

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

██████████, 2020
SIGNATURE CONFIRMATION

CASE # ██████████
CLIENT# ██████████
REQUEST# 169967

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant"), a Notice of Action ("NOA") discontinuing her Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████ 2020 for not completing the renewal process.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the discontinuance of her SNAP benefits for not completing the renewal process.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████ 2021.

On ██████████ 2021, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals participated in the hearing:

Appellant, ██████████
Department's Representative, Kristin Haggan
Hearing Officer, Joshua Couillard

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] 2020 due to a failure to complete the renewal process.

FINDINGS OF FACT

1. The Appellant's renewal for SNAP benefits was due by [REDACTED] 2020. (Hearing Record, Department's Testimony, Exhibit 3: Notice of Action)
2. On [REDACTED] 2020, the Department received a completed W-1ER Renewal of Eligibility form from the Appellant for her SNAP benefits. (Hearing Record, Exhibit 1: W-1ER Renewal of Eligibility, Exhibit 7: Case Notes)
3. On [REDACTED] 2020, the Department processed the W-1ER Renewal of Eligibility and completed a telephone interview with the Appellant. (Hearing Record, Exhibit 7)
4. On [REDACTED], 2020, the Department issued a W-1348 Proofs We Need form requesting proof of the Appellant's last day worked at [REDACTED], proof of college registration status at [REDACTED] and financial aid verification. These documents were due by [REDACTED], 2020. The Department did not receive any of the requested verifications. (Hearing Record, Department's Testimony, Exhibit 2: W-1348 Proof We Need form)
5. On [REDACTED], 2020, the Department issued a Notice of Action to the Appellant stating that her SNAP benefits were to be discontinued effective [REDACTED] 2020 for failure to complete the renewal process. (Exhibit 3)
6. On [REDACTED], 2020, the Department received the Appellant's request for a fair hearing. Along with the request, the Appellant submitted proof of her last day of work with [REDACTED] 2020), a letter from [REDACTED] for the [REDACTED] semester showing ¾-time enrollment and a letter of financial aid status verification (illegible). (Hearing Record, Exhibit 4: Last Day Worked Letter, Exhibit 5: Enrollment Status Verification, Exhibit 6: Financial Aid Status Verification, Exhibit 7)
7. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 60 days of the request for an administrative hearing. The hearing request was received on [REDACTED] 2020; therefore, this decision is due no later than [REDACTED] 2021.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. *“General.* 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. Households must apply for recertification and comply with interview and verification requirements.” Title 7 of the Code of Federal Regulations (“C.F.R.”) § 273.14(a)

The Department correctly issued the Appellant a W-1ER Renewal of Eligibility form. The Appellant’s SNAP certification period correctly ended on [REDACTED] 2020.

3. *“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).” C.F.R. § 273.14(b)(3)
4. “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.” C.F.R. 273.2 (e)(2)

The Department correctly completed the SNAP interview with the Appellant on [REDACTED] 2020.

5. “*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.” C.F.R. § 273.14(b)(4)
6. “*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.” C.F.R. 273.2 (c)(5)

The Department correctly issued a request for verification of the Appellant’s last day of work with [REDACTED], proof of college registration status at [REDACTED] and financial aid verification via a W-1348 Proofs We Need form on [REDACTED] 2020. These verifications were due back by [REDACTED] 2020.

7. “*Responsibility of obtaining verification.* (i) 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 SNAP 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). If a SNAP applicant’s attestation regarding disqualified felon status described in

§273.2(o) is questionable, the State agency shall verify the attestation. Each element of a questionable attestation—that the individual has been convicted of a crime listed at §273.11(s), and that the individual is not in compliance with the terms of their sentence—shall be verified by the State agency. The State agency shall determine whether an attestation is questionable based on the standards established under §273.2(f)(2)(i). In conducting verifications of questionable attestations under this paragraph, the State agency shall establish reasonable, consistent standards, evaluate each case separately, and document the case file accordingly.” C.F.R. § 273.2 (f)(5)(i)

The Appellant failed to provide proof of her last day of work with [REDACTED], proof of college registration status at [REDACTED] or financial aid verification by the 10-day deadline of [REDACTED] 2020.

8. “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).”

The Department correctly discontinued the Appellant's SNAP benefits.

DISCUSSION

The Appellant testified during the hearing that she did not submit the requested verifications by the due date of [REDACTED] 2020. The Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] 2020 for failing to complete the renewal process/failing to submit the requested verifications.

The verifications were received late, on [REDACTED] 2020. However, the Department correctly determined that they could not use these verifications to reinstate the SNAP benefits as the financial aid verification document is unreadable (see Exhibit 6).

DECISION

The Appellant's appeal is **DENIED**.

Joshua Couillard

**Joshua Couillard
Fair Hearing Officer**

**Pc. Cheryl Stuart, Norwich Regional Office Operations Manager
Kristin Haggan, Norwich Fair Hearing Liaison**

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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 with 45 days of the mailing of this decision, or 45 days after the agency denies 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, 53 Elm Street, 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.