

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

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

Case ID # ██████████
Client ID # ██████████
Request # 168165

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a notice indicating her application for Supplemental Nutrition Assistance Program (“SNAP”) benefits was denied because she failed to provide the Department enough information to determine eligibility.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department’s denial of 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 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephonic conference.

The following individuals participated in the hearing:

██████████ Appellant
Althea Forbes-Francis, Department’s Representative
Christopher Turner, Hearing Officer

The hearing record was left open for the Appellant's submission of additional information. The information was received, and the record closed [REDACTED] 2020.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's SNAP application.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Appellant submitted an online application for SNAP benefits. (Exhibit 5: Application; Hearing summary)
2. On [REDACTED] 2020, the Department completed a phone interview with the Appellant. A Proofs We Need form ("W-1348") was sent to the Appellant requesting the following information: Proof of educational aid meant for living expenses. An [REDACTED] 2020 due date was given. (Exhibit 1: W-1348; Exhibit 4: Case notes; Hearing summary)
3. On [REDACTED] 2020, the Department received information from the Appellant. (Exhibit 2: School documents; Hearing summary)
4. On [REDACTED] 2020, a Department representative reviewed the submitted information and attempted a call to the Appellant to clarify her daughter's financial aid materials but was unable to reach the Appellant. (Exhibit 4; Hearing summary)
5. On [REDACTED] 2020, the Department denied the Appellant's SNAP application for failure to provide information. (Exhibit 3: Notice of Action; Hearing summary)
6. The Appellant did not ask the Department for help in obtaining the requested verifications before the thirtieth day as she believed she submitted all necessary information online. (Appellant's testimony)
7. The Appellant's testimony is credible. (Record)
8. The submitted student information schedule submitted by the Appellant indicates her adult daughter is a student at the [REDACTED]. (Appellant's Exhibit A: Student information)
9. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which provides that within 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 is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2020; therefore, this decision was due no later than [REDACTED] 2021. However, due to a seven-day delay afforded the Appellant for the submission of additional information, this decision was due no later than [REDACTED] 2021. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to review the Appellant's SNAP application and determine whether her household meets the program's eligibility requirements.

2. 7 C.F.R. § 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 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 (f) defines 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

The Department correctly sent the Appellant a W-1348 requesting verification of educational aid meant for living expenses while affording her ten days to provide said information.

3. 7 C.F.R. § 273.2 (f) (1) provides for mandatory verification. State agencies shall verify the following information prior to certification for households initially applying. (i) *Gross nonexempt income*. Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the State agency, and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information.

(2) Verification of questionable information. (i) The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision.

(4) Sources of verification—(i) Documentary evidence. State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or through a collateral contact, without a requirement

being imposed that documentary evidence must be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. Whenever documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits. For example, documentary evidence may be considered insufficient when the household presents pay stubs which do not represent an accurate picture of the household's income (such as outdated pay stubs) or identification papers that appear to be falsified. (ii) Collateral contacts. A collateral contact is an oral confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the telephone. The State agency may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the State agency. Examples of acceptable collateral contacts may include employers, landlords, social service agencies, migrant service agencies, and neighbors of the household who can be expected to provide accurate third-party verification. When talking with collateral contacts, State agencies should disclose only the information that is absolutely necessary to get the information being sought. State agencies should avoid disclosing that the household has applied for SNAP benefits, nor should they disclose any information supplied by the household, especially information that is protected by §273.1(c), or suggest that the household is suspected of any wrong doing.

7 C.F.R. § 273.2 (f) (5) (i) provides for the responsibility of obtaining verification. 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 assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under paragraph (d)(1) of this section. Households may supply documentary evidence in person, through the mail, by facsimile or other electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the food stamp office. 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. However, the State agency has primary responsibility for verifying fleeing felon and parole or probation violator status in accordance with §273.11(n).

(ii) Whenever documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, the State agency may require a collateral contact or a home visit in accordance with paragraph (f)(4) of this section. The State agency, generally, shall rely on the household to provide the name of any collateral contact. The household may request assistance in designating a collateral contact. The State agency is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide an accurate third-party verification. When the collateral contact designated by the household is unacceptable, the State agency shall either designate another collateral contact, ask the household to designate another collateral contact or to provide an alternative form of verification, or substitute a home visit. The State agency is responsible for obtaining verification from acceptable collateral contacts.

The Department incorrectly determined the verification provided by the Appellant was insufficient to make an eligibility determination. 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. If the Department determined the verification provided by the Appellant was insufficient to make an eligibility determination, the Department could have contacted the adult child's university to confirm the adult child's attendance.

4. 7 C.F.R. § 273.2 (g) provides for the normal processing standard. (1) Thirty-day processing. The State agency shall provide eligible households that complete the initial application process an opportunity to participate (as defined in §274.2(b)) as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and food stamp benefits prior to release from the institution in accordance with §273.1(e) (2). An application is filed the day the appropriate food stamp office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in paragraph (i) of this section. For residents of public institutions who apply for food stamps prior to their release from the institution in accordance with §273.1(e)(2), the State agency shall provide an opportunity to participate as soon as possible, but not later than 30 calendar days from the date of release of the applicant from the institution.

7 C.F.R. § 273.2 (g) (3) provides for denying the application. 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 household must file a new application if it wishes to participate in the program. In cases where the State agency was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the State agency may also deny the application on the 30th day if the State agency provided assistance to the household

in obtaining verification as specified in paragraph (f) (5) of this section, but the household failed to provide the requested verification.

The Department incorrectly determined the Appellant did not submit all required verification listed on the W-1348 sent to her on [REDACTED] 2020. The Appellant did provide the requested information within 30 days following the date her application was filed. However, due to a system issue uploading her daughter's financial aid paperwork, the paperwork did not include her daughter's name or university. The Appellant can not be held responsible for issues relating to limitations of the Department's computer system. The Department incorrectly denied the Appellant's SNAP application.

DISCUSSION

Federal regulation provides that 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. The verification the Appellant submitted concerning her children's educational status satisfactorily met federal regulation. If the Department had concerns with the Appellant's proof, a phone call to the daughter's university, clearly stated on her SNAP application, or similar contact, ought to have been made before denying the Appellant's SNAP application.

DECISION

The Appellant's appeal is granted.

ORDER

The Department is instructed to reopen the Appellant's SNAP application effective [REDACTED] 2020 and determine eligibility based on the verification received as of the denial date of [REDACTED] 2020. Compliance with this order is due no later than [REDACTED] 2021 and will consist of a copy of the Appellant's notice of grant or denial.

Christopher Turner

Christopher Turner
Hearing Officer

Cc: Patricia Ostroski, Operations Manager New Britain
Althea Forbes-Francis, DSS New Britain

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, 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 06105-3725. 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.