

STATE OF CONNECTICUT  
DEPARTMENT OF SOCIAL SERVICES  
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS  
25 SIGOURNEY STREET  
HARTFORD, CT 06106-5033

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

Case # ██████████  
Client # ██████████  
Request # 160981

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") denying the Appellant's Supplemental Nutritional Assistance Program ("SNAP") ██████████  
██████████

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, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

██████████, Appellant  
Marybeth Mark, Department Representative  
Almelinda McLeod, Hearing Officer

The hearing record was held open for the submission of additional evidence. No other evidence was submitted. On ██████████ 2020 the hearing record was closed.

## **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's decision to deny the Appellant's application for SNAP benefits due to failure to submit information needed to establish eligibility was correct.

## **FINDINGS OF FACT**

1. On [REDACTED] 2020, the Appellant submitted an online application requesting SNAP benefits. (Hearing summary)
2. On [REDACTED] 2020, The Department processed the application and conducted a telephone interview. The Appellant reported that she started employment with [REDACTED] effective [REDACTED] 2020 earning \$13.00 per hour working 20 hours per week and paid weekly. (Hearing summary)
3. On [REDACTED] 2020, the Department issued a W-1348 Proofs We Need form to the Appellant addressed to her home address of [REDACTED]. The W-1348 requested verification of wages by either providing the most recent four weeks of paystubs or a letter from her employer [REDACTED] specifying date of hire and wages and pay dates. The due date for this verification was [REDACTED] 2020. The Department will need to take an action on this application by [REDACTED] 2020. (Exhibit 2, W-1348)
4. On [REDACTED] 2020, the Department determined that the proofs requested had not been received by the 30<sup>th</sup> day and there was no evidence that the Appellant neither requested assistance nor request an extension of time from the Department. (Exhibit 4, Case Notes and Hearing record)
5. The Appellant did not send in the requested verification by the due date nor did she request help or more time. (Hearing record and Appellant testimony)
6. On [REDACTED] 2020, the Department denied the Appellant's SNAP application and issued a Notice of Action ("NOA") notifying the Appellant that her application for SNAP had been denied effective [REDACTED] 2020 for failure to provide information requested to determine eligibility. (Exhibit 3, NOA)
7. On [REDACTED] [REDACTED] 2020, the Appellant requested an administrative hearing. A paystub from [REDACTED] was submitted along with her request for an administrative hearing. (Exhibit A, hearing request and Exhibit 5, paystub)

8. The Appellant testified that [REDACTED] went out of business and due to the COVID pandemic; she was unable to obtain the verifications that the Department required. She attempted to call the Department to report this but was unsuccessful. The Appellant is now employed with [REDACTED]. (Appellant testimony)
9. The Appellants wants the Department to grant her the SNAP assistance because she sent in her paystub from her new job within 90 days of her application along with her request for an administrative hearing. (Appellant testimony)
10. The Department was unaware that the Appellant stopped working at the listed employer with [REDACTED] and was unaware that she started a new job with [REDACTED]. Since, the application had been closed for more than 60 days; the Appellant will need to re-apply for SNAP. (Department testimony)
11. The issuance of this decision under Code of Federal Regulations §273.15 which requires that a decision be reached and household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2020; however because the hearing record was extended to allow additional evidence to be submitted, the close of the hearing was extended for 7 additional days. Therefore, this decision is not due until [REDACTED] 2020 and is timely.

### **CONCLUSIONS OF LAW**

1. Section 17b-2 (7) of the Connecticut General Statutes, provides the Department of Social Services is designated 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 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.
3. Title 7 CFR §273.2 (f) (xiv) (5) pertains to the responsibility of obtaining verification and provides in part, the household has the primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The state 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.

4. Title 7 of the Code of Federal Regulations § 273.2(h)(i)(C) provides for 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.
5. 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)).
6. 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 that the Department requires to determine eligibility and calculate the amount of benefits.
7. UPM 1540.10 (A) provides that the assistance unit bears the primary responsibility to providing evidence to corroborate its declarations.
8. UPM § 1015.10 (A) provides that the Department must inform the assistance unit regarding the eligibility requirements of the programs administered by the Department, and regarding the unit's rights and responsibilities.
9. 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 application materials or procuring difficult to obtain verification; b. Scheduled a second interview for applicants who failed to appear for the first scheduled interview but who contacted the Department to reschedule; or c. With the exception of (3) below has allowed at least 10 days from the date if notifies the applicant of a required action for the applicant to complete the action, including requests to provide verification.
10. **The Department correctly sent the Appellant a W-1348 Proofs we need Verification Requirements lists requesting information on the job reported on her application in order to establish eligibility.**

