

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

Case # ██████████  
Client ID # ██████████  
Request # 173594

NOTICE OF DECISION

PARTY

██████████  
██████████  
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) sent ██████████ ██████████ (the “Appellant”) a Notice of Action (“NOA) granting expedited Supplemental Nutritious Assistance Program (“SNAP”) benefits for ██████████ 2020 and ██████████ 2021 only.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the Department’s decision to grant SNAP benefits for ██████████ 2020 and ██████████ 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, 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 were present at the hearing:

██████████, Appellant  
Ferris Clare, Department Representative  
Almelinda McLeod, Hearing Officer

The hearing record was held open for the submission of additional evidence. On ██████████ 2021, the hearing record was closed.

## **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's decision to close the Appellant's application for SNAP benefits due to failure to submit information needed to establish eligibility was correct.

## **FINDINGS OF FACT**

1. On [REDACTED] 2020, the Department received the Appellant's application for SNAP assistance. (Hearing record)
2. On [REDACTED] 2020, the Department processed the Appellant's application for SNAP. (Hearing record)
3. The Appellant is an immigrant and although married, he is a household of one because his spouse lives outside of the country. He purchased his rental property in cash and does not owe mortgage. He claimed zero income from his rental property as the tenants were evicted. He is being sustained by a friend in the amount of \$200 to \$300 per month who also pays his bills and taxes. (Hearing record and Appellant testimony)
4. Based on the information provided in the Appellant's application, the Department granted expedited SNAP benefits for the month of [REDACTED] 2020 and [REDACTED] 2021. (Hearing summary and Exhibit 1, NOA)
5. On [REDACTED] 2020, the Department issued a NOA informing the Appellant that SNAP benefits were granted for the month of [REDACTED] 2020 and [REDACTED] 2021; however in order to keep getting SNAP benefits beyond [REDACTED] 2021, the Appellant must complete the interview by [REDACTED] 2020. (Exhibit 1)
6. On [REDACTED] 2021, the Department issued an interview letter requesting the Appellant contact the Department for the interview by [REDACTED] 2020. (Hearing summary)
7. On [REDACTED] 2020, the Department issued a W-1348 Proofs We Need form to the Appellant requesting proof that rental income stopped by way of police report or eviction papers, financial assistance form his friend, proof of monthly expenses and proof of how many hours spent maintain the property. The due date was [REDACTED] 2021. (Exhibit 3, W-1348)

8. On [REDACTED] 2020, the Department issued a Notice of Missed Interview (“NOMI”) scheduled for [REDACTED] [REDACTED] 2020. (Hearing summary)
9. On [REDACTED] 2021, the Department conducted an interview with the Appellant. (Hearing record)
10. On [REDACTED] 2021, a 2<sup>nd</sup> W-1348 was issued requesting proof that rental income stopped by way of police report or eviction papers, clarification of financial assistance and its frequency from his friend and his contact information; proof of monthly expenses and proof of how many hours spent to maintain the property; proof of out of pocket recurring medical expenses for the last 3 months. The due date for these verifications was [REDACTED] 2021. The Date the Department will act on his application will be [REDACTED], 2021. (Exhibit 3, W-1348)
11. A thorough investigation of the Department’s Impact system searching under the Appellant’s name, case number and client identification did not produce any of the requested verifications requested by the Department. (Department testimony)
12. The Appellant did not request assistance nor request an extension from the Department. (Appellant’s testimony)
13. The Appellant left some but not all documents in the office on two occasions. It is unclear exactly what documents were left; however, the Appellant now has all the requested verifications and wanted to know where he can send it. (Appellant’s testimony)
14. On [REDACTED] 2021, the date of this hearing; the Department conducted another search in the Department’s Impact system under the client name, case number and client identification and found no documents were received by the Department. (Hearing record)
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. The closing of hearing record was extended for two additional days; therefore, this decision is due no later than [REDACTED] 2021.

### **CONCLUSIONS OF LAW**

1. Section 17b-2 (7) of the Connecticut General Statutes, provides 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. 7 CFR 273.2 (i) (1) pertains to *Expedited service— Entitlement to expedited service*. The following households are entitled to expedited service: (i) Households with less than \$150 in monthly gross income, as computed in §273.10 provided their liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, and lump sum payments as specified in §273.9(c)(8)) do not exceed \$100; (ii) Migrant or seasonal farmworker households who are destitute as defined in §273.10(e)(3) provided their liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, and lump sum payments as specified in §273.9(c)(8)) do not exceed \$100; (iii) Households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage, and utilities (including entitlement to a SUA, as appropriate, in accordance with §273.9(d)).
  3. 7 CFR 273.2 (i) (2) provides the state agency's application procedures shall be designed to identify households eligible for expedited service at the time the household request assistance.
  4. 7 CFR 273.2 (i) (3) (i) pertains to processing standards and provides in general part, for households entitled to expedited service, the State agency shall post benefits to the household's EBT card and make them available to the household not later than the seventh calendar day following the date an application was filed.
  5. 7 CFR 273.2 (i) (4) (i) *Special procedures for expediting service*. The State agency shall use the following procedures when expediting certification and issuance: In order to expedite the certification process, the State agency shall use the following procedures: (A) In all cases, the applicant's identity shall be verified through collateral contact or readily available documentary evidence. (B) All reasonable efforts shall be made to verify within expedited processing standards.... residency, income statements, liquid assets and all other factors required by §273.2 (f).... however, benefits shall not be delayed beyond the delivery standards prescribed in paragraph (i) (3) of this section, solely because these eligibility factors have not been verified.
  6. 7 CFR 273.2 (i) (4) (iii) Households that are certified on an expedited basis and have provided all necessary verification required in paragraph (f) of this section prior to certification shall be assigned normal certification periods. **If verification was postponed**, the State agency may certify these households for the month of application (the month of application and the subsequent month for those households applying after the 15th of the month) or, at the State agency's option, may assign normal certification periods to those households whose circumstances would

otherwise warrant longer certification periods. State agencies, at their option, may request any household eligible for expedited service which applies after the 15<sup>th</sup> of the month and is certified for the month of application and the subsequent month only to submit a second application (at the time of the initial certification) if the household's verification is postponed.

- 7. The hearing record shows that the Appellant applied for the SNAP assistance after the 15<sup>th</sup> of the month; therefore, the Department appropriately certified his application in the month of application and the subsequent month.**
- 8. The Department correctly granted expedited SNAP based on the reported circumstances at the time of the application for both [REDACTED] 2020 and [REDACTED] 2021.**
- 9. The Department correctly postponed verifications for the Appellant.**
10. Title 7 of the Code of Federal Regulations ("CFR") 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.
11. Title 7 CFR §273.2 (f) (xiv) (5) pertains to the responsibility of obtaining verification and provides in part, the household has the primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The state 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.
12. Title 7 of the Code of Federal Regulations § 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 verification that was missing.

- 13.7 CFR §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.
14. The department's uniform policy manual("UPM") 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)).
15. UPM § 1010.05 (A) (1) provides that the assistance unit must supply the Department in an accurate and timely manner as defined by the Department, all pertinent information, and verification that the Department requires to determine eligibility and calculate the amount of benefits.
16. UPM § 1015.05 (C) provides that the Department must tell the assistance unit has to do to establish eligibility when the Department does not have sufficient information to make an eligibility determination.
- 17. The Department correctly sent the Appellant a W-1348 Proofs We Need Verification Requirements lists requesting information needed to establish eligibility.**
- 18. The hearing record shows the Department appropriately allowed the Appellant 10 days to supply requested verifications.**
19. 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 if notifies the applicant of a required action for the applicant to complete the action, including requests to provide verification.
20. 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.
21. UPM § 1545.40 (B) (2) (c) provides good cause is not a consideration in the FS program.
- 22. The Department appropriately allowed the Appellant 10 days to complete the action of providing verification.**

- 23. The Appellant did not request assistance or an extension of time from the Department to obtain requested verification prior to the due date of [REDACTED] 2020 in accordance with the NOA issued on [REDACTED] 2020. There was no further action required by the Department.**
- 24. The Appellant did not request assistance or an extension of time from the Department to obtain requested verification prior to the due date of [REDACTED] 2021 in accordance with the issuance of the W-1348 Proofs we need form. There was no further action required by the Department.**
- 25. The Department correctly determined the Appellant was responsible for the incomplete application.**
26. 7 CFR § 273.2 ( e ) (1) provides that except for households certified for longer than 12 months, and except as provided in (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.
27. 7 C.F.R. § 273.2(e) (2) provides 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. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.
- 28. The Department correctly issued an Interview Notice to the Appellant for a telephone interview to be completed by [REDACTED] 2020.**

29. **There is no evidence in the hearing record that the Appellant completed the required telephone interview requirement by the due date of [REDACTED] 2020.**
30. 7 CFR 273.2 (i) (4) (iii) (B) For households applying after the 15th of the month, the State agency may assign a 2-month certification period or a normal certification period of no more than 12 months. Verification may be postponed until the third month of participation, if necessary, to meet the expedited timeframe. If a two-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 is obligated to satisfy the verification requirements that were postponed. For subsequent months, the household must reapply and satisfy the 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 attend the interview, the State agency does not need to contact the household again.
31. **The Appellant failed to provide the required proofs by the due date and did not complete his interview by [REDACTED] 2020; therefore, the Department was not obligated to contact the Appellant.**
32. **The Department correctly issued a combination notice granting a two-month certification for [REDACTED] 2020 and [REDACTED] 2021 that informed the Appellant that additional proofs were required to receive SNAP after [REDACTED], 2021.**
33. **The SNAP benefit was appropriately closed in accordance with regulations.**

### **DISCUSSION**

The Appellant testified that on two occasions he submitted *some*, but not all, the requested verifications requested by the Department. The Department checked its Impact system to search for the Appellant's documents, but none were found.

Subsequent to this administrative hearing, the Appellant mailed some documents as evidence that this information was submitted; however there was no evidence that these documents were provided to the Department prior to the due date of [REDACTED] 2020 nor the secondary date of [REDACTED] 2021. Based on the testimony and evidence provided at this hearing, I find the Department took the appropriate action to close the SNAP based on the information it had at the time. The Department is upheld.



**DECISION**

The Appellant's appeal is DENIED

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Almelinda McLeod  
Hearing Officer

CC: Rachel Anderson, SSOM New Haven  
Cheryl Stuart, SSOM New Haven  
Lisa Wells, SSOM New Haven  
Ferris Clare, Fair Hearing Liaison, 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.