ostroski
Fair Hearing Officer

CC: Patricia Ostroski, Social Services Operations Manager, DSS, New Britain
Althea Forbes-Francis, 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.