

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
25 SIGOURNEY STREET
HARTFORD, CT 06106-5033

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

Case# ██████████
Client ID # ██████████
Request # 168395

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying the Appellant’s Supplemental Nutritional Assistance Program (“SNAP”) application for benefits.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department’s decision to deny 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
Jacqueline Taft, Department Representative
Almelinda McLeod, Hearing Officer

The hearing record was held open for the submission of additional evidence. On ██████████ 2021 the hearing record was closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to deny the Appellant's application for Supplemental Nutrition Assistance Program ("SNAP") benefits due to failure to submit information needed to establish eligibility was correct.

FINDINGS OF FACT

1. On [REDACTED], 2020, the Department received and processed the Appellant's application for SNAP assistance. (Exhibit 1, application)
2. The Appellant relocated to Connecticut from the state of New Jersey. She was applying for a household of 4, herself and three children including a newborn. Reported Unemployment Compensation benefit ("UCB") and a rental obligation of \$600. (Hearing record, Exhibit 11, Case notes)
3. A Paris match indicated SNAP eligibility in the state of [REDACTED] however, the Department was unable to verify the out of state UCB through its Connecticut DOL interface. (Exhibit11)
4. On [REDACTED] 2020, the Department issued a W-1348 Proofs We Need form requesting verifications of residency, out of state Unemployment compensation benefit ("UCB") verification that the Appellant's state assistance from [REDACTED] ended and social security number for the Appellant's baby. The due date for this verification was [REDACTED] 2020. (Exhibit 3, W-1348)
5. On [REDACTED] 2020, the Department issued an interview notice with an interview date of [REDACTED] 2020. (Exhibit 2, Interview notice)
6. The Appellant sent in the landlord letter and a bank statement with her name on it to show she was getting UCB of \$235.00. (Appellant testimony)
7. On [REDACTED], 2020, the Department received the landlord letter, current lease, and partial information of the UCB with an amount of \$235 per week. The verification did not specify whether the \$235.00 UCB was gross or net amount. (Department testimony)
8. On [REDACTED] 2020, the Department issued a Notice of Missed Interview, ("NOMI") stating that the required interview had not been completed by the due date. (Hearing record)

9. For the SNAP program, the Appellant was required to complete an interview because the Appellant came from another state and the Department was unable to verify her out of state UCB income. (Department testimony)
10. On [REDACTED] 2020, the Department searched its Impact system and found a cover sheet of Access HRA Your Way "Request to close Case" with the following message: "Success! Submitted on [REDACTED]/2020 at [REDACTED] PM Confirmation Number [REDACTED]". However, this document was not acceptable as an out of state closure verification because it did not specify what was discontinued nor did it identify the Appellant as the recipient. (Exhibit 9, HRA document & Department testimony)
11. On [REDACTED] 2020 issued an NOA informing the Appellant that the Department denied the Appellant's SNAP application for failure to provide information requested to determine eligibility and the required interview was not completed. (Exhibit 1, Notice of Denial)
12. 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; the close of the hearing record was extended to [REDACTED] 2021 for additional evidence. This decision is due no later than [REDACTED] 2021 and is therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2 (7) of the Connecticut General Statutes, provides 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 CFR § 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.
3. Title 7 CFR 273.2 (2) pertains to *Income and eligibility verification system (IEVS)*, in part. In using IEVS in accordance with paragraph (f)(9) of this section, a State agency must notify all applicants for SNAP benefits at the time of application and at each recertification through a written statement on, or provided with, the application form that information available

through IEVS will be requested, used, and may be verified through collateral contact when discrepancies are found by the State agency, and that such information may affect the household's eligibility and level of benefits. The regulations at §273.2(f)(4)(ii) govern the use of collateral contacts.

4. **The Department correctly used its internal resources IEVS (i.e. Paris match, CCSES and DOL) at the time of application to facilitate the application process for the Appellant.**
5. Title 7 CFR §273.2 (f) (xiv) (5) pertains to the responsibility of obtaining verification and provides in part, the household has the primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The state 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.
6. Title 7 of the Code of Federal Regulations § 273.2 (h) (i) (C) provides for 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 verification that was missing.
7. The department's uniform policy manual is the equivalent of a state regulation and, as such, carries the force of law." *Bucchere v. Rowe*, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712 (1990)).
8. Uniform Policy Manual ("UPM") § 1010.05 (A) (1) provides that the assistance unit must supply the Department in an accurate and timely manner as defined by the Department, all pertinent information, and verification that the Department requires to determine eligibility and calculate the amount of benefits.

UPM § 1015.10 (A) provides that the Department must inform the assistance unit regarding the eligibility requirements of the programs administered by the Department, and regarding the unit's rights and responsibilities.

