

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 ID# ██████████
Client ID # ██████████
Request # 173688

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2021, the Department of Social Services (the "Department") issued a notice of action to ██████████ (the "Appellant") advising her that she was eligible for \$430.00 in SNAP benefits in ██████████ 2021 and \$616.00 in SNAP benefits effective ██████████ 2021, and ongoing months.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the effective date of adding her child and the amount of her SNAP assistance.

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, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephonic conferencing.

The following individuals participated in the hearing:

██████████, Appellant
Christopher Filek, Department's Representative
Shelley Starr, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly determined the effective date when adding the Appellant's child to her SNAP benefits, increasing the amount of the SNAP allotment in [REDACTED] 2021.

FINDINGS OF FACT

1. The Appellant is a recipient of SNAP benefits for a household with two members, herself, and her child. (Hearing summary; Appellant's testimony)
2. The Appellant's SNAP certification period was [REDACTED] 2020, through [REDACTED], 2021. (Department's testimony; Hearing record)
3. On [REDACTED] 2021, the Appellant submitted an online change reporting ("ONCH") form indicating that her daughter, [REDACTED] had moved back into her home. The child [REDACTED], had previously resided with her Aunt in Florida. (Appellant's testimony; Hearing summary (Exhibit 2: ONCH received [REDACTED] 2021; Hearing Summary)
4. On [REDACTED] 2021, the Department reviewed the ONCH and determined that additional verification is needed to determine if [REDACTED] is living with the Appellant in Connecticut. No further action was taken by the Department. (Exhibit 4: Case Notes entry [REDACTED]/21; Hearing record)
5. On [REDACTED] 2021, the Appellant contacted the Department's benefit center regarding the status of adding her daughter to her SNAP assistance. The Department informed the Appellant that verification of [REDACTED] benefit closure from Florida and her address/residency is needed. (Exhibit 4: Case Notes entry [REDACTED]/21; Hearing record)
6. On [REDACTED] 2021, the Department sent the Appellant a W-3016 Notification from the Department of Social Services requesting verification of [REDACTED] address/Connecticut residency, section 8 paperwork, driver's license, or school paperwork, and verification of when [REDACTED] SNAP benefits ended in Florida via a copy of a discontinuance letter. (Exhibit 3: W-3016 dated [REDACTED]/21; Hearing summary)
7. There is no evidence in the hearing record that the W-3016 provided a designated due date for when the verification was to be returned to the Department, therefore the Appellant was not aware that obtaining the verification was time-barred. (Hearing record; Exhibit 3: W-3016)

8. On [REDACTED] 2021, the Department sent an email to Florida requesting verification of [REDACTED] benefit closure. (Exhibit 7: Case Notes; entry [REDACTED]/21; Hearing record)
9. On [REDACTED] 2021, the Appellant contacted the Department's benefit center inquiring if verification had been received from Florida to verify [REDACTED] closure of benefits as the Appellant has been having difficulty obtaining the verification. She asked that the Department submit another request to Florida as the information was not received. (Exhibit 7: Case notes entry [REDACTED]21; Hearing record)
10. On [REDACTED] 2021, the Department received verification of [REDACTED] closure of benefits. The Department added the additional member to SNAP effective [REDACTED] 2021, increasing the Appellant's SNAP allotment for [REDACTED] (Exhibit 7: Case notes; entry [REDACTED] 2021; Hearing record)
11. On [REDACTED] 2021, the Department Representative determined that the closure of benefits letter from Florida was not acceptable because the date the SNAP benefits closed was not provided. The Department determined that an incorrect discontinuance date of benefits in Florida was entered. (Exhibit 7: Case notes, entry [REDACTED] 2021; Hearing record)
12. On [REDACTED] 2021, the Department called and emailed Florida for verification of when [REDACTED] SNAP benefits ended. (Exhibit 7: Case notes; entry [REDACTED] 2021; Hearing record)
13. On [REDACTED], 2021, the Department authorized the SNAP assistance unit consisting of an assistance unit of three members to an assistance unit consisting of two members because it was determined that they had insufficient verification of the household composition and the Florida discontinuance of benefits. (Hearing record; Department's testimony; Exhibit 7: Case notes; entry [REDACTED] 2021)
14. On [REDACTED] 2021, the Department received verification from Florida that [REDACTED] SNAP benefits ended effective [REDACTED] and her medical will close effective [REDACTED]/21. The Department added [REDACTED] to SNAP effective [REDACTED]21, increasing the Appellant's SNAP assistance unit to three members and increasing her SNAP benefits to \$616.00 per month, effective [REDACTED] 2021. (Department's testimony; Hearing record)
15. There is no evidence in the hearing record that the Appellant was informed of an issue with the insufficient verification received from Florida or evidence that she received a request for additional verification from the Department. (Hearing record)

16. The Appellant had trouble obtaining verification of her daughter's discontinuance in Florida and communicated this to the Department. She requested assistance from the Department to obtain the required information. (Appellant's testimony)
17. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c)(1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2021; therefore, this decision was due no later than [REDACTED] 2021. (Hearing record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. "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 (1004) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712 (1990))
3. 7 C.F.R. § 273.1 provides for the household concept. (a) General household definition. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption. (b) Special household requirement (1) Required household combinations. The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. (i) Spouses; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

Uniform Policy Manual ("UPM") § 2020.10 provides the assistance unit must include certain individuals who are in the home, if they are not specifically excluded or ineligible to participate in the Food Stamp program (A) Those who are related as follows must be included in the assistance unit, except when the child or adult is a foster child or foster adult: 1. a child under age 18 under the parental control of a member of the assistance unit; 2. a spouse of a member of the assistance unit including any who presents himself or herself as a spouse; 3. children ages 18 through 21 living with their parents.

The Appellant correctly requested to add her child, who is under the age of 22, to her SNAP assistance unit.

4. 7 C.F.R. § 273.12 (a)(D)(2) provides in relevant part certified household must report changes within 10 days of the date the change becomes known to the household, or at the State agency's option, the household must report changes within 10 days of the end of the month in which the change occurred.

The Appellant correctly reported within 10 days, the change in her household composition.

5. 7 C.F.R. § 273.12(c) provides in relevant part that the State agency shall take prompt action on all changes to determine if the change affects the household's eligibility or allotment.

The Department did not initially take action on the Appellant's [REDACTED] 2021, reported change until [REDACTED], 2021.

6. 7 C.F.R. § 273.2(c)(5) provides in relevant part that the State agency has a "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 Appellant demonstrated cooperation and her willingness to provide the Department with the requested information when she communicated with the Department on several occasions, her difficulty in obtaining the verification, and requested the Department's assistance.

7. 7 C.F.R. § 273.12(c)(3) provides for **Unclear Information**. During the certification period, the State agency might obtain unclear information about a household's circumstances from which the State agency cannot readily determine the effect on the household's continued eligibility for SNAP, or in certain cases benefit amounts. The State agency may receive such unclear information from a third party. Unclear information is information that is not verified or information that is verified but the State needs additional information to act on the change.

7 C.F.R. § 273.12(c)(3)(i) provides the State agency must pursue clarification and verification (if applicable) of household circumstances using the following procedure if unclear information received outside the periodic report is: Fewer than 60 days old relative to the current month of participation; and would, if accurate, have been required to be reported under the requirements that apply to the household under 273.12 based on the reporting system to which they have been assigned. Additionally, the State agency must pursue clarification and verification (if applicable) of household circumstances using the following procedure for any unclear information that appears to present significantly conflicting information from that used by the State agency at the time of certification. The procedures for unclear

information regarding matches described in §272.13 or §272.14 are found in paragraph (iii) of this section.

7 C.F.R. § 273.12(c)(3)(i)(A) provides the State agency shall issue a written request for contact (RFC) which clearly advises the household of the verification it must provide or the actions it must take to clarify its circumstances, which affords the household at least 10 days to respond and to clarify its circumstances, either by telephone or by correspondence, as the State agency directs, and which states the consequences if the household fails to respond to the RFC.

On [REDACTED] 2021, the Department issued the Appellant a W-3016 requesting verification of her child's Connecticut residency and proof of discontinuance of benefits in Florida. A designated due date was omitted on the W-3016 form.

The Department failed to give the Appellant at least 10 days to provide required verification because it did not inform the Appellant of a due date in which to provide the requested verification.

8. 7 C.F.R. § 273.12(c)(1)(ii) provides in relevant part, "For changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of \$50 or more in the households gross monthly income, the State agency shall make the change effective not later than the first allotment issued 10 days after the change was reported. However, in no event shall these changes take effect any later than the month following the month in which the change is reported".

7 C.F.R. § 273.12 (c)(1)(iii) provides in relevant part, "The State agency may elect to verify changes which result in an increase in a household's benefits in accordance with the verification requirements of § 273.2(f)(8)(ii), prior to taking action on these changes. If the State agency elects this option, it must allow the household 10 days from the date the change is reported to provide verification required by §273.2(f)(8)(ii).

9. UPM § 1555.35 (A) (2) provides specific requirements for the inclusion or deletion of assistance unit members are established in the chapter of this section dealing with beginning and ending dates. (cross- reference: 1560-1565)

UPM § 1555.35 (C) (2) (a) provides for changes resulting in increased benefits. Changes resulting in increased FS benefits are considered in the month following the month of the change, provided that: (1) the change is reported and verified promptly. (2) good cause is established if the change is not timely verified.

UPM § 1555.35 (C) (2) (b) provides changes that are either reported or verified in an untimely manner are considered beginning with: (1) the month following the month the change is reported if verification is provided timely; or (2) the month following the

month of verification if the verification is not provided in a timely manner and good cause is not established.

UPM § 1555.35 (C) (3) provides assistance units are not entitled to a retroactive consideration of changed circumstances if they fail without good cause, to report or provide verification timely.

UPM § 1555.10 (A)(1) provides under certain conditions, good cause may be established if an assistance unit fails to timely report or verify changes in circumstances and the delay is found to be reasonable.

UPM§ 15510 (A)(2) provides If good cause is established, the unit may be given additional time to complete required actions without loss of entitlement to benefits for a current or retroactive period.

UPM § 1555.10 (C) (1) provides SNAP assistance units are considered to have good cause for failing to provide required verification in a timely manner if: a. the verification is difficult to obtain; and b. the unit requests assistance in obtaining the verification prior to the last day of the timeliness deadline; and c. the Department agrees to provide assistance.

On [REDACTED] 2021, the Appellant reported her change in household composition.

On [REDACTED] 2021, the Department issued a W-3016 request for verifications, however failed to establish a ten-day due date for the Appellant to provide the necessary verifications.

The Appellant demonstrated cooperation and communicated on several occasions to the Department her difficulty in obtaining verification of her daughter's discontinuance in Florida. She requested the assistance from the Department in obtaining the verification, which the Department provided.

The Appellant has established good cause for failing to provide the verification, due to not being informed of a specified due date. She is entitled the opportunity to have an increase in her eligibility for SNAP benefits explored due to the additional household member in the months of [REDACTED] and [REDACTED] 2021.

DISCUSSION

I find that on [REDACTED] 2021, the Appellant properly reported to the Department, through the submission of an online change form, the change in her household's composition, specifically that her daughter moved back into her home after living with her Aunt in Florida. On [REDACTED] 2021, the Department acknowledged the reported change, however, no further action was taken by the Department until the

Appellant's telephone conversation with a