

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

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

████████████████████
Request # 157280

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”), a notice indicating that her application for Supplemental Nutrition Assistance Program (“SNAP”) benefits was granted from ██████████ 2020, through ██████████, 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department’s discontinuance of her SNAP benefits effective ██████████ 2020.

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

On ██████████ 2020, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone.

The following individuals called in to the hearing:

██████████ Appellant
Princess O’Reggio, Department’s Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP assistance.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Department issued a Field Operations Communication ("FOC") directive that detailed verification guidance on SNAP renewals and SNAP certifications in anticipation of an increase in individuals reporting difficulty in complying with program verification requirements due to the COVID-19 pandemic. The directive allowed that verification processes may be modified when COVID-19 barriers are present. (FOC)
2. On [REDACTED] 2020, the Appellant submitted an online application for SNAP benefits for herself and her two children. (Exhibit 1: SNAP application; Exhibit 2: Department's case notes; Hearing summary)
3. On [REDACTED] 2020, the Department granted the Appellant expedited SNAP benefits for the period of [REDACTED] 2020, through [REDACTED] 2020. (Exhibit 2; Exhibit 3: Notice)
4. On [REDACTED] 2020, the Department sent the Appellant a Verification We Need form ("W-1348") requesting the Appellant provide her most recent four weeks of pay stubs and verification of her last day of work from [REDACTED]. An [REDACTED] 2020, due date was given. (Exhibit 4: W-1348; Hearing summary)
5. The Appellant did not submit the requested information before [REDACTED] 2020, or ask for help in obtaining the requested information due to the Pandemic. (Record; Appellant's testimony)
6. As of [REDACTED] 2020, the Department had not received the Appellant's wage verification. (Record; Hearing summary)
7. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2020; therefore, this decision is due no later than [REDACTED] 2020. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

2. The Department's Uniform Policy Manual ("UPM") is the equivalent of 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. 7 C.F.R. § 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. 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.

7 C.F.R. § 273.2 (h) (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.

UPM § 1010.05 provides in part 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.

UPM § 1015.05 (C) states 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.

The Department correctly sent the Appellant a W-1348 requesting information needed to establish eligibility beyond [REDACTED] 2020.

4. 7 C.F.R. § 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).

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.

UPM 1505.40 (C) (3) provides the Department is considered responsible for delays in processing applications if it has agreed to accept responsibility for obtaining verification on behalf of the assistance unit, and the delay is due to a delay in getting that verification, provided that the assistance unit continues to cooperate in the verification process.

The March 27, 2020, FOC provides if a COVID-19 barrier is present, certain verification requirements can be verified by self-attestation/client statement. The statement may be written or verbal.

The Department correctly determined that the Appellant did not submit requested verification listed on the W-1348 sent to the Appellant on [REDACTED], 2020.

There is no indication in the case record the Appellant requested assistance in obtaining wage verification from her employer due to a COVID-19 barrier.

5. 7 C.F.R. § 273.2 (g) provides for the normal processing standard. (1) Thirty-day processing. The State agency shall provide eligible households that complete the initial application process an opportunity to participate (as defined in §274.2(b)) as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and food stamp benefits prior to release from the institution in accordance with §273.11(i). An application is filed the day the appropriate food stamp office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in paragraph (i) of this section. For residents of public institutions who apply for food stamps prior to their release from the institution in accordance with §273.11(i), the State agency shall provide an opportunity to participate as soon as possible, but not later than 30 calendar days from the date of release of the applicant from the institution.

The Department processed the Appellant's SNAP application using expedited criteria.

6. 7 C.F.R. § 273.2 (i) (3) (i) *General*. For households entitled to expedited service, the State agency shall post benefits to the household's EBT card and make them available to the household not later than the seventh calendar day following the date an application was filed. For a resident of a public institution who applies for benefits prior to his/her release from the institution in accordance with §273.1(e)(2) and who is entitled to expedited service, the date of filing of his/her SNAP application is the date of release of the applicant from the institution. Whatever systems a State agency uses to ensure meeting this delivery standard shall be designed to provide the household with an EBT card and PIN no later than the seventh calendar day following the day the application was filed.

The Department correctly processed the Appellant's SNAP application within the seven day expedited period.

7. 7 C.F.R. § 273.2 (i) (4) (B) (iii) (A) provides for households applying on or before the 15th of the month, the State agency may assign a one-month certification period or assign a normal certification period. Satisfaction of the verification requirements may be postponed until the second month of participation. If a one-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household has to satisfy all verification requirements that were postponed. For subsequent months, the household must reapply and satisfy all verification requirements which were postponed or be certified under normal processing standards. If the household does not satisfy the postponed verification requirements and does not appear for the interview, the State agency does not need to contact the household again.

UPM § 1515.15 (B) (1) provides for Postponed Verification. 1. In order to expedite the processing of the application, the Department may postpone any mandatory verification factor with the exception of: a. the identity of the individual making the application; and b. the identity of the head of the assistance unit. 2. Verification requirements may be postponed only for the month of application, except that migrant farm worker assistance units are entitled to a postponement of out-of-state verification for the month of application and the following month.

UPM § 1515.20 (B) (1) provides for Postponed Verification or Work Registration Requirements. 1. Eligible assistance units from whom work registration or mandatory verification requirements are postponed are certified: a. for the month of application if application is made prior to the sixteenth day of the calendar month; or b. for the month of application and the following month if application is made after the fifteenth day of the calendar month.

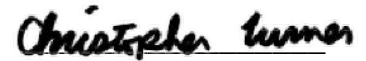
The Department correctly assigned the Appellant a one-month certification period (██████████).

The Department correctly notified the Appellant of her one-month eligibility period (██████████).

The Department correctly determined the Appellant did not submit the requested information before ██████████, 2020.

DECISION

The Appellant's appeal is denied.


Christopher Turner
Hearing Officer

Cc: Fred Presnick, Operations Manager Bridgeport
Yecenia Acosta, Operations Manager Bridgeport
Tim Latifi, Operations Manager Bridgeport
Princess O'Reggio, DSS Bridgeport

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 06105-3725. 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.