

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 # ██████████
Request # 158627

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) issued a notice of action to ██████████ (the “Appellant”) indicating that it was discontinuing the Appellant’s Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2020, because she did not return all of the required proofs needed to complete the review process.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department’s decision to discontinue 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 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone.

The following individuals were called into the hearing:

██████████ Appellant
Sara Hart, Department’s Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department was correct when it discontinued the Appellant's SNAP benefits effective [REDACTED] 2020, for failure to complete the recertification process.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Appellant submitted an online SNAP recertification form. The Appellant's certification period is [REDACTED] 2019, through [REDACTED] 2020. The Appellant and her two children comprise the assistance unit. (Record; Appellant's testimony)
2. On [REDACTED] 2020, the Department reviewed the Appellant's SNAP renewal form and issued the Appellant a Proofs We Need form ("W-1348") requesting her most recent four weeks of paystubs or equivalent. A [REDACTED] 2020, due date was given. (Exhibit 3A: W-1348)
3. On [REDACTED] 2020, the Department sent the Appellant an interview notice. The notice indicated the Appellant must complete a telephone interview by [REDACTED] 2020, to avoid closure of her SNAP assistance effective [REDACTED] 2020. (Exhibit 3B: Notice)
4. On [REDACTED] 2020, the Appellant completed her telephone interview. (Exhibit 4: Case notes)
5. On [REDACTED] 2020, the Appellant submitted her paystubs. (Exhibit 2A: Change Report form; Exhibit 4; Hearing summary)
6. On [REDACTED] 2020, a Department representative reviewed the Appellant's change report form submitted [REDACTED] 2020 and was not able to view or print the Appellant's paystubs as they were password protected. A Department representative sent the Appellant a W-3016 informing the Appellant of the password protection. (Exhibit 4)
7. On [REDACTED] 2020, the Appellant submitted an online change report form affirming she earns \$934.33 bi-weekly. (Exhibit 2B: Change report form; Exhibit 4)
8. On [REDACTED] 2020, the Department sent the Appellant a notice indicating her SNAP recertification has not been completed due to not returning all the required proofs by and her SNAP will close [REDACTED] 2020 as a result. (Exhibit 3C: Notice of Action)
9. On [REDACTED] 2020, the Appellant's SNAP assistance closed. (Record; Hearing summary)
10. The Appellant is employed by [REDACTED] and receives her salary during the summer months. (Appellant's testimony)
11. As of the hearing date, the Department has not received the Appellant's pay stubs. (Exhibit 5: E-mail; Record)

12. 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 was due no later than [REDACTED] 2020. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes designates the Department of Social Services 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. Title 7 of the Code of Federal Regulations (“C.F.R.”) § 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. Households must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14(c)(2) provides households 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.

UPM § 1545.35 (B) (2) provides the assistance unit is considered to have timely filed if by the filing deadline the redetermination form is: c. signed by the applicant or other qualified individual.

The Appellant timely submitted her SNAP application for recertification before the end of her certification period.

4. 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. 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.

The Department properly informed the Appellant the date her recertification was due and noted an acceptable list of proofs needed to complete her SNAP recertification.

5. 7 C.F.R. § 273.2(e) (2) provides the State agency may use a telephone 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. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

UPM § 1545.35 (C) provides an assistance unit has timely completed the interview requirement if it appears for any interview by the later of the following dates: 1. the date scheduled by the Department; or 2. the deadline for filing the redetermination form.

The Appellant completed the telephone interview requirement.

6. 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 § 1010.05 provides in part that the assistance unit must supply the Department, in and 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.

UPM § 1505.40 (C) (1) (c) provides that the applicant is considered responsible for incomplete applications if the Department has taken the following actions: offered assistance in completing applications materials or procuring difficult to obtain verification; or 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.

The Department correctly sent the Appellant a W-1348 requesting proof of wages while giving the Appellant ten days to provide said information. The Appellant did not ask for help in obtaining the requested information after receiving the Department's wage verification request.

7. 7 C.F.R. § 273.14(e) (2) provides that if a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days. Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have its application be treated as an application for recertification. If the household takes the required action before the end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period. If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of §273.2(h)(1).

UPM §1010.05 (C)(6)(a) provides the assistance unit must satisfy certain procedural requirements as described in Section 3500, including cooperating with the Department as necessary. Cooperation includes taking steps as required by the Department to complete the eligibility determination, periodic redetermination of eligibility, interim changes in eligibility or benefit level and Quality Control reviews.

UPM § 1545.35 (A) provides for uninterrupted benefits. 1. 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. 2. The following actions must be timely completed in order to receive uninterrupted benefits: a. the redetermination form must be filed and completed; and b. the office interview must be completed, unless exempt from the requirement; and c. Required verification of factors that are conditions of eligibility must be provided. (C) provides an assistance unit has timely completed the interview requirement if it appears for any interview by the later of the following dates: 1. the date scheduled by the Department; or 2. the deadline for filing the redetermination form.

The Appellant's application for SNAP recertification was received 35 days before the end of her certification period. The Department issued the Appellant a W-1348 on [REDACTED] 2020, and the Department afforded the Appellant ten days to submit verification of her paystubs.

The Department correctly determined the Appellant did not submit the required verification of earnings listed on the W-1348 sent to her on [REDACTED] 2020, before the end of her SNAP recertification period of [REDACTED] 2020.

The Department was correct to discontinue the Appellant's SNAP assistance effective [REDACTED] 2020, as the Appellant had not completed the required actions for recertification. No further action by the Department is necessary.

DECISION

The Appellant's appeal is denied.

Christopher Turner
Christopher Turner
Hearing Officer

Cc: Tonya Cook-Beckford, Operations Manager Willimantic
Sara Hart, DSS Willimantic

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, law, and 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 the Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to the 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 if 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 her 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.