

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

██████████
██████████
Request # 172276

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) sent ██████████ (the Appellant’s spouse”) a Notice of Action (“NOA”) granting expedited Supplemental Nutrition Assistance Program (“SNAP”) benefits for the month of ██████████ 2021 only.

On ██████████ 2021 ██████████ (the “Appellant”) requested an administrative hearing to contest the SNAP benefits being granted for ██████████ 2021 only.

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

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

On ██████████ 2021, OLCRAH issued a notice rescheduling the administrative hearing for ██████████, 2021.

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 participated in the hearing:

██████████, the Appellant
Felice Johnson, Department's Representative
Carla Hardy, Hearing Officer

Due to the COVID-19 Pandemic, the hearing was held as a telephonic hearing.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to grant SNAP benefits for the month of ██████████ 2021 only is correct.

FINDINGS OF FACT

1. On ██████████ 2021, the Appellant's spouse applied for SNAP benefits for his household. The household includes the Appellant, the Appellant's spouse, and their three children: ██████████ age 22, ██████████ age 21, and ██████████ age 18. The Department tried to contact the household to conduct the telephone interview but was not successful. (Exhibit 1: Application, ██████████/21; Hearing Summary)
2. ██████████ and ██████████ are full-time college students. (Exhibit 1: Application)
3. On ██████████ 2021, the Department requested that the Appellant provide proof of her self-employment income and proof of her spouse's gross earnings, medical savings account balance, last date worked and proof of his loss of employment. The requested information was due by ██████████ 2021. The Department notified the Appellant's spouse that benefits could be delayed or denied if proofs were not received on time. (Exhibit 8: Proofs We Need, ██████████/21)
4. On ██████████ 2021, the Department granted expedited SNAP benefits. (Hearing Summary)
5. The Appellant owns a business called ██████████. She is self-employed. Her spouse is self-employed with ██████████ (Appellant's Testimony)
6. On ██████████ 2021, the Department conducted the Appellant's telephone interview. (Hearing Summary)
7. On ██████████ 2021, the Department issued an NOA informing the Appellant's spouse that ██████████ and ██████████ were not eligible for SNAP because they did not meet the eligible student requirements and that the other household members were eligible for the period of ██████████, 2021 through ██████████ 2021. (Exhibit 3: NOA, ██████████ 21)

8. On [REDACTED], 2021, the Department received the spouse's medical savings statement and an earnings statement from [REDACTED] with a [REDACTED], 2020 check date. The Appellant's spouse received \$0.00 in compensation for the period covering [REDACTED] 2020 through [REDACTED], 2020. (Exhibit 10: [REDACTED] Earnings Statements; Exhibit 21: Case Notes; Hearing Summary)
9. The date that the Department received the earnings statement from [REDACTED] with the [REDACTED], 2020 pay date for the period covering [REDACTED] 2020 through [REDACTED], 2020 is not known. The Appellant's spouse received \$1,172.50 in compensation. (Exhibit 10 [REDACTED] Earnings Statements)
10. The year-to-date gross income equals \$50,719.00 on the spouse's [REDACTED] [REDACTED] 2020 and the [REDACTED], 2020 earnings statements. (Exhibit 10: [REDACTED] Earnings Statements)
11. The Appellant's spouse did not receive any compensation from [REDACTED] between [REDACTED], 2020 through [REDACTED], 2020. (Fact # 10)
12. On [REDACTED] 2021, the Appellant's spouse contacted the Department regarding the status of the SNAP. He reported that he is still self-employed in [REDACTED] but hasn't received any income since [REDACTED] 2020 because he has not sold a home. The Appellant was informed that he needs to supply his bank statement, verify his last direct deposit, and a letter verifying the date he last worked. (Exhibit 21: Case Notes)
13. On [REDACTED], 2021, the Appellant's spouse contacted the Department's benefit center to report that he uploaded the Schedule C. (Exhibit 21: Case Notes)
14. On [REDACTED] 2021, the Department requested that the Appellant's spouse provide proof of his current income, proof of his last date worked, and proof of the loss of his employment, and proof of the Appellant's self-employment income. The requested information was due by [REDACTED] 2021. (Exhibit 7: Proofs We Need, [REDACTED]/21)
15. On [REDACTED] 2021, the Department notified the Appellant's spouse that because he needed SNAP benefits right away, he did not have to have an interview when he applied. If he wished to continue to receive SNAP after [REDACTED], 2021 he would need to be interviewed by [REDACTED], 2021 and provide the required proofs by [REDACTED], 2021. (Exhibit 6: NOA, [REDACTED]/21)
16. On [REDACTED] 2021, the Appellant requested an administrative hearing. (Hearing Record)

17. On a date in [REDACTED] 2021, the Appellant submitted her Profit or Loss From Business ("Schedule C") as proof of her self-employment income. (Appellant's Testimony)
18. On [REDACTED] 2021, the Department received all of the information that they required to make an eligibility decision but did not take any action because of the pending administrative hearing. (Department's Testimony)
19. 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 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 an 18-day delay. Because this 18-day delay resulted from the Appellant's request, this decision is not due until [REDACTED], 2021, and is therefore timely. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes provides that 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 Code of Federal Regulations ("C.F.R.") Section 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 to time the documents should cover.

The Department correctly notified the Appellant's spouse that the SNAP application must be completed by [REDACTED], 2021, in order to receive uninterrupted benefits.

3. Title 7 C.F.R. § 273.2(e)(1) provides that except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this

section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter.

Title 7 C.F.R. § 273.2(e)(2) provides in part that the State agency may opt to waive the face-to-face interview in favor of a telephone interview for all households which have no earned income and all members of the household are elderly or disabled. The State agency has the option of conducting a telephone interview or a home visit that is scheduled in advance with the household if the office interview is waived.

The Department correctly interviewed the Appellant to determine eligibility.

4. Title 7 of the C.F.R. § 273.2(h)(i)(C) provides for 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'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)).

UPM § 1015.05(C) provides that 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.

On [REDACTED] 2021, the Department correctly sent the Appellant's spouse a Proofs We Need notice, advising that additional proofs were required to establish eligibility.

5. Title 7 C.F.R. § 273.2(f)(5)(i) provides that 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.

UPM § 1505.40(C)(3) provides that the Department is considered responsible for delays in processing applications if it has agreed to accept responsibility for obtaining verification on behalf of the assistance unit, and the delay is due to a delay in getting that verification, provided that the assistance unit continues to cooperate in the verification process.

- 6. Title 7 of the C.F.R. § 273.2(i)(4)(iii)(A) provides for households applying on or before the 15th of the month, the State agency may assign a one-month certification period or assign a normal certification period. Satisfaction of the verification requirements may be postponed until the second month of participation. If a one-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household has to satisfy all verification requirements that were postponed. For subsequent months, the household must reapply and satisfy all verification requirements which were postponed or be certified under normal processing standards. If the household does not satisfy the postponed verification requirements and does not appear for the interview, the State agency does not need to contact the household again.

The Appellant failed to provide all of the required proofs by the due date.

On [REDACTED] 2021, the Department correctly issued a combination notice granting a one month certification for [REDACTED] 2020 that informed the Appellant's spouse that additional proofs were required in order to receive SNAP after [REDACTED], 2021.

DISCUSSION

Although the Appellant submitted the information that was required to make an eligibility decision on [REDACTED] 2021, it was not submitted by the [REDACTED] 2021 due date. A pending administrative hearing does not prevent the Department from acting on a case. It is recommended that the Department review the Appellant's documents that were received by [REDACTED] 2021 and take the appropriate action.

DECISION

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

A handwritten signature in black ink, appearing to read "Carla Hardy", is written over a horizontal line.

Carla Hardy
Hearing Officer

Pc: Yecenia Acosta, Felice Johnson, Department of Social Services, Stamford
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 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.