

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

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

Client ID ██████████  
Case ID ██████████  
Request # 164392

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") closing her benefits under the Supplemental Nutritional Assistance Program ("SNAP"), effective ██████████ 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department's decision to close 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 called in for the hearing:

██████████, Appellant  
Nicole Caldwell, Department's Representative  
Lisa Nyren, Hearing Officer

## **STATEMENT OF THE ISSUE**

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

## **FINDINGS OF FACT**

1. The Department authorized SNAP benefits for the Appellant, a household of one, for a twelve month period which ended on [REDACTED] 2020. (Department Representative's Testimony)
2. On [REDACTED] 2020, the Department issued a Notice of Renewal of Eligibility packet to the Appellant. (Department Representative's Testimony and Exhibit 1: Renewal of Eligibility)
3. On [REDACTED] 2020, the Department received a renewal form signed by the Appellant on [REDACTED] 2020. The Appellant reported no changes to her household. The Appellant answered no to the question has income from a friend totaling \$42.00 per month changed. The Appellant confirmed the payment of monthly child support of \$180.60 has not changed. (Exhibit 1: Renewal of Eligibility and Department Representative's Testimony)
4. On [REDACTED] 2020, the Department discontinued the Appellant's benefits under the SNAP effective [REDACTED] 2020 for failure to complete the review process and issued a notice of action to the Appellant. The notice listed the SNAP status as closed effective [REDACTED], 2020 and the reason for discontinuance as renewal form not submitted, renewal process not completed; no household members are eligible for this program, and does not meet program requirements. (Exhibit 5: Notice of Action and Department Representative's Testimony)
5. On [REDACTED] 2020, the Department telephoned the Appellant twice to complete the required recertification interview. The Department failed to reach the Appellant and could not leave a message because the Appellant's mailbox was full. (Exhibit 2: Case Notes)
6. On [REDACTED] 2020, the Department mailed an Interview Notice to the Appellant informing the Appellant an interview is required. The notice instructs the Appellant to call the Department Benefit Center Monday through Friday between 7:30 am and 3:30 pm before [REDACTED] 2020. The notice states, "If you do not have your interview by [REDACTED]/2020 and send us all the required proofs, your benefits will remain closed." (Exhibit 3: Interview Notice)

7. On [REDACTED] 2020, the Department mailed a W1348 Proofs We Need (“W1348”) form to the Appellant. The Department requested proof of income from other reported sources listing acceptable proofs as “current letter from the source of the income stating monthly amounts.” The Department listed the due date for the information as [REDACTED], 2020 on the W1348 form. (Exhibit 4: W1348 Proofs We Need)
8. On [REDACTED] 2020, the Appellant called the Benefit Center, but after waiting three hours and nine minutes, she disconnected the call since it was after 6:00pm. The Appellant made no further calls to the Department. (Appellant’s Testimony)
9. On [REDACTED] 2020, the Appellant requested an administrative hearing to contest the closure of her benefits under the SNAP. (Hearing Record)
10. The Department did not complete the recertification interview with the Appellant by the [REDACTED] 2020 due date. (Hearing Record)
11. The Department did not receive proof of the household’s income by the [REDACTED], 2020 due date. (Department Representative’s Testimony)
12. On [REDACTED] 2020, the Department received proof of income from the Appellant. (Department Representative’s Testimony and Exhibit A: Income Letter)
13. The Department determined the Appellant’s SNAP remain closed because the Appellant failed to complete the renewal interview by the [REDACTED] [REDACTED] 2020 due date and failed to submit proof of income by the [REDACTED] 2020 due date.
14. The issuance of this decision is timely under United States Department of Agriculture Food and Nutrition Services Connecticut waiver approved on [REDACTED], 2020 which extends the time frame required to issue a decision under Title 7 Section 273.15(c) of the Code of Federal Regulation from 60 days to 120 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2020. Therefore this decision is due not later than [REDACTED] 2021.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statutes provides that 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 Code of Federal Regulations (“C.F.R.”) § 273.14(b)(2) provides as follows:

The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time application for recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the case file, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in § 273.2(b)(2), and provide the household with a notice of required verification as specified in § 273.2(c)(5).

“Other households reporting required changes in circumstances that submit applications by the 15<sup>th</sup> day of the last month of the certification period shall be considered to have made a timely application for recertification.” 7 C.F.R. § 273.14(c)(2)

3. The Department correctly determined the Appellant submitted an application for recertification under the SNAP on [REDACTED] 2020.
4. The Department correctly determined the Appellant’s application for recertification under the SNAP as not timely.
5. Federal regulation provides as follows:

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. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within 5 working days after the household submits the missing verification and benefits cannot be prorated.

7 C.F.R. § 273.14(b)(4)

Federal regulation provides as follows:

*Verification subsequent to initial certification—(i) Recertification (A)* At recertification the State agency shall verify a change in income if the source has changed or the amount has changed by more than \$50. Previously unreported medical expenses, actual utility expenses and total recurring medical expenses which have changed by more than \$25 shall also be verified at recertification. The State agency shall not verify income if the source has not changed and if the amount is unchanged or has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses, or actual utility expenses claimed by households which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. For households eligible for the child support deduction or exclusion, the State agency may use information provided by the State CSE agency in determining the household's legal obligation to pay child support, the amount of its obligation and amounts the household has actually paid if the household pays its child support exclusively through its State CSE agency and has signed a statement authorizing release of its child support payment records to the State agency. A household would not have to provide any additional verification unless they disagreed with the information provided by the State CSE agency. State agencies that choose to use information provided by their State CSE agency in accordance with this paragraph (f)(8)(i)(A) must specify in their State plan of operation that they have selected this option. For all other households eligible for the child support deduction or exclusion, the State agency shall require the household to verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a nonhousehold member. The State agency shall verify reportedly unchanged child support information only if the information is incomplete, inaccurate, inconsistent or outdated.

7 C.F.R. § 273.2(f)(8)(i)(A)

“Other information which has changed may be verified at recertification. Unchanged information shall not be verified unless the information is incomplete, inaccurate, inconsistent or outdated. Verification under this paragraph shall be subject to the same verification procedures as apply during the initial verification.” 7 C.F.R. § 273.2(f)(8)(i)(D)

Federal regulation provides as follows:

*Notice of Required Verification.* 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.

7 C.F.R. § 273.2(c)(5)

6. On ██████████ 2020, the Department incorrectly issued the Appellant W1348 form requesting verification of household income. The Appellant reported no change in income on the recertification document noting that the monthly income of \$42.00 from a friend continued. Under recertification, federal regulations provides that the State agency shall verify a change in income if the source has changed or the amount has changed by more than \$50. Unchanged information shall not be verified unless the information is incomplete, inaccurate, inconsistent or outdated. There is no indication that the source of income has changed nor the amount of income changed on the Appellant's recertification document. In addition, there is not indication that the information is incomplete, inaccurate, inconsistent or outdated.
7. Federal regulation provides as follows:

As part of the recertification process, the State agency must conduct a face-to-face interview with a member of the household or its authorized representative at least once every 12 months for household certified for 12 months or less. The provisions of § 273.2(e) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertification within the 12-month period. The requirement for a face-to-face interview once every 12 months may be waived in accordance with § 273.2(e)(2).

7 C.F.R. § 273.14(b)(3)

"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." 7 C.F.R. § 273.2(e)(2)

8. The Department correctly determined the recertification interview is required to be completed under the recertification process.

9. The Department correctly determined the Appellant failed to complete the required recertification interview with the Department by the [REDACTED] 2020 due date. The Appellant tried to contact the benefit center on [REDACTED] 2020, but was not successful. No further attempts were made by the Appellant.

10. Federal regulation provides as follows:

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. Household must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14(a)

11. The Department correctly discontinued the Appellant's benefits under the SNAP effective [REDACTED] 2020 because the Appellant's certification period expired on [REDACTED] 2020 without a new determination of eligibility under the SNAP for a new certification period.

12. Federal regulation provides as follows:

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 §273.3(h)(1).

7 C.F.R. § 273.14(e)(2)

13. The Department correctly closed the Appellant's benefits under the SNAP effective [REDACTED] 2020 because the Appellant's certification period

expired on [REDACTED] 2020 without a new determination of eligibility under the SNAP for a new certification period. The Department correctly allowed the household an additional 30 days after the end of the certification period to complete the recertification process, however the Appellant failed to take the required action, specifically complete the recertification interview, within 30 days after the end of the certification period. Upon receipt of the Appellant's proof of income on [REDACTED] 2020, the Department correctly determined the Appellant's benefits under the SNAP remain closed because the Department could not recertify the Appellant's SNAP benefits without the required interview.

### **DECISION**

The Appellant's appeal is denied.



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Lisa A. Nyren  
Fair Hearing Officer

PC: Yecenia Acosta, DSS RO 30  
Tim Latifi, DSS RO 30  
Nicole Caldwell, DSS RO 30



### **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.