

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: [REDACTED]
Client: [REDACTED]
Request: 155315

NOTICE OF DECISION

PARTY

[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2020, the Department of Social Services (the "Department") issued [REDACTED] (the "Appellant") a *Notice of Action* denying his [REDACTED] 2020 Supplemental Nutrition Assistance Program ("SNAP") application.

On [REDACTED] 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's telephoned hearing request.

On [REDACTED] 2020, the OLCRAH scheduled the administrative hearing for [REDACTED] 2020.

On [REDACTED] 2020, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing by telephone conferencing. The following individuals participated:

[REDACTED], Appellant
Ferris Clare, Department's representative
Eva Tar, Hearing Officer

The administrative hearing record closed [REDACTED] 2020.

STATEMENT OF ISSUE

The issue is whether federal regulations governing the SNAP support the Department's [REDACTED] 2020 denial of the Appellant's [REDACTED] 2020 SNAP application.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Department received the Appellant's SNAP application. (Exhibits 1 and 2)
2. On [REDACTED], 2020, the Department attempted to contact the Appellant by telephone, but was unsuccessful. (Exhibit 2)
3. On [REDACTED], 2020, the Department issued an *Interview Notice* to the Appellant, providing a [REDACTED] 2020 deadline to complete his SNAP interview. The [REDACTED] 2020 *Interview Notice* provided a toll free number to call between the hours of 7:30 a.m. and 3:30 p.m. to complete the interview. (Exhibit 4).
4. On [REDACTED] 2020, the Department issued a *Notice of Missed Interview* to the Appellant, providing a deadline of [REDACTED] 2020 to complete the interview requirement or his SNAP application would be denied. The [REDACTED] 2020 *Notice of Missed Interview* provided a toll-free number to call to complete the interview. (Exhibit 5)
5. On [REDACTED] 2020, the Department issued a *Notice of Action* denying the Appellant's SNAP application. (Exhibit 1)
6. As of [REDACTED] 2020, the Appellant had not completed a telephone interview with the Department. (Appellant testimony)
7. Title 7, Code of Federal Regulations ("C.F.R.") 273.15 (c) provides that within 60 days of receipt of a request for a SNAP fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision. As the OLCRAH received the Appellant's telephoned hearing request [REDACTED] 2020, this final decision was not due until [REDACTED] 2020. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes in part designates the Department 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 ("C.F.R.") section 273.2 (d)(1) provides in part: "(d) *Household cooperation*. (1) 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...."

The Department correctly determined that as a condition of eligibility to participate in the SNAP, the Appellant had to complete an interview in conjunction with or subsequent to the filing of his [REDACTED] 2020 SNAP application.

3. Title 7, Code of Federal Regulations section 273.2 (e) addresses the interview requirement related to the SNAP. Subsection (e)(1) provides in part that “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....”

“The State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency.” 7 C.F.R. § 273.2 (e)(2).

The Department acted within its authority when it scheduled the Appellant’s face-to-face interview as a telephone interview.

4. Title 7, Code of Federal Regulations section 273.2 (e)(3) provides:
The State agency must schedule an interview for all applicant households who are not interviewed on the day they submit their applications. ... The State agency must schedule all interviews as promptly as possible to insure eligible households receive an opportunity to participate within 30 days after the application is filed. The State agency must notify each household that misses its interview appointment that it missed the scheduled interview and that the household is responsible for rescheduling a missed interview. If the household contacts the State agency within the 30 day application processing period, the State agency must schedule a second interview. The State agency may not deny a household's application prior to the 30th day after application if the household fails to appear for the first scheduled interview....
7 C.F.R. § 273.2 (e)(3).

The Department correctly scheduled a telephone interview with the Appellant with a date that fell within 30 days of the Appellant’s [REDACTED] 2020 SNAP application.

The Department correctly notified the Appellant that he had missed his interview appointment and that the Appellant was responsible for rescheduling the missed interview.

The Department correctly determined that the Appellant had failed to complete an interview prior to the 30th day following the filing [REDACTED] 2020 SNAP application.

The Department's [REDACTED] 2020 denial of the Appellant's [REDACTED] 2020 SNAP application is supported by federal regulations.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Pc: Ferris Clare, DSS-New Haven
Rachel Anderson, DSS-New Haven
Cheryl Stuart, DSS-New Haven
Lisa Wells, DSS-New Haven

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 Legal Counsel, Regulations, and Administrative Hearings, 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 his 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.