11. **The Department correctly allowed the Appellant 10 days to submit the requested verifications.**
12. **Because the Appellant did not notify the Department of any difficulties in obtaining verifications and did not requested help nor an extension of time to obtain verifications, the Department was correct not to take the responsibility of offering assistance in procuring verifications on her behalf.**
13. Title 7 CFR §273.2 (g) (1) pertains to normal processing standard. *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.
14. UPM 1505.35 (A) (1) (2 ) provides that prompt action is taken to determine eligibility on each application filed with the Department and reasonable processing standards are established to assure prompt action on applications.
15. UPM 1505.35 ( C) (1) (a) provides that the established maximum time period for processing a SNAP application is thirty days for eligible FS applicants that do not qualify for expedited service.
16. UPM 1505.35 (C) (2) provides the first day of the processing period begins on the day following the date of application.
17. UPM 1505.35 (C) (3) (a) (b) provides that the standard of promptness for processing applications has been met if by the last day of the processing standard the Department has issued a notice of denial to the applicant, except that for FS cases, the Department has an additional seven days to issue the notice of denial; or issued benefits to the assistance unit either in check form or by deposit into a financial institution by the thirtieth day following the date of application.
18. UPM 1505.35(D) provides that the Department determines eligibility within the standard of promptness without exception for the FS program.
19. UPM 1505.35 (D) (4) provides processing standards are not used as the basis for denying assistance. Denial results from the failure to meet or establish eligibility within the applicable time limit.
20. UPM § 1505.40(B) (1) (b) (2) provides that if assistance cannot be granted: FS applications are denied on the thirtieth day following the date of application.

21. UPM § 1545.40 (B) (2) (c) provides good cause is not a consideration in the FS program.
- 22. The Department correctly denied the Appellant's application for failure to submit information needed to establish eligibility since requested information was not returned by the due date.**
23. UPM § 1015.10 (C) provides that the Department must send the assistance unit a notice regarding the Department's determination of the unit's initial eligibility , and , subject to conditions described in Section 1570, adequate notice before taking action to change the unit's eligibility status or the amount of benefits.
- 24. The Department correctly issued a Notice of Action to the Appellant notifying her that her application for SNAP was denied because she did not fully cooperate with the eligibility process by not supplying requested verifications by the due date and therefore does not meet program requirements.**
25. 7 CFR 273.15 (g) pertains to the *Time period for requesting hearing*. A household shall be allowed to request a hearing on any action by the State agency or loss of benefits which occurred in the prior 90 days. Action by the State agency shall include a denial of a request for restoration of any benefits lost more than 90 days but less than a year prior to the request. In addition, at any time within a certification period a household may request a fair hearing to dispute its current level of benefits.
- 26. The hearing record shows that the Appellant correctly requested an administrative hearing within 90 days to contest the denial of her SNAP application. However, restoration of benefits does not apply in this case, since the Appellant did not have SNAP assistance prior to the denial.**

### **DISCUSSION**

The Appellant's argument was that she provided verification of her income before 90 days and thus the Department is obligated to determine her eligibility for SNAP benefits. The hearing record was extended for the Appellant to produce verification that she had 90 days to provide verification for the SNAP program, but no such document was produced.

The eligibility process can be confusing, so to be fair, it is important to make a distinction between standard of promptness in order to determine eligibility and the right to request an administrative hearing.


Federal regulations and departmental policy clearly states that the maximum time period for processing a SNAP application is 30 days. The standard of promptness is met when by the end of the processing time; the Department has issued either a grant of SNAP benefits or issued a denial letter. In this case, the Department issued a denial letter on [REDACTED] 2020.

The Appellant has a right to request an administrative hearing within 90 days from the date of denial. The right to request an administrative hearing does not mean that the application process continues, it simply means that the Appellant believes that the action taken against her application was incorrect and would like the opportunity to discuss it in a fair hearing. The results of an administrative hearing mandate that the decision is based on current federal regulations and departmental policies.

After reviewing the evidence and testimony presented, I find that it is unreasonable for the Department to grant SNAP assistance without critical verifications needed to establish eligibility. The Appellant failed to submit information by the due date. The evidence presented at this hearing shows that the Appellant did not request help or an extension of time from the Department prior to the due date provided by the Department. The Department's action to deny the Appellant's request for SNAP assistance is upheld.

### **DECISION**

The Appellant's appeal is DENIED.

  
Almelinda McLeod  
Hearing Officer

CC: Cheryl Stuart, SSOM Norwich  
Marybeth Mark, Fair hearing liaison, Norwich