

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3730

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

Case ID # ██████████
Client ID # ██████████
Hearing ID # 170887

NOTICE OF DECISION

PARTY

██████████

██████████

██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a letter informing her that her application status for Supplemental Nutrition Assistance Program ("SNAP") benefits have yet to be determined.

On ██████████, 2021, the Appellant requested an administrative hearing for processing delay.

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

On ██████████ 2021, the Appellant requested the administrative hearing to be rescheduled.

On ██████████ 2021, the Department sent the Appellant a Notice of Action ("NOA") stating her application for SNAP benefits was approved effective ██████████ 2021.

On ██████████ 9, 2021, OLCRAH issued a notice rescheduling an administrative hearing for ██████████, 2021. The hearing was scheduled to be held telephonically due to the COVID-19 pandemic.

On ██████████, 2021, 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 called in for the hearing:

██████████, Appellant
Rosalie Bertolini, Department's Representative
Swati Sehgal, Hearing Officer

The hearing record was left open for submission of additional information from the Department. Information was not received, the hearing record closed on ██████████
██████ 2021.

STATEMENT OF ISSUE

The issue to be decided is whether the Department's decision to grant the Appellant's SNAP benefits effective ██████████, 2021, was correct.

FINDINGS OF FACT

1. On ██████████3, 2021, the Department received the Appellant's SNAP application form for a household of two, for the Appellant and her child. (Hearing Summary, Exhibit 1: NOA, ██████████)
2. The Appellant did not receive any phone call from the Department to complete the required phone interview. (Appellant's Testimony, Exhibit 2: Case Notes)
3. On ██████████, 2021, the Department sent an application update letter to the Appellant informing her application status has yet not been determined. (Exhibit 2)
4. On ██████████ 2021, the Department sent a Notice of Interview with a due date of ██████████. (Hearing Summary, Exhibit 2, Exhibit 3: List of Notices sent by the Department)
5. On ██████████ 2021, the Department sent the Proofs We Need Form requesting verification of end of employment from ██████████ and ██████████. (Appellant's Testimony, Exhibit 2)
6. The Appellant made several attempts to contact the Department to complete the phone interview and to clarify the requested information as she was self-employed and was not able to get a letter from ██████████ or ██████████ to verify the end of employment. (Appellant's Testimony, Exhibit 2)
7. On ██████████, 2021, the Appellant requested an administrative hearing

once she could not get in touch with the Department. (Exhibit A: Request for a Hearing)

8. On [REDACTED], 2021, the Notice of Hearing was sent to the Appellant and the Department for [REDACTED] 2021 hearing. (Exhibit B: Notice of Hearing, [REDACTED])
9. On [REDACTED] 2021, the Department contacted the Appellant after it has received the Appellant's hearing request and Notice of Hearing scheduled for [REDACTED]. (Hearing Summary, Exhibit 2)
10. On [REDACTED] 2021, the Department completed a phone interview and informed her to provide a self-declared statement regarding her employment instead of letters from employers. (Exhibit 2)
11. On [REDACTED] 2021, the Appellant uploaded the requested information. (Exhibit 2)
12. On [REDACTED] 2021, the Department denied the Appellant's SNAP application for failure to provide requested information. (Exhibit 2)
13. On [REDACTED] the Department reviewed the application and missteps taken by the Department. The Department decided to reopen the SNAP application effective [REDACTED] 2021. (Exhibit 2, Hearing Summary)
14. ON [REDACTED], 2021, the Department sent an NOA to the Appellant approving her SNAP benefits for a household of two as of [REDACTED] 2021. (Exhibit 1)
15. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2021. Therefore, this decision is due not later than [REDACTED] 2021. However, the hearing, which was originally scheduled for [REDACTED] 2021, was rescheduled for [REDACTED], 2021, at the request of the Appellant, which caused a 21-day delay. Because this 21-day delay resulted from the Appellant's request, this decision is not due until [REDACTED] 2021, and is therefore timely.

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. "The Department's uniform policy manual is the equivalent of a state regulation and, as such, carries the force of law." *Bucchere vs. 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))
3. Title 7 of the Code of Federal Regulations ("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.

