

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

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

Client ID ██████████
Case ID ██████████
Request # 166828

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████, 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") closing his 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 were present at the hearing:

██████████, Appellant
Debra James, Department's Representative
Lisa Nyren, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue 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 two-year certification cycle beginning [REDACTED] 2018 ending [REDACTED], 2020. (Department Representative's Testimony and Exhibit 1: Notice of Renewal of Eligibility)
2. On [REDACTED], 2020, the Department mailed the Appellant a Notice for Renewal of Eligibility letter instructing the Appellant to complete the enclosed renewal document by [REDACTED] 2020. The Department writes, "We must get the completed and signed electronic or paper renewal form. If we do not get the signed form by [REDACTED]/2020, the renewal process may be delayed. You must submit the renewal by [REDACTED]/2020 to receive uninterrupted benefits. You must complete your form and submit all required proofs by [REDACTED]/2020 or your benefits may stop. To complete the renewal process, you may need to give us proof of certain information to keep getting benefits. We may need proof of your current income, such as pay stubs or a letter from people who give you money." (Exhibit 1: Notice of Renewal of Eligibility)
3. On [REDACTED] [REDACTED], 2020, the Department received the Appellant's completed renewal document. (Department Representative's Testimony)
4. On [REDACTED] 2020, the Department completed the SNAP telephone interview for recertification with the Appellant. The Appellant reported his child and the child's mother currently live with him. The child's mother is employed. (Exhibit 4: Case Notes)
5. On [REDACTED] 2020, the Department mailed a W-1348 Proofs We Need ("W-1348") form to the Appellant. The Department requested proof of the child's mother's gross earnings, such as four weeks paystubs or an employer letter, and proof of residency. The Department included form W-1408 Landlord Verification Request ("W-1408") form to be completed as proof of residency. The Department listed the due date for the information as [REDACTED] 2020. (Exhibit 2: Proofs We Need and Exhibit 4: Case Notes)
6. On [REDACTED] [REDACTED] 2020, the Department discontinued the Appellant's benefits under the SNAP effective [REDACTED], 2020 for failure to complete the renewal 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 process not completed, no household members are eligible for this program, [and] does not meet program requirements.” (Exhibit 3: Notice of Action)

7. On [REDACTED], 2020, the Department received the requested verification timely, before the [REDACTED] 2020 due date. (Department Representative’s Testimony and Exhibit 4: Case Notes)
8. 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).

3. Federal regulation provides as follows:

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:

“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)

4. Federal regulation provides as follows:

Verification. 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:

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)

“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 initial verification.” 7 C.F.R. § 273.2(f)(8)(i)(D)

Federal regulation provides as follows:

Changes. Changes reported during the certification period shall be subject to the same verification procedures as apply at initial certification, except that the state agency shall not verify changes in income if the source has not changed and if the amount 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 which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated.

7 C.F.R. § 273.2(f)(8)(ii)

“Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The state agency must give households at least 10 days to provide required verification. Paragraph (i)(4) of this section contains verification procedures for expedited service cases.” 7 C.F.R. § 273.2(f)

5. 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)

6. 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)

- 7. 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.

8. The Department correctly determined the Appellant completed the recertification interview with the Department on [REDACTED], 2020.
9. On [REDACTED], 2020, the Department correctly issued the Appellant W-1348 form requesting verification of household income necessary to determine eligibility under the SNAP allowing a minimum of 10 days to submit the requested documents.
10. The Department correctly determined the SNAP renewal process incomplete because the Department failed to make a determination of SNAP eligibility or ineligibility within 30 days of receipt of the renewal document, or [REDACTED] 2020, causing a delay in processing the Appellant's application for recertification.
11. 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, benefits are terminated.
12. On [REDACTED] 2020, the Department correctly issued the Appellant a Notice of Action informing him his benefits under the SNAP will 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."
13. The Department correctly closed the Appellant's benefits under the SNAP effective [REDACTED] 2020 because the Department did not complete the renewal process by the end of the Appellant's certification period or [REDACTED] 2020.

DISCUSSION

Upon receipt of the [REDACTED], 2020, notice of discontinuance, the Appellant promptly requested an administrative hearing on [REDACTED] 2020. Although the Appellant submitted both application for recertification and requested outstanding documents to the Department before the assigned due dates, the Department failed to complete the recertification process timely resulting in the discontinuance of benefits. Federal regulations provide that no household may participate beyond the expiration of the certification period without a

determination of eligibility for a new period, therefore the Department correctly closed the Appellant's SNAP benefits effective [REDACTED], 2020 for failure to complete the renewal process. On [REDACTED] 2020, the Department reviewed the Appellant's renewal document and supporting verification and made an eligibility determination, determining the Appellant ineligible for benefits thus completing the recertification process. Should the Appellant disagree with the Department's eligibility determination made on [REDACTED] 2020, the Appellant retains the right to request an administrative hearing.

DECISION

The Appellant's appeal is denied.



Lisa A. Nyren
Fair Hearing Officer

CC: Rachel Anderson, DSS RO #20
Cheryl Stuart, DSS RO #20
Lisa Wells, DSS RO #20
Debra James, DSS RO #20

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.