

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 # 172901

**NOTICE OF DECISION**

**PARTY**

██████████  
██  
██

**PROCEDURAL BACKGROUND**

On ██████████ 2020, the Department of Social Services (the “Department”) granted expedited Supplemental Nutrition Assistance Program (“SNAP”) benefits for ██████████ (the “Appellant”). The expedited SNAP was granted for ██████████ 2020 only.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the denial of SNAP benefits.

On ██████████ ██████████, 2021, 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, 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  
Chris Filek, 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 correctly denied the SNAP benefits for ██████████ 2021 and the ongoing months.

## **FINDINGS OF FACT**

1. The Appellant's household consists of four members that includes the Appellant and her three children, ages five, two, and nine months. (Appellant's Testimony)
2. The Appellant had a ██████████ 2019 to ██████████ 30, 2020 certification cycle for the SNAP. (Department's Testimony)
3. On ██████████ 2020, the Department reviewed the Appellant's renewal form that was received on ██████████ 2020. They conducted the Appellant's telephone interview. (Hearing Summary)
4. On ██████████, 2020, the Department requested that the Appellant supply proof of her student status at ██████████ (Exhibit 1: Proofs We Need, ██████ 21; Hearing Summary)
5. On ██████████ 2020, the Department granted expedited SNAP benefits for the month ██████████ 2020. SNAP benefits were not authorized for ██████████ 2021 because verifications were outstanding. (Department's Testimony)
6. On ██████████ 2021, the Appellant's SNAP remained in eligible status. It should have been denied because the Department did not receive the information that was requested from the Appellant on ██████████ 2020. (Department's Testimony)
7. On ██████████, 2021, the Appellant provided a letter from ██████████ ██████████ indicating that the Appellant was last enrolled in the ██████████ of 2020. (Exhibit 2: Letter from ██████████ ██████████ ██████████, ██████ 21; Appellant's Testimony; Department's Testimony)
8. On ██████████ 2021, the Appellant contacted the Department about her SNAP benefits. She was informed by the Department that she would continue to receive her SNAP benefits. (Appellant's Testimony; Department's Testimony; Hearing Summary)
9. The Appellant's SNAP remained in eligible status. The Department did not authorize or grant the SNAP at this time. (Department's Testimony)
10. The Department's computer system did not automatically discontinue the Appellant's SNAP effective ██████████ 2021. (Department's Testimony)

11. On [REDACTED] 2021, the Department had the verification that it had requested from the Appellant. It was received on [REDACTED] 2021. (Exhibit 2; Department's Testimony)
12. On [REDACTED] 2021, the Department manually denied the SNAP for [REDACTED] 2021, and the ongoing months because the Appellant did not fully cooperate with the eligibility process. (Exhibit 3: NOA [REDACTED]/21)
13. 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. (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'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)).

Uniform Policy Manual ("UPM") § 1545.15(A)(1) provides in part that the Department is required to provide assistance units with timely notification of the required redetermination.

**The Department correctly notified the Appellant that her SNAP Renewal must be completed 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) CFR 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 contacted the Appellant and conducted the telephone interview.**

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.

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.

**The Department correctly sent the Appellant a Proofs We Need notice, advising that proof that she was no longer a college student was required in order to establish eligibility for the SNAP program.**

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 C.F.R. 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.

UPM § 1505.35(C)(1)(a) provides that the maximum time period for processing SNAP applications is thirty calendar days for eligible SNAP applications that do not qualify for expedited service.

UPM § 1505.35(D)(1) provides that the Department determines eligibility within the standard of promptness without exception for the SNAP program.

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.

**The Department failed to issue a notice of denial 30 days following the date the Appellant's application was filed.**

- 7. Title 7 C.F.R. § 273.2(h)(1) provides for delays in processing. If the State agency does not determine a household's eligibility and provide an opportunity to participate within 30 days following the date the application was filed, the State agency shall determine the cause of the delay.

Title 7 C.F.R. § 273.2(h)(1)(i) provides in part that a delay shall be considered the fault of the household if the household has failed to complete the application process even though the State agency has taken all the action it is required to assist the household.

Title 7 C.F.R. §273.2(h)(4) provides for delays in processing beyond 60 days. (i) If the State agency is at fault for not completing the application process by the end of the second 30-day period, and the case file is otherwise complete, the State agency shall continue to process the original application until an eligibility determination is reached. If the household is determined eligible, and the State agency was at fault for the delay in the initial 30 days, the household shall receive benefits retroactive to the month of application. However, if the initial delay was the household's fault, the household shall receive benefits retroactive only to the month following the month of application. The State agency may use the original application to determine the household's eligibility in the months following the 60-day period, or it may require the household to file a new application.

**Because the Appellant failed to supply the requested information by the initial due date, the initial 30-day delay is the fault of the Appellant.**

**Because the Department was at fault for not completing the application by the end of the second 30-day period, the Appellant is eligible to receive benefits retroactive to [REDACTED] 2021, the month following the month of her application.**

**On [REDACTED] 2021, the Department incorrectly denied the SNAP benefit effective [REDACTED] 2021.**

### **DECISION**

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

### **ORDER**

1. The Department shall rescreen the SNAP application effective [REDACTED] 2021 and continue to process eligibility.
2. Compliance with this order is due no later than [REDACTED] 2021.

  
Carla Hardy  
Hearing Officer

Pc: Brian Sexton, Office Manager, Christopher Filek, Hearing Liaison, Department of Social Services, Middletown 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.