

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

██████████ 2021
Signature confirmation

Case: ██████████
Client: ██████████
Request: 170623

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 27, 2020, the Department of Social Services (the "Department") issued ██████████ (the "Appellant") a *Notice of Action* terminating her Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████ 2020.

On ██████████ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's telephoned hearing request.

On ██████████ 2021, the OLCRAH scheduled an 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, the OLCRAH held an administrative hearing. The following individuals attended the hearing:

██████████, Appellant
Ferris Clare, Department's Representative
Eva Tar, Hearing Officer

The administrative hearing record closed ██████████ 2021.

STATEMENT OF ISSUE

The issue is whether the Department's discontinuance of the Appellant's SNAP benefits effective ██████████ 2020 was in accordance with federal regulations.

FINDINGS OF FACT

1. The Appellant's most recent SNAP certification period expired on [REDACTED] 2020. (Dept. Exhibit 3)
2. On [REDACTED] 2020, the Department received the Appellant's SNAP renewal form. (Dept. Exhibit 3)
3. In [REDACTED] 2020, the Appellant was employed at [REDACTED]. (Dept. Exhibit 3)
4. On [REDACTED] 2020, a Department of Labor interagency match identified the Appellant as having employment with [REDACTED] in the prior quarter. (Dept. Exhibit 3)
5. The calendar quarter immediately prior to [REDACTED] 2020 would have run from [REDACTED] 2020 through [REDACTED] 2020.
6. The Appellant worked for [REDACTED] from [REDACTED] 2020 through [REDACTED] 2020; she was not employed by [REDACTED] when she submitted her renewal form to the Department. (Appellant Testimony) (Appellant Exhibit A)
7. On [REDACTED] 2020, the Department issued a *Proofs We Need* form to the Appellant, asking as a requirement of SNAP eligibility for verification of the status of her employment with Visiting Angels and gave a deadline of [REDACTED], 2020. The *Proofs We Need* form gave a toll-free telephone number to contact if the Appellant needed help getting the proof or needed more time. (Dept. Exhibit 1)
8. On [REDACTED] 2020, the Department issued a *Notice of Action* terminating the Appellant's SNAP benefits effective [REDACTED] 2020. (Dept. Exhibit 2)
9. The Appellant failed to provide the requested items listed on the [REDACTED] 2020 *Proofs We Need* form to the Department prior to the [REDACTED] 2020 expiration of her SNAP certification period. (Hearing record)
10. On [REDACTED] 2020 and [REDACTED] 2021, the Appellant spoke with Department employees by telephone to discuss her SNAP discontinuance. (Dept. Exhibit 3)
11. Title 7, Code of Federal Regulations ("C.F.R.") section 273.15 (c)(1) provides in part that "[w]ithin 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 are notified of the decision...." On [REDACTED] 2021, the OLCRAH received the Appellant's telephoned hearing request. The issuance of this decision would have been due by [REDACTED] 2021. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes designates the Department of Social Services 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, Code of Federal Regulations (“C.F.R.”) § 273.14 (a) provides: “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.” “Households must apply for recertification and comply with interview and verification requirements.”

“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.....” 7 C.F.R. § 273.14 (b)(2).

The Appellant correctly submitted a renewal form with the Department prior to the final day of her certification period, [REDACTED] 2020.

3. “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....” 7 C.F.R. § 273.2 (f)(2)(i).

“Case files must be documented to support eligibility, ineligibility, and benefit level determinations. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination.” 7 C.F.R. § 273.2 (f)(6).

“Gross nonexempt income shall be verified for all households prior to certification....” 7 C.F.R. § 273.2 (f)(1)(i).

As a condition of SNAP eligibility, federal regulations governing the SNAP required the Appellant to verify her gross monthly income from all sources.

4. “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 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....” 7 C.F.R. § 273.2 (f)(5)(i).

“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....” 7 C.F.R. § 273.14 (b)(4).

The Department’s [REDACTED] 2020 request for the Appellant to verify the status of her employment with [REDACTED]—i.e., to provide proof of whether or not she continued to be employed by that company—was reasonable, based on the non-current information provided in the Department of Labor’s interagency match.

The Department correctly provided the Appellant with at least 10 days to submit the requested documentation regarding the status of her [REDACTED] employment.

The Appellant did not meet her responsibility to verify her last day of employment with [REDACTED] to the Department prior to [REDACTED] 2020, the final day of the expiration of her SNAP certification period.

The Department's discontinuance of the Appellant's SNAP benefits effective [REDACTED] 2020 was in accordance with the federal regulations, as she had not submitted all requested verifications to the Department necessary to establish her SNAP eligibility by [REDACTED] 2020, the final day of her SNAP certification period.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Pc: Ferris Clare, DSS-New Haven
Rachel Anderson, DSS-New Haven
Cheryl Stuart, DSS-New Haven
Lisa Wells, DSS-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.