

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3730

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

Client ID # ██████████
Case ID # ██████████
Hearing ID # 162948

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a notice of action granting her Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████, 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the effective date of such benefits.

On ██████████, 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling an administrative hearing for ██████████
██████████ 2020.

On ██████████ ██████████ 2020, the Appellant requested the administrative hearing be rescheduled.

On ██████████ 2020, OLCRAH issued a notice rescheduling an 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
Amy Macdonough, Department's Representative
Scott Zuckerman, Hearing Officer

A separate hearing decision will be issued to address the Department's decision to grant Temporary Family Assistance ("TFA") benefits with an effective date of [REDACTED] 2020.

STATEMENT OF ISSUE

The issue to be decided is whether the Department's decision to grant the Appellant's SNAP benefits effective [REDACTED], 2020, was correct.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Department received the Appellant's SNAP online application form for a family of four. (Hearing Summary, Exhibit 1: Case notes)
2. On [REDACTED] 2020, the Department sent the Appellant a W-1348, Proofs We Need form, requesting all [REDACTED] 2020 wage stubs, proof of application for unemployment, last date work and paid, proof of residency. The information was due on [REDACTED] [REDACTED] (Hearing Summary and Exhibit 1)
3. On [REDACTED] 2020, the Appellant completed the SNAP telephone interview. (Hearing Summary and Exhibit 1)
4. On [REDACTED] 2020, the Appellant contacted the Department to follow up on requested documents. The Department did not have a record of any documents. (Exhibit 1)
5. On [REDACTED], 2020, the Department sent the Appellant a Notice of Action denying the Appellant's SNAP application. The notice stated, "household members did not fully cooperate with the eligibility process." (Exhibit 3: Notice dated [REDACTED], 2020)
6. On [REDACTED], 2020, the Appellant contacted the Department to inquire if her proofs were received. The Department had no record of requested information. (Exhibit 1: Case notes, Exhibit 6: Department's Document Search Results)
7. On [REDACTED] 2020, the Appellant contacted the Department requesting they verify that the requested information was received. The Department did not have the information. (Ex. 1: Case notes, Exhibit 6: Department's Document Search Results)
8. On [REDACTED] 2020, the Appellant contacted the Department. The Department received some of the requested information on this date but did not receive employer end date and wage stubs. The Appellant requested removal of her daughter and grandson from her household as they had moved. (Ex. 1)
9. On [REDACTED] 2020, the Department received the required verification and reopened the application. (Ex. 1, Exhibit 6: Department's Document Search Results)

10. On [REDACTED], 2020, the Department sent the Appellant a Notice of Action approving SNAP benefits for a household of two effective [REDACTED], 2020. (Exhibit 4: Notice of Action, [REDACTED]/2020)
11. The Appellant is requesting a SNAP effective date of [REDACTED] 2020. (Hearing Record)
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. However, the hearing, which was originally scheduled for [REDACTED], 2020, was rescheduled for [REDACTED] 2020, at the request of the Appellant, which caused a 35-day delay. Because this 35-day delay resulted from the Appellant's request, this decision is not due until [REDACTED], 2020, and is therefore timely.

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 program 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 vs. 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 ("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 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." UPM § 1010.05(A)(1)

"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 1015.05 (C)

“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. UPM § 1015.10(A)

3. Title 7 CFR § 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.

The Department correctly sent the Appellant the W1348 Proofs We Need form requesting proofs needed to determine eligibility.

4. “The household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information.” Title 7 CFR 273.2(f)(5)(i)

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 it notifies the applicant of a required action for the applicant to complete the action, including requests to provide verification.

UPM § 1505.40 (C) (3) provides that the Department is considered responsible for delays in processing applications if it has agreed to accept responsibility for obtaining verification on behalf of the assistance unit, and the delay is due to a delay in getting that verification, provided that the assistance unit continues to cooperate in the verification process.

The Department correctly notified the Appellant of the required actions and allowed 10 days to complete.

5. 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.

“The maximum time period for processing SNAP applications is thirty calendar days for eligible SNAP applicants that do not qualify for expedited service.” UPM § 1505.35 (C) (1) (a)

Title 7 CFR § 273.2 (d) (1) provides for household cooperation and states in part to determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified.

UPM § 1560(A)(1) provides for assistance units which fully cooperate in providing eligibility information, the beginning date of Food Stamp assistance is the date the Department receives a signed application, or the first day of a subsequent month in which all eligibility factors are met, if eligibility does not exist in the month of application, except for prerelease applicants.

The Appellant failed to provide the Department with all the documentation requested on [REDACTED] 2020, by the due date of [REDACTED] 2020.

The Department correctly denied the Appellant’s SNAP application on [REDACTED] 2020, as the Appellant was given ten days to supply the needed verifications.

The Department correctly reopened the Appellant’s denied SNAP application on [REDACTED], 2020.

The Department correctly granted the Appellant SNAP benefits effective [REDACTED] 2020, the date all eligibility factors were met.

DECISION

The Appellant’s appeal is **Denied**.

Scott Zuckerman

Scott Zuckerman
Hearing Officer

Cc: Brian Sexton, Operations Manager, DSS, Middletown Regional Office
Amy MacDonough, Fair Hearing Liaison, DSS, Middletown Office

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 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, 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 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.