

STATE OF CONNECTICUT  
DEPARTMENT OF SOCIAL SERVICES  
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS  
55 FARMINGTON AVE.  
HARTFORD, CT 06105-3725

██████████ 2021  
Signature Confirmation

Client ID ██████████  
Case ID ██████████  
Request # 166239

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████  
██

**PROCEDURAL BACKGROUND**

On ██████████ 2020, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) discontinuing his benefits under the Supplemental Nutrition Assistance Program (“SNAP”) effective ██████████ 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department’s decision to discontinue 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, 17b-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  
Taneisha Hayes, Department Representative  
Lisa Nyren, Fair Hearing Officer

## **STATEMENT OF THE ISSUE**

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

## **FINDINGS OF FACT**

1. The Appellant received benefits under the SNAP for himself. (Hearing Record)
2. The Department certified the Appellant's SNAP eligibility for a twenty-four month period beginning [REDACTED] 2018 and ending on [REDACTED] 2020. (Department Representative's Testimony)
3. On [REDACTED], 2020, the Department issued the Appellant a notice of renewal of eligibility under the SNAP which included a prefilled renewal of eligibility document ("form W-1ER") to be completed by the Appellant. (Department Representative's Testimony and Exhibit 1: Renewal of Eligibility)
4. On [REDACTED] 2020, the Department received the Appellant's completed form W-1ER signed by the Appellant on [REDACTED] 2020. Under section "Household Members" the Appellant listed "married" changing his marital status from never married to married, checked "no" to the question "still lives in household?" and listed "never lived" to the question "If no, date moved out." (Exhibit 1: Renewal of Eligibility and Department Representative's Testimony)
5. On [REDACTED] 2020, the Department reviewed the Appellant's form W-1ER noting the change in marital status and issued an Interview Notice (the "notice") to the Appellant. The notice confirmed receipt of the Appellant's form W-1ER and instructed the Appellant to call the Department Benefit Center by [REDACTED] [REDACTED] 2020 to complete the interview. The notice stated, "If we need any proofs from you, we will tell you during the interview. ... Your benefits will end if you do not have your interview and send us all of the required proofs we asked for by the benefit closure date(s)." The Department listed the benefit closure date as [REDACTED], 2020. (Exhibit 2: Interview Notice, Exhibit 4: Case Notes and Department Representative's Testimony)
6. Because the Appellant reported a change in marital status and no additional information on form W-1ER, the Department required a recertification interview. Recertification interviews may be waived for household's with no changes, but interviews cannot be waived for households with changes or questionable information. The Department

determined additional information regarding the Appellant's marital status was needed to recertify the Appellant's application for recertification of benefits under the SNAP. (Department Representative's Testimony)

7. On [REDACTED] [REDACTED] 2020, the Department discontinued the Appellant's benefits under the SNAP effective [REDACTED] [REDACTED] 2020 because the Appellant failed to complete the recertification process. The recertification interview remained outstanding. (Exhibit 3: Notice of Action)
8. On [REDACTED] 2020, the Department issued the Appellant a notice of action. The notice stated the Department closed the Appellant's benefits under the SNAP effective [REDACTED] 2020 for the following reasons: "renewal process not completed, no household members are eligible for this program, [and] does not meet program requirements." (Exhibit 3: Notice of Action)
9. The Appellant did not complete the recertification interview with the Department by the [REDACTED] [REDACTED] 2020 due date therefore the recertification process remained incomplete and SNAP benefits remained closed without a new determination of eligibility made by the Department. (Hearing Record)
10. 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] 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).

Federal regulation provides as follows:

*Application for recertification.* Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. The level of benefits for recertifications shall be based on the same anticipated circumstances, except for retrospectively budgeted households which shall be recertified in accordance with §273.21(f)(2). If a household, other than a migrant or seasonal farmworker household, submits an application after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with paragraph (a)(1)(ii) of this section. If a household's failure to timely apply for recertification was due to an error of the State agency and therefore there was a break in participation, the State agency shall follow the procedures in §273.14(e). In addition, if the household submits an application for recertification prior to the end of its certification period but is found ineligible for the first month following the end of the certification period, then the first month of any subsequent participation shall be considered an initial month. Conversely, if the household submits an application for recertification prior to the end of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month.

7 C.F.R. § 273.10(a)(2)

3. Federal regulation provides as follows:

*Recertification process - Interview.* As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households 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 recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with §273.2(e)(2).

7 C.F.R. § 273.14(b)(3)

Federal regulation provides in pertinent part as follows:

Except for households certified for longer than 12 months, and except as provides in paragraph (e)(2) of this section, household's must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter.

7 C.F.R. § 273.2(e)(1)

Federal regulation provides in pertinent part as follows:

A state agency that chooses to routinely interview households by telephone in lieu of the fact-to-face interview must specify this choice in its State plan of operation and describe the types of household that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

7 C.F.R. § 273.2(e)(2)

The Continuing Appropriations Act, 2021 and Other Extensions Act provides in pertinent part as follows:

Extension of existing SNAP flexibilities for COVID-19. A State agency (as defined in section 3(s) of the Food and Nutrition Act of 2008 (7 U.S.C. 2021(s))) shall have the option, without prior approval from the Secretary of Agriculture – to adjust the interview requirements under sections 273.2 and 273.14(b) of title 7 of the Code of Federal Regulations for some or all household applications or recertifications through June 30, 2021, consistent with the adjustments provided in the Food and Nutrition Service's March 26, 2020, blanket approval for adjusting interview requirements, unless otherwise provided in this subparagraph.

Public Law 116-159, October 1, 2020 Title VI, Section 4603(a)(1)(A)(ii), page 134 Stat. 745-746

United States Department of Agriculture, Food and Nutrition Services State Guidance Document provides in pertinent part, "As authorized by section 2302 of the Families First Coronavirus Response Act (P.L. 116-117), FNS will allow State agencies to adjust: SNAP regulations at 7 C.F.R. 273.2(a)(2), 273.2(e), and 273.14(b)(3) by not requiring a household to complete an interview prior to approval, provided the applicant's identity has been verified and all other mandatory verification in

7 C.F.R.273.2(f)(1) have been completed.” (State Guidance Memo, March 26, 2020, FNS-GD-2020-0082)

Federal regulation provides in pertinent part provides as follows:

*Mandatory verification.* State agencies shall verify the following information prior to certification for households initially applying: (x) *Household composition.* State agencies shall verify factors affecting the composition of a household, if questionable. Individuals who claim to be a separate household from those with whom they reside shall be responsible for proving that they are a separate household to the satisfaction of the State agency. Individuals who claim to be a separate household from those with whom they reside based on the various age and disability factors for determining separateness shall be responsible for proving a claim of separateness (at the State agency's request) in accordance with the provisions of §273.2(f)(1)(viii).

7 C.F.R. § 273.2(f)(1)(x)

Federal regulation provides as follows:

State agencies shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires. If a household misses its scheduled interview, the State agency shall send the household a Notice of Missed Interview that may be combined with the notice of denial. If a household misses its scheduled interview and requests another interview, the State agency shall schedule a second interview.

7 C.F.R. § 273.14(b)(3)(iii)

4. 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)

Federal regulation provides as follows:

*Certification periods.* The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

7 C.F.R. § 273.10(f)

Federal regulation provides as follows:

*Households in which all adult members are elderly or disabled.* The State agency may certify for up to 24 months households in which all adult members are elderly or disabled. The State agency must have at least one contact with each household every 12 months. The State agency may use any method it chooses for this contact.

7 C.F.R. § 273.10(f)(1)

5. Federal regulation provides as follows:

If an eligible household files an application before the end of the certification period but the recertification process cannot be completed within 30 days after the date of application because of State agency fault, the State agency must continue to process the case and provide a full month's allotment for the first month of the new certification period. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of [§273.2(h)(1)].

7 C.F.R. § 273.14(e)(1)

“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 C.F.R. § 273.2(h)(1)(ii)

Federal regulation provides as follows:

*Determining cause.* The State agency shall first determine the cause of the delay using the following criteria: A delay shall be considered the fault of the household if the household has failed to complete the application process even though the State agency has taken all the action it is required to take to assist the household. The State agency must have

taken the following actions before a delay can be considered the fault of the household:

- A. For household that have failed to complete the application form, the State agency must have offered, or attempted to offer assistance in its completion.
- B. If one or more members of the household have failed to register for work, as required in §273.7, the State agency must have informed the household of the need to register for work, determined if the household members are exempt from work registration, and given the household at least 10 days from the date of notification to register these members.
- 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.
- D. For households that have failed to appear for an interview, the State agency must notify the household that it missed the scheduled interview and that the household is responsible for rescheduling a missed interview. If the household contacts the State agency within the 30-day processing period, the State agency must schedule a second interview. If the household fails to schedule a second interview, or the subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day; otherwise, the delay shall be the fault of the household. If the household has failed to appear for the first interview, fails to schedule a second interview, and/or the subsequent interview is postponed at the household's request until after the 30th day following the date the application was filed, the delay shall be the fault of the household. If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

7 C.F.R. § 273.2(h)(1)(i)

6. The Department correctly determined the Appellant applied for recertification of his SNAP benefits on [REDACTED] 2020 upon receipt of the Appellant's signed renewal document.



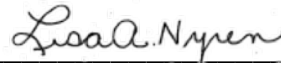
7. The Department correctly determined the Appellant must complete a recertification interview with the Department as part of the recertification process. The Department correctly determined the Appellant failed to meet the criteria in which the recertification interview can be waived due to the change in marital status he reported on the renewal document. The Appellant reported a change in marital status, but indicated the spouse does not reside with him. Further clarification is warranted to determine household composition before an eligibility determination can be made. The recertification interview is necessary. However, the Department failed to schedule the interview timely which would have allowed the Appellant 10 days prior to the expiration of the certification period to provide any outstanding documents necessary to make an eligibility decision.
8. The Department correctly determined the SNAP renewal process as incomplete because the Department failed to make a determination of SNAP eligibility or ineligibility within 30 days of receipt of the renewal document, or by [REDACTED] 2020, causing a delay in processing the Appellant's application for recertification.
9. Because the Department failed to make a SNAP eligibility determination within 30 days of the receipt of the Appellant's application for renewal and prior to the expiration of the Appellant's SNAP certification period on [REDACTED] 2020, the Department correctly closed the Appellant's SNAP benefits effective [REDACTED] 2020. Federal regulation stipulates that no household may participate beyond the expiration of the certification period assigned without a determination of eligibility for a new period. The Appellant's 24-month certification that began on [REDACTED] 2018 expired on [REDACTED], 2020. Without a new eligibility determination for SNAP, benefits must end.
10. On [REDACTED], 2020, the Department correctly issued the Appellant a Notice of Action informing him that his benefits under the SNAP would close effective [REDACTED] 2020 for the reasons: "renewal process not completed, no household members are eligible for this program, and does not meet program requirements."
11. However, the Department failed to issue the Appellant a Notice of Missed Interview ("NOMI") informing the Appellant he failed to complete the recertification interview by the [REDACTED] 2020 due date as required under the SNAP recertification process and stipulated by federal regulations. The Department incorrectly failed to continue to process the Appellant's request for continued SNAP benefits under the recertification process when the Department failed to issue a NOMI.

**DECISION**

The Appellant's appeal is granted.

**ORDER**

1. The Department must continue to process the Appellant's application for renewal received on [REDACTED] 2020.
2. The Department must issue a NOMI to the Appellant and allow of minimum of 10 days to complete the interview process in order to comply with the recertification process under federal regulations.
3. Compliance is due 14 days from the date of this decision.



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Lisa A. Nyren  
Fair Hearing Officer

CC: Musa Mohamud, DSS RO #10  
Judy Williams, DSS RO #10  
Jessica Carroll, DSS RO #10  
Jay Bartolomei, DSS RO # 10  
Taneisha Hayes, DSS RO #10

### **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.