The Department correctly sent the Appellant a W-1348 Proofs We Need form to the Appellant requesting information needed to establish eligibility.

9. 7 C.F.R. § 273.2(e) (2) provides the State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. 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. The State agency must grant a face-to-face interview to any household that requests one.
- 10. The Department correctly issued an Interview Notice to the Appellant for a telephone interview to be completed by [REDACTED] 2020.**
- 11. There is no evidence in the hearing record that the Appellant completed the required telephone interview requirement by the due date of [REDACTED] 2020.**
12. UPM 1540.10 (A) provides that the assistance unit bears the primary responsibility to providing evidence to corroborate its declarations.
13. UPM § 1505.40(C)(1) provides that the applicant is considered responsible for incomplete applications if the Department has taken the following actions:
 - a. Offered assistance in completing application materials or procuring difficult to obtain verification;
 - b. Scheduled a second interview for applicants who failed to appear for the first scheduled interview but who contacted the Department to reschedule; or
 - c. With the exception of (3) below has allowed at least 10 days from the date if notifies the applicant of a required action for the applicant to complete the action, including requests to provide verification.
- 14. There is no evidence the Appellant requested assistance or an extension of time from the Department to obtain requested verification prior to her due date of [REDACTED] 2020; therefore, there was no further action required by the Department.**
- 15. The hearing record shows the Department allowed the Appellant 10 days to supply requested verifications.**

16. Title 7 CFR §273.2 (g) (1) pertains to normal processing standard. *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.
17. UPM 1505.35 (A) (1) (2) provides that prompt action is taken to determine eligibility on each application filed with the Department and reasonable processing standards are established to assure prompt action on applications.
18. UPM 1505.35 (C) (1) (a) provides that the established maximum time period for processing a SNAP application is thirty days for eligible FS applicants that do not qualify for expedited service.
19. UPM 1505.35 (C) (2) provides the first day of the processing period begins on the day following the date of application.
- 20. The Department correctly started to process the Appellant's application on [REDACTED] 2020, (the application date); the thirtieth day from the Appellant's SNAP Application date is [REDACTED] 2020.**
21. UPM 1505.35(D) provides that the Department determines eligibility within the standard of promptness without exception for the FS program.
22. 19. UPM 1505.35 (D) (4) provides processing standards are not used as the basis for denying assistance. Denial results from the failure to meet or establish eligibility within the applicable time limit.
23. 20. UPM § 1505.40(B) (1) (b) (2) provides that if assistance cannot be granted: FS applications are denied on the thirtieth day following the date of application.
24. UPM § 1545.40 (B) (2) (c) provides good cause is not a consideration in the FS program.
- 25. The Department correctly denied the Appellant's application for failure to submit information needed to establish eligibility as the requested information was not returned to the Department by the due date.**
26. UPM § 1015.10 (C) provides that the Department must send the assistance unit a notice regarding the Department's determination of the unit's initial eligibility , and , subject to conditions described in Section 1570, adequate notice before taking action to change the unit's eligibility status or the amount of benefits.

27. **The Department correctly issued a NOA to the Appellant informing that her SNAP application was denied because the requested verifications was not received and the required SNAP interview were not completed by the due date, and as a result does not meet program requirements.**

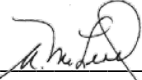
DISCUSSION

The Appellant has testified that she has complied with the Department's requirements of submitting verifications but while in the application process, she was denied three times. The Appellant agreed to submit verification of the three denials prior to the Notice of Action dated [REDACTED] 2020; however, none were produced.

The hearing record shows that the Department issued the required W-1348 requesting verifications needed to determine eligibility and the interview notice both on the same day, [REDACTED] 2020. Both forms stipulated that if these verifications or the interview requirement were not completed, there would either be a delay or a denial. The Department also issued a NOMI on [REDACTED] 2020 which provided a denial date of [REDACTED] 2020. This notice indicated denial of application if the interview and all the requested verifications are not received by the denial date. The hearing record does not show evidence that the interview was conducted prior to [REDACTED] 2020. The hearing record shows that on [REDACTED] 2020, a denial notice was issued. Subsequently, the Appellant has completed the interview on [REDACTED] 2020 and has re-applied for the SNAP benefit. The Appellant is encouraged to follow up on her re-application. The Department is upheld.

DECISION

The Appellant's appeal is DENIED.



Almelinda McLeod
Hearing Officer

CC: Rachel Anderson, SSOM, New Haven
Cheryl Stuart, SSOM, New Haven
Lisa Wells, SSOM, New Haven
Jacqueline Taft, Fair Hearing Liaison, New Haven

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.