

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 # 161250

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 Supplemental Nutrition Assistance Program (“SNAP”) benefits because she did not fully cooperate with the eligibility process.

On ██████████ 2020, the Appellant requested an administrative hearing to appeal the Department’s denial of her application for SNAP benefits.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2020. The hearing was scheduled to be held telephonically due to the COVID-19 pandemic.

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. None of the parties objected to the hearing being held telephonically. The following individuals were present at the hearing:

██████████ Appellant
Christopher Filek, Department’s Hearing Liaison
James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

1. The issue is whether the Department was correct when it denied the Appellant's SNAP application for the reason that she did not fully cooperate with the application process.

FINDINGS OF FACT

1. At the beginning of [REDACTED] 2020, the Appellant and her fiancé, [REDACTED] lived together in Kentucky. The couple received SNAP benefits as members of the same household in Kentucky. (Testimony, Hearing Record)
2. Mr. [REDACTED] was the head of the couple's SNAP household in Kentucky. (Testimony, Hearing Record)
3. Early in [REDACTED] 2020, Mr. [REDACTED] died. (Appellant's testimony, Hearing Record)
4. On [REDACTED] 2020, the Appellant moved from Kentucky to Connecticut, to be closer to family and friends. (Ex. 5: DSS application form, Hearing Record)
5. The Appellant sleeps in her truck that she is allowed to park in the driveway of a friend. (Hearing Record)
6. On [REDACTED] 2020, the Appellant applied for SNAP in Connecticut. (Ex. 5)
7. On the section of the Appellant's [REDACTED] 2020 SNAP application that asked about past benefits, the Appellant reported that she received past food benefits in Kentucky. (Ex. 5)
8. On [REDACTED] 2020, the Department conducted a telephone interview with the Appellant. (Ex. 1: Case Notes)
9. On [REDACTED] 2020, the Department requested proof of certain information from the Appellant. The requested information included "Proof your benefits from the other state have ended", and the acceptable proof was "closure letter from the other state." The due date to provide the verification was [REDACTED] 2020. (Ex. 2: W-1348 *Proofs We Need* form)
10. On [REDACTED] an eligibility worker for the Department remarked in the Case Notes that an emailed inquiry was sent to the State of Kentucky to verify the Appellant's SNAP eligibility status. (Ex. 1)

11. On [REDACTED] 2020, the Department received a document submitted by the Appellant. The document was a “SNAP Discontinuance Notice” from the Commonwealth of Kentucky dated [REDACTED] 2020. The notice was addressed to “[REDACTED]” at the Appellant’s Connecticut address and stated, in relevant part, “Your SNAP benefits will stop on [REDACTED] 2020 because you reported moving out of Kentucky.” (Ex. 4: SNAP Discontinuance Notice from Kentucky)
12. The Department determined that the notice from Kentucky was inadequate to verify that the Appellant was no longer receiving SNAP in Kentucky. The reason the notice was deemed inadequate was that it did not mention the Appellant by name and that it was unclear who [REDACTED] was. (Ex. 1)
13. The Department never received a response to its emailed inquiry to Kentucky noted in Fact #10. (Hearing record)
14. On [REDACTED] 2020, the Department issued an NOA to the Appellant denying her application for SNAP. The reasons given for the denial were, “No household members are eligible for this program”, and “Did not fully cooperate with the eligibility process”, and “Does not meet program requirements”, and “Individual is receiving benefits for this program in another state”. (Ex. 3: NOA)
15. On [REDACTED] 2020, the Department’s Hearing Liaison made an electronic inquiry to the *Public Assistance Reporting Information System* (PARIS). The response to the PARIS inquiry confirmed that the Appellant’s SNAP eligibility in Kentucky ended as of [REDACTED] 2020. (Ex. 6: Paris Interstate Details)
16. It is impossible to determine the initial date when PARIS records reflected the closure of the Appellant’s SNAP in Kentucky. There is no indication that the Department accessed the PARIS records prior to when the Hearing Liaison accessed the information on the date of the hearing. (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 State agency must base SNAP eligibility solely on the criteria contained in the Act and this part”. 7 CFR § 273.2(a)(1)
3. 7 CFR § 273.2(d)(1) provides, in relevant part, as follows:

[C]ertain information on the application must be verified....If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly

demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed not merely failing to appear for the interview. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied, and the agency shall provide assistance required by paragraph (c)(5) of this section....The State agency shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification....

4. 7 CFR § 273.2(c)(5) provides, in relevant part, as follows:

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...."

5. "The State agency must give households at least 10 days to provide required verification...." 7 CFR § 273.2(f)

6. **The Appellant did not refuse to cooperate during the application process. She provided a "closure letter from the other state", by the due date, in compliance with the Department's request. After the notice was examined by the Department the verification was deemed insufficient or questionable.**

7. "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...."
7 CFR § 273.2(f)(2)(i)

8. 7 CFR § 273.2(f)(4)(i) provides, in relevant part, as follows:

State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or through a collateral contact, without a requirement being imposed that documentary evidence shall be the primary source of verification....Whenever documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits....

9. 7 CFR § 273.2(f)(4)(ii) provides, in relevant part, as follows:

A collateral contact is an oral confirmation of a household's circumstances by a person outside the household. The collateral contact may be made either in person or over the telephone. The State agency may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the State agency. Examples of acceptable collateral contacts may include employers, landlords, social service agencies, and neighbors of the household who can be expected to provide accurate third-party verification....

10.7 CFR § 273.2(f)(5)(i) provides, in relevant part, as follows:

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....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....

11. After the Department found the verification provided by the Appellant to be questionable or inadequate the Department was required to take additional steps to seek whatever further verification was required, because the Appellant was cooperating with the ongoing application process.

12. "The State agency may establish its own standards for the use of verification..." 7 CFR § 273.2(f)(3)(i)

13. "A statement made by the applicant or recipient is considered by the Department to be verified when the available evidence indicates that it is more likely to be true than not." Uniform Policy Manual ("UPM") § 1540.05(A)

14. "The Department considers all evidence submitted by the assistance unit or received from other sources." UPM § 1540.10(D)

15. The Department obtains verification on behalf of the assistance unit when the following conditions exist: 1. The Department has the internal capability of obtaining verification needed through such means as case files, microfiche records, or direct access to other official records..." UPM § 1540.10(C)(1)

16.7 CFR § 273.2(f)(5)(ii) provides as follows:

Whenever documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, the State agency may require a collateral contact or a home visit in accordance with paragraph

(f)(4) of this section. The State agency, generally, shall rely on the household to provide the name of any collateral contact. The State agency is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide an accurate third-party verification. When the collateral contact designated by the household is unacceptable, the State agency shall either designate another collateral contact, ask the household to designate another collateral contact or to provide an alternative form of verification, or substitute a home visit. The State agency is responsible for obtaining verification from acceptable collateral contacts.

17.7 CFR § 273.2(f)(4)(ii) provides, in pertinent part, as follows:

A collateral contact is an oral confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the telephone. The State agency may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the State agency. Examples of acceptable collateral contacts may include...neighbors of the household who can be expected to provide accurate third-party verification...."

18.7 CFR § 273.2(h)(1)(i)(C) provides, in relevant part, as follows:

The State agency must have taken the following actions before a delay can be considered the fault of the household:...(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.

19. "Delays that are the fault of the State agency include, but are not limited to, those cases where the State agency failed to take the actions described in paragraphs (h)(1)(i) (A) through (D) of this section." 7 CFR § 273.2(h)(1)(ii)

20. The Department did not send the Appellant a second request for verification providing her an additional 10 days to respond. The Department was required to do so because the Appellant complied with its initial request. It was beyond the Appellant's control that the other state's computer generated notice did not include her name, but only included the name of the head of her SNAP household. Once the Department determined that it required better verification, or additional supporting verification, it was required to send the Appellant a new statement of required verification specifying what was needed.

21.7 CFR § 273.2(h)(3)(i) provides as follows:

Whenever a delay in the initial 30-day period is the fault of the State agency, the State agency shall take immediate corrective action. Except as specified in §§ 273.2(f)(1)(ii)(F) and 273.2(f)(10)(i), the State agency shall not deny the application if it caused the delay, but shall instead notify the household by the 30th day following the date the application was filed that its application is being held pending. The State agency shall also notify the household of any action it must take to complete the application process. If verification is lacking the State agency has the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing.”

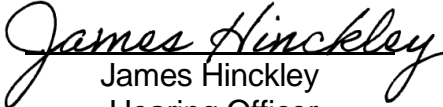
22. **The Department was incorrect when it denied the Appellant’s SNAP application for not fully cooperating with the application process. SNAP regulations prohibit the denial of an application when an applicant has cooperated and continues to cooperate with the application process. The Department was required to send a new request for verification to the Appellant and to hold the application pending for 30 days from the date of the second request. In addition, the Department was required to assist the Appellant in obtaining the verification, such as by initiating a collateral contact, by accessing PARIS, or by obtaining a copy of the Appellant’s fiancé’s obituary from Kentucky which, in addition to verifying his death, may have confirmed his engagement status to the Appellant. The proof needed was only what was necessary to satisfy the Department that its “more likely to be true than not” standard of verification had been met.**

DECISION

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

ORDER

1. As the needed information has now been verified through PARIS, the Department must grant SNAP for the Appellant retroactive to [REDACTED] 2020, the date of her initial application.
2. The Department must send proof directly to the undersigned Hearing Officer, by no later than [REDACTED] 2020, that the Appellant’s SNAP benefits have been granted retroactively. The Decision is not considered complied with until such proof is received by the Hearing Officer.


James Hinckley
Hearing Officer

cc: Brian Sexton
Christopher Filek

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. 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.