

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

Case ID # ██████████
Client ID # ██████████
Hearing # 157578

NOTICE OF DECISION

PARTY

██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") issued a Notice of Action ("NOA") to ██████████, (the "Appellant"), denying her application for benefits under the Supplemental Nutrition Assistance Program ("SNAP").

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department's decision.

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 Connecticut General Statutes § 17b-60, 17b-61 and § 4-176e to 4-184, inclusive, the Department held an administrative hearing. Due to COVID-19 concerns, the hearing was held telephonically. No party objected to the hearing being held in that manner. The following individuals were present at the telephone hearing:

██████████, Appellant
Lucas Kennedy, Department's Representative
Swati Sehgal, Hearing Officer

The Hearing record remained open for the submission of additional documentation from the Department. The documentation was received, and the hearing record was closed on ██████████ 2020.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's application for benefits under the SNAP.

FINDINGS OF FACT

1. The Appellant was residing at [REDACTED], with her children, from [REDACTED] 2020 through the middle of [REDACTED] 2020. (Appellant's Testimony)
2. The Appellant had applied for SNAP benefits back in [REDACTED] 2020 which was denied in [REDACTED] 2020, because the Department learned through its investigation that the Appellant was residing with [REDACTED], the father of her two children, and he was collecting unemployment benefits. (Exhibit 4:Case Notes)
3. On [REDACTED] 2020, the Department received an online application from the Appellant. She applied for benefits under the SNAP program for herself, and her two children ages [REDACTED] and [REDACTED]. The Appellant listed [REDACTED] as her address. (Exhibit 5: Application, [REDACTED] 20 and Appellant's Testimony)
4. On [REDACTED] 2020, the Department reviewed the application. The Department called the Appellant and completed a phone interview. The Department issued a W1348, Proofs We Need Form requesting verification of residency, rental obligations, wages, verification of termination of short term disability, verification that the father of her children does not reside with her. (Exhibit 4: Case Notes, Hearing Summary)
5. On [REDACTED] 2020, the Appellant provided all of the requested information and contacted the Department to inform that she does not know whereabouts of [REDACTED]. The Appellant was advised to provide a self-attested letter stating [REDACTED] does not live with her. (Exhibit 4)
6. On [REDACTED] 2020, the Appellant submitted a letter as requested by the Department. (Exhibit 4)
7. The Department concluded from its investigation completed in [REDACTED] 2020, that the Appellant and [REDACTED] live together with their children at [REDACTED]. (Exhibit 4)

8. On [REDACTED], 2020, the Department processed the SNAP application including [REDACTED], and denied it for over income. (Exhibit 2: Notice of Action, [REDACTED] 20)
9. On [REDACTED] 2020, the Department sent the Appellant an NOA denying her application for SNAP benefits because the monthly income of her household is more than the limit for the SNAP program. (Exhibit 2)
10. The Appellant stated that to best of her knowledge [REDACTED] with his mother, who lives at [REDACTED]. (Appellant's Testimony)
11. The Appellant stated that [REDACTED] never lived with her. He used to come to see the children. (Appellant's Testimony)
12. 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. Therefore, this decision is due not later than [REDACTED], 2020, and is therefore timely. (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 in accordance with federal law.
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 Code of Federal Regulations ("CFR") § 273.1(b)(ii) provides that the following individuals who live with others must be considered as customarily purchasing and preparing meals with others, even if they do not do so, and thus be included in the same household unless otherwise specified. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parents.

Uniform Policy Manual ("UPM") § 2000.01 defines a household and provides that a household is used to designate all of the individuals who are living together in one dwelling unit.

UPM § 2020.10 provides that the assistance unit must include certain individuals who are in the home: a child under 18 under the parental control of a member of the assistance unit, a spouse of a member of the assistance unit including any who

presents himself or herself as a spouse, children ages 18 through 21 living with their parents.

The Appellant correctly filed an application for SNAP benefits for herself and her children.

4. 7 CFR § 273.2(f)(2)(i) provides that the State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision.

UPM § 1540.05(C) provides that the Department requires verification of information when specifically required by federal or state law or regulations; and when the Department considers it necessary to corroborate an assistance unit's statements pertaining to an essential factor of eligibility.

The Department correctly determined that the Appellant must verify her household composition, income, and expenses.

5. 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. 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.
6. 7 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.

The Department correctly issued a W-1348 Proof We Need form to the Appellant informing her of the verification requirements needed to determine eligibility under the SNAP. The Department correctly allowed a minimum of ten (10) days to provide the requested verification

7. 7 CFR § 273.2(g)(1) provides that 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 SNAP benefits prior to release from the institution in accordance with §273.1(e)(2). An application is filed the day the appropriate SNAP 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 SNAP benefits prior to their release from the institution in accordance with §273.1(e)(2), the State agency shall provide an opportunity to participate as soon as possible, but no later than 30 calendar

The Appellant correctly provided the required information in a timely fashion.

The Department incorrectly added [REDACTED] to the Appellant's household and denied her SNAP application for over-income.

DISCUSSION

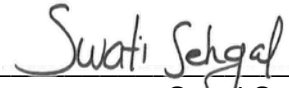
The Department completed a home visit back in [REDACTED] 2020 at [REDACTED], [REDACTED], and found [REDACTED] present in the apartment with children. He stated that he resides there with the Appellant and children. The Department denied that Snap Application. The Appellant moved to [REDACTED] in [REDACTED] 2020 and applied for SNAP benefits for herself and her children. The Appellant verified her new address with her lease and a letter from her landlord. The Appellant also provided a statement as requested by the Department stating that she does not live with [REDACTED] and does not know his whereabouts. However, the Department incorrectly determined based on the home visit it completed back in [REDACTED] 2020 that [REDACTED] resides with the Appellant and included him on to her application and denied it for over-income.

DECISION

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

ORDER

1. The Department shall reopen the Appellant's SNAP application as of [REDACTED] 2020, and remove [REDACTED] from the Appellant's case.
2. The Department shall process the Appellant's SNAP application and issue a new Notice informing the Appellant of the outcome.
3. Compliance with this order should be forwarded to undersigned no later than [REDACTED] 2020.



Swati Sehgal
Hearing Officer

CC: Brian Sexton, Operations Manager, DSS, RO# 50, Middletown
Lucas Kennedy, Fair Hearings Liaison, DSS, RO# 50, Middletown

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 06105-3725. 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 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.