

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

Client ID ██████████  
Request #157869

**NOTICE OF DECISION**

**PARTY**

██████████

**PROCEDURAL BACKGROUND**

On ██████████, 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") denying her application for the Supplemental Nutrition Assistance Program ("SNAP") benefits because she failed to provide information to the Department.

On ██████████, 2020, the Appellant requested an administrative hearing to contest the Department's decision to deny 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, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing via telephone conference.

The following individuals participated at the hearing:

██████████, Appellant  
Jacqueline Taft, Department Representative  
Miklos Mencseli, Hearing Officer

## **STATEMENT OF THE ISSUE**

The issue is whether the Appellant failed to provide the information requested by the Department in order to determine eligibility.

## **FINDINGS OF FACT**

1. On [REDACTED], 2020, the Department received the Appellant's on-line SNAP application for a family of three, one adult and two children. (Summary, Exhibit 1: Appellant's on-line renewal form)
2. On the SNAP application form, the Appellant reported \$3,265.00 in income from employment and child support. (Summary, Exhibit 1)
3. The Appellant indicated employment is ending at [REDACTED] in [REDACTED] 2020 and employment at [REDACTED]. Also enrolled part-time at [REDACTED] receiving financial aid. (Summary, Exhibit 1)
4. The Appellant's rent is \$1200.00 and she is responsible for utilities. (Summary, Exhibit 1)
5. On [REDACTED], 2020, the Department sent the Appellant a Proofs We Need request form (W-1348). The Department requested the Appellant provide the following information:
  - Proof of current wages
  - Proof of last day worked and last day paid from previous employer
  - Proof of student status and financial aid
  - Proof dependent care expensesThe requested verifications were due by [REDACTED] 2020. (Summary, Exhibit 2: W-1348 dated [REDACTED]-2020)
6. On [REDACTED], 2020, having not received the requested verification the Department sent the Appellant an NOA denying her application for SNAP benefits for failure to provide verifications needed to determine eligibility. (Summary, Exhibit 3: NOA dated [REDACTED] 2020)
7. As of [REDACTED], 2020 the verification have not been received. (Summary)
8. 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.

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of Social Services to administer the Food Stamp Program.
2. Title 7 of the Code of Federal Regulations (CFR) § 273.2 (c) (5) provides that the State agency shall provide each household at the time of application 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.
3. Title 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.
4. Title 7 CFR § 273.2(f)(5)(i) provides that 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.
5. The Department correctly determined that the Appellant needed to provide verification of all household member income, last dates of employment and financial aid.
6. Title 7 CFR § 273.2 (i)(C) 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

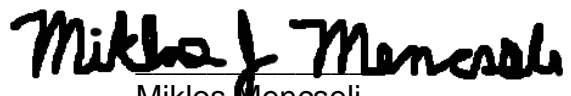
required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing.

7. The Department provided the Appellant with a verification requirement list.
8. "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 Maintenance*, 214 Conn. 601, 573 A.2d (1990)).
9. Uniform Policy Manual (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.
10. UPM §1540.10 A provides that the verification of information pertinent to an eligibility determination or a calculation of benefits is provided by the assistance unit or obtained through the direct efforts of the Department. The assistance unit bears the primary responsibility for providing evidence to corroborate its declarations.
11. UPM §1540.05 (C) provides in part that the Department requires verification of information: when specifically required by federal law or State regulations; and when the Department considers it necessary to corroborate an assistance units statements pertaining to an essential factor of eligibility.
12. Title 7 CFR 273.2 (g)(3) provides for denying the application and states households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed. If the household has failed to appear for a scheduled interview and has made no subsequent contact with the State agency to express interest in pursuing the application, the State agency shall send the household a notice of denial on the 30th day following the date of application.
13. UPM § 1505.35 (C)(1)(a) provides the maximum time period for processing SNAP applications is thirty calendar days for eligible SNAP applicants that do not qualify for expedited service.
14. UPM § 1540.05 (D)(1) provides that the penalty for failure to provide required verification depends upon the nature of the factor or circumstance for which verification is required: If the eligibility of the assistance unit depends directly upon a factor or circumstance for which verification is required, failure to provide verification results in ineligibility for the assistance unit. Factors on which unit eligibility depends directly include, but are not limited to:

- a. income amounts;
  - b. asset amounts.
15. The Department correctly determined that the Appellant needs to provide verification of all household income, last dates of employment and financial aid.
16. On [REDACTED], 2020, the Department correctly denied the Appellant's SNAP application because the application was pending 30 days and the Appellant failed to provide all of the requested verification that was needed to determine eligibility by the designated due date.

**DECISION**

The Appellant's appeal **is Denied**

  
Miklos Mencseli  
Hearing Officer

- C: Jacqueline Taft, DSS R.O. #20 New Haven  
Lisa Wells, Operations Manager, DSS R.O. #20 New Haven  
Rachel Anderson, DSS R.O. #20 New Haven  
Cheryl Stuart, DSS R.O. #20 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 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.