"The Department must tell the assistance unit what the unit has to do to establish eligibility when the Department does not have sufficient information to make an eligibility determination." UPM 1015.05 (C)

"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. UPM § 1015.10(A)

4. Title 7 CFR § 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 particular verification that was missing.

The Department failed to send the Appellant the W1348 Proofs We Need form requesting information needed to determine eligibility in a timely manner. The Appellant applied for SNAP benefits on [REDACTED] The Department did not issue Proofs We Need Form to the Appellant until [REDACTED]

5. Title 7CFR 273.2 (a) (2) provides the application process includes filing and completing an application form, being interviewed, and having certain information verified. The State agency must act promptly on all

applications and provide SNAP benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. States must meet application processing timelines.

6. Title 7CFR 273.2 (e)(3) provides the State agency must schedule an interview for all applicant households who are not interviewed on the day they submit their applications. To the extent practicable, the State agency must schedule the interview to accommodate the needs of groups with special circumstances, including working households. The State agency must schedule all interviews as promptly as possible to insure eligible households receive an opportunity to participate within 30 days after the application is filed.
7. Title 7CFR 273.2 (c) (1) (vi) (B) The length of time a State agency has to deliver benefits is calculated from the date the application is filed in the SNAP office designated by the State agency to accept the household's application, except when a resident of a public institution is jointly applying for SSI and SNAP benefits prior to his/her release from an institution in accordance with §273.11(i).

The Department failed to act promptly on the Appellant's application, failed to schedule an interview to insure the Appellant receives an opportunity to participate in the SNAP program within 30 days after the application was filled.

8. Title 7 CFR 273.2(f)(5)(i) provides the household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information.

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 it notifies the applicant of a required action for the applicant to complete the action, including requests to provide verification.

The Department failed to schedule a second interview for the Appellant.

9. Title 7 CFR 273.2 (g)(3) provides for denying the application and states 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 maximum time period for processing SNAP applications is thirty calendar days for eligible SNAP applicants that do not qualify for expedited service.” UPM § 1505.35 (C) (1) (a)

The Department failed to review the Appellant’s SNAP application within 30-days.

10. Title 7 CFR § 273.2 (d) (1) provides for household cooperation and states in part to determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified.

UPM § 1560(A)(1) provides for assistance units that fully cooperate in providing eligibility information, the beginning date of Food Stamp assistance is the date the Department receives a signed application, or the first day of a subsequent month in which all eligibility factors are met, if eligibility does not exist in the month of application, except for prerelease applicants.

The Department wrongfully denied the Appellant’s application on [REDACTED] 2021, after it has received the needed documents to process the SNAP application.

The Department incorrectly reopened the SNAP application as of [REDACTED], 2021.

DISCUSSION

The Department made multiple errors in processing this application. The Appellant applied on [REDACTED], the Department did not review this application until [REDACTED]. The Department failed to make any attempt to contact the Appellant before [REDACTED] 2021, to complete the phone interview. The Appellant provided convincing and credible testimony that she made several attempts to contact the Department but was unsuccessful subsequently she requested an administrative hearing. The Department contacted the Appellant on [REDACTED], two weeks after the hearing was scheduled and Notice of Hearing was sent to the Department. The Department completed the phone interview and informed the Appellant to provide a self-

declared statement to verify the end of her self-employment. The Appellant provided the information within 10 days, yet the Department denied the Application for failure to provide it. Later the Department reopened and granted the SNAP application as of [REDACTED].

The Department failed to provide the Appellant an opportunity to complete a phone interview and to submit needed information and to participate in the SNAP program within thirty days from the date of application.

DECISION

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

ORDER

1. The Department shall reopen the Appellant's application as of the original application date [REDACTED] 2020 and determine eligibility for [REDACTED] 2020 and [REDACTED] 2021.
2. The compliance with this order is due no later than [REDACTED] 2021.


Swati Sehgal
Hearing Officer

Cc: Carol Sue Shannon, Operations Manager, DSS, Danbury Office
Rosalie Bertolini, Fair Hearing Liaison, DSS, Danbury Office

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, if 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.