

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

■■■ ■■ 2021  
Signature Confirmation

Client ID ■■■■■  
Case ID ■■■■■  
Request No. 173298

**NOTICE OF DECISION**

**PARTY**

■■■■■■■■■■  
■■■■■■■■■■  
■■■■■■■■■■

**PROCEDURAL BACKGROUND**

On ■■■■ ■■ 2021, the Department of Social Services (the "Department") sent ■■■■ ■■■■ (the "Appellant") a Notice of Action ("NOA") denying her application for benefits under the Supplemental Nutrition Assistance Program ("SNAP") effective ■■■■ ■■ 2021.

On ■■■■ ■■ 2021, the Appellant requested an administrative hearing to contest the Department's decision to deny such benefits.

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 a continuance which OLCRAH granted.

■■■■ ■■ 2021, the 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 an administrative hearing.

The following individuals called in for the hearing:

██████████ Appellant  
Ferris Clare, Department Representative  
Lisa Nyren, Fair Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's ██████████ 2021 action to deny the Appellant's ██████████ 2021 application for benefits under the SNAP was correct.

### **FINDINGS OF FACT**

1. On ██████████ 2021, the Department received an online application from the Appellant requesting benefits under the SNAP for a family of three: herself, her son, and her daughter. (Exhibit 1: Online Application)
2. On ██████████ 2021, the Department completed a SNAP application interview via telephone with the Appellant. (Department Representative's Testimony)
3. On ██████████ 2021, the Department issued the Appellant a W1348 Proofs We Need form requesting proof of the Appellant's gross earnings. The notice listed acceptable gross earning proof as most recent paystubs or letter from employer. The Department listed the due date for the information as ██████████ 2021. (Exhibit 2: W1348 Proofs We Need)
4. On ██████████ 2021, the Department received paystubs from the Appellant as proof of gross earnings. (Stipulated)
5. On ██████████ 2021, the Department issued the Appellant a second W1348 Proofs We Need form requesting proof of shelter expenses and proof of residency. The notice listed acceptable proof of shelter expenses and residency as current lease, rent receipt, letter from landlord or DSS form W-1408 Landlord Verification Request ("form W-1408"). The Department enclosed form W-1408. The Department listed the due date for the information as ██████████ 2021. (Exhibit 3: W1348 Proofs We Need)
6. On ██████████ 2021, the Department received copies of the Appellant's utility bills. (Exhibit 5: Case Notes)

7. On [REDACTED] [REDACTED] 2021, the Department determined the Appellant ineligible for benefits under the SNAP because the Department did not receive proof of shelter expenses and proof of residency from the Appellant by the [REDACTED] [REDACTED] 2021 due date. (Department Representative's Testimony)
8. On [REDACTED] [REDACTED] 2021, the Department issued the Appellant a notice of action. The notice stated the Department denied the Appellant's application for benefits under the SNAP effective [REDACTED] [REDACTED] 2021 for the reasons: "no household members are eligible for this program, did not fully cooperate with the eligibility process [and] does not meet program requirements." (Exhibit 4: Notice of Action)
9. On [REDACTED] [REDACTED] 2021, the Department determined additional documentation was needed, specifically proof of household composition from the landlord, and determined the Appellant's [REDACTED] [REDACTED] 2021 application for SNAP remains denied. (Hearing Record)
10. On [REDACTED] [REDACTED] 2021, the Appellant contacted the Department via telephone regarding the denial of her application for SNAP. The Department informed the Appellant a letter from the landlord with landlord's telephone number is needed to confirm those living in the home or the Appellant may submit form W-1408 completed by the landlord. (Exhibit 5: Case Notes)
11. On [REDACTED] [REDACTED] 2021, the Department received a letter from the Appellant's landlord verifying the Appellant's address, household composition, and rent. (Stipulated)
12. The Department took no further action. (Hearing Record)
13. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2021. However, the hearing, which was originally scheduled for [REDACTED] [REDACTED] 2021, was rescheduled at the request of the Appellant, which caused a [REDACTED]-day delay. Because this [REDACTED]-day delay resulted from the Appellant's request, this decision is not due until [REDACTED] [REDACTED] 2021, and therefore timely.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statute provides as follows: "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 Section 273.2(a)(2) of the Code of Federal Regulations (“C.F.R.”) provides as follows:

*Application processing.* 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, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

3. “Households must file SNAP applications by submitting the forms to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission.” 7 C.F.R. § 273.2(c)(1)(i)
4. The Department correctly determined the Appellant completed an online application for assistance under the SNAP.
5. Federal regulation provides as follows:

*Recording the filing date.* The date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

7 C.F.R. § 273.2(c)(1)(iv)

6. The Department correctly determined the date of application as [REDACTED] 2021.
7. “*Interviews.* 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. ...” 7 C.F.R. § 273.2(e)(1)

“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. ...” 7 C.F.R. § 273.2(e)(2)

8. On ██████████ 2021, the Department correctly completed an application interview with the Appellant.
9. “*Verification.* Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification. Paragraph (i)(4) of this section contains verification procedures for expedited service cases.” 7 C.F.R. § 273.2(f)

Federal regulation provides as follows:

*Mandatory verification.* State agencies shall verify the following information prior to certification for households initially applying:

(i) *Gross nonexempt income.* Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the State agency, and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information.

7 C.F.R. § 273.2(f)(1)(i)

(vi) *Residency.* The residency requirements of §273.3 shall be verified except in unusual cases (such as homeless households, some migrant farmworker households, or households newly arrived in a project area) where verification of residency cannot reasonably be accomplished. Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity. If verification cannot be accomplished in conjunction with the verification of other information, then the State agency shall use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility should normally suffice to verify residency as well. Any documents or collateral contact which reasonably establish the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed. No durational residency requirement shall be established.

## 7 C.F.R. § 273.2(f)(1)(vi)

(x) *Household composition.* State agencies shall verify factors affecting the composition of a household, if questionable. Individuals who claim to be a separate household from those with whom they reside shall be responsible for proving that they are a separate household to the satisfaction of the State agency. Individuals who claim to be a separate household from those with whom they reside based on the various age and disability factors for determining separateness shall be responsible for proving a claim of separateness (at the State agency's request) in accordance with the provisions of §273.2(f)(1)(viii).

## 7 C.F.R. § 273.2(f)(1)(x)

Federal regulation provides in pertinent part:

If a State agency opts to verify a deductible expense and obtaining the verification may delay the household's certification, the State agency shall advise the household that its eligibility and benefit level may be determined without providing a deduction for the claimed but unverified expense. ... Shelter costs would be computed without including the unverified components. ... If the expense cannot be verified within 30 days of the date of application, the State agency shall determine the household's eligibility and benefit level without providing a deduction of the unverified expense. ...

## 7 C.F.R. § 273.2(f)(3)(ii)

10. The Department correctly determined proof of household income, residency, and household composition if questionable, as required verification necessary to determine eligibility under the SNAP.
11. The Department incorrectly determined proof of shelter expenses as mandatory verification. Failure to provide proof of shelter expenses may result in the exclusion of the deduction in the calculation of the benefit level as per 7 C.F.R. § 273.2(f)(3)(ii).

12. Federal regulation provides as follows:

*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.

7 C.F.R. § 273.2(c)(5)

13. On ██████████ 2021, the Department correctly complied with the notice requirements under federal regulations by issuing the Appellant a Proofs We Need form informing the Appellant proof of gross earnings is needed to determine eligibility under the SNAP and allowed a minimum of ten days to submit the verification.
14. On ██████████ 2021, the Department correctly complied with the notice requirements under federal regulations by issuing the Appellant a W-1348 Proofs We Need form informing the Appellant proof of shelter expenses and residency is needed to determine eligibility under the SNAP and allowed a minimum of ten days to submit the verification.
15. The Department failed to comply with the notice requirements under federal regulations when the Department failed to issue the Appellant a notice informing her proof of household composition is needed to determine eligibility and failed to allow a minimum of ten days to submit the verification.
16. Federal regulation provides as follows:

*Sources of verification – (i) Documentary evidence.* State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or through a collateral contact, without a requirement being imposed that documentary evidence must be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. Whenever documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits. For example, documentary evidence may be considered insufficient when the household presents pay stubs which do not represent an accurate picture of the household's income (such as out-dated pay stubs) or identification papers that appear to be falsified.

## 7 C.F.R. § 273.2(f)(4)(i)

17. The Department incorrectly determined the Appellant failed to provide the requested documentation by the due date. On [REDACTED] [REDACTED] 2021, the Department requested proof of gross earnings by [REDACTED] [REDACTED] 2021. On [REDACTED] [REDACTED] 2021, the Department received copies of the Appellant's wage stubs, valid documentary evidence under 7 C.F.R. § 273.2(f)(4)(i). On [REDACTED] [REDACTED] 2021, the Department requested proof of shelter expenses and proof of residency by [REDACTED] [REDACTED] 2021. On [REDACTED] [REDACTED] 2021, the Department received copies of the Appellant utility bills which can be used to prove residency under 7 C.F.R. § 273.2(f)(1)(vi) in conjunction with other information. Under 7 C.F.R. § 273.2(f)(3)(ii), eligibility and benefit level may be determined without providing a deduction for the claimed but unverified shelter expense. Shelter costs would be computed without including the unverified components, rent expense.

18. Federal regulation provides as follows:

*Denying the application.* 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 household must file a new application if it wishes to participate in the program. In cases where the State agency was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the State agency may also deny the application on the 30th day if the State agency provided assistance to the household in obtaining verification as specified in paragraph (f)(5) of this section, but the household failed to provide the requested verification.

## 7 C.F.R. § 273.2(g)(3)

19. On [REDACTED] [REDACTED] 2021, the Department incorrectly denied the Appellant's application for benefits under the SNAP effective [REDACTED] [REDACTED] 2021 for the reasons no household members are eligible for this program, did not fully cooperate with the eligibility process, and does not meet program requirements. The Department conducted the interview on [REDACTED] [REDACTED] 2021, issued two separate requests for verification on [REDACTED] [REDACTED] 2021 and [REDACTED] [REDACTED] 2021, issued no subsequent requests for verification with the Appellant providing the minimum requested information within the time frame allowed by the Department. If the Department later determined



additional documentation was needed to determine eligibility, the Department should have issued a request for verification and continued to process the Appellant's application for SNAP.

**DECISION**

The Appellant's appeal is granted.

**ORDER**

1. The Department must reopen the Appellant's application for benefits under the SNAP effective [REDACTED] 2021.
2. The Department must issue the Appellant a request for verification for any outstanding verifications necessary to determine eligibility under the SNAP. The Department must allow a minimum of 10-days for the Appellant to submit the requested information before making an eligibility determination.
3. Compliance is due within 14-days of the date of this decision.



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Lisa A. Nyren  
Fair Hearing Officer

CC: Rachel Anderson, DSS RO 20  
Cheryl Stuart, DSS RO 20  
Lisa Wells, DSS RO 20  
Ferris Clare, DSS RO 20

### **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.