

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

██████████ 2020
Signature confirmation

Case: ██████████
Client: ██████████
Request: 164214

NOTICE OF DECISION

PARTY

██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") issued ██████████ the "Appellant") a *Notice of Action* denying her ██████████ 2020 Supplemental Nutrition Assistance Program ("SNAP") reapplication.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's ██████████ 2020 9:47 p.m. online hearing request.

On ██████████ 2020, the OLCRAH scheduled an 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, the OLCRAH held an administrative hearing. The following individuals attended the hearing:

██████████, Appellant
Carmen Butler, Department's Representative
Eva Tar, Hearing Officer

The administrative hearing record closed ██████████ 2020.

STATEMENT OF ISSUE

The issue is whether the Department's denial of the Appellant's ██████████ 2020 SNAP reapplication was in accordance with the federal regulations governing the SNAP.

FINDINGS OF FACT

1. On or before [REDACTED] 2019, the Appellant registered [REDACTED] as a business, receiving an employer identification number. (Dept. Exhibit 6)
2. On [REDACTED] 2020, the Department received the Appellant's redetermination form, which had been due by the end of [REDACTED] 2020. (Dept. Exhibits 4 and 5)
3. The Department treated the Appellant's redetermination form as a new application. (Dept. Exhibits 3 and 4)
4. On [REDACTED] 2020, the Department issued a *Proofs We Need* asking the Appellant in part to submit by [REDACTED] 2020 her business records for the last three months or a statement of income and expenses for the last three months. With this request, the Department provided a *Self-Employment Income Verification Form* for the Appellant to complete and return. (Dept. Exhibit 3)
5. On [REDACTED] 2020, the Department's Scanning Center received typed correspondence dated [REDACTED], 2020 that stated: "[REDACTED] did not make profit last year. Sincerely, [REDACTED] c." ("the [REDACTED] correspondence"). (Dept. Exhibit 6)
6. The [REDACTED] correspondence does not state the Appellant income and expenses for the months of [REDACTED] 2020, [REDACTED] 2020, and [REDACTED] 2020. (Dept. Exhibit 6)
7. On [REDACTED] 2020, the Department issued a *Notice of Action* denying the Appellant's SNAP application. (Dept. Exhibit 3)
8. Title 7, Code of Federal Regulations ("C.F.R.") section 273.15 (c)(1) provides in part that "[w]ithin 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 are notified of the decision...." On [REDACTED] 2020, the OLCRAH received the Appellant's [REDACTED] 2020 9:47 p.m. online hearing request. The close of the hearing record was extended one day, for additional evidence. The issuance of this decision would have been due by [REDACTED] 2020. This decision is timely.

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 the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. Title 7, Code of Federal Regulations ("C.F.R.") section 273.14 (e)(3) provides that "[i]f a household files an application within 30 days after the end of the certification period, the application shall be considered an application for recertification; however, benefits must be prorated in accordance with §273.10(a)...."

The Department correctly treated the Appellant's [REDACTED] 2020 redetermination form as a SNAP reapplication, as it did not receive the completed form by [REDACTED] 2020, the final day of her SNAP certification period.

3. Title 7, Code of Federal Regulations (“C.F.R.”) section 273.2 (a)(2) provides in part that “[t]he application process includes filing and completing an application form, being interviewed, and having certain information verified....”

“Gross nonexempt income shall be verified for all households prior to certification....” 7 C.F.R. § 273.2 (f)(1)(i).

Federal regulations governing the SNAP required the Appellant to verify her gross monthly income to the Department prior to the Department regrating her SNAP benefits.

4. “Information provided by the household shall be verified in accordance with § 273.2 (f)(8)(i). The State agency shall provide the household a notice of required verification as provided in § 273.2 (c)(5) and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 days to provide required verification information....” 7 C.F.R. § 273.14 (b)(4).

The Department correctly requested from the Appellant verification of her most recent months of self-employment income and correctly assigned a deadline of at least 10 days to submit that verification.

5. “Case files must be documented to support eligibility, ineligibility, and benefit level determinations. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.” 7 C.F.R. § 273.2 (f)(6).

“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 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....” 7 C.F.R. § 273.2 (f)(5)(i).

The [REDACTED] correspondence attesting to the business’s [REDACTED] income did not meet the Department’s requirements for verification of the Appellant’s self-employment income as provided by business records or a statement for the months of [REDACTED] 2020, [REDACTED] 2020, and [REDACTED] 2020.

6. Title 7, Code of Federal Regulations section 273.14 (e)(2) provides in part:
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 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....

7 C.F.R. § 273.14 (e)(2).

The Department's denial of the Appellant's [REDACTED] 2020 SNAP reapplication was supported by state and federal regulations governing that program. The Appellant failed to submit her business records for the months of [REDACTED] 2020, [REDACTED] 2020, and [REDACTED] 2020 to the Department by [REDACTED] 2020, the 30th day following her expired 2020 certification period.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Pc: Carmen Butler, DSS-Bridgeport
Yecenia Acosta, DSS-Bridgeport
Tim Latifi, DSS-Bridgeport

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, 165 Capitol Avenue, 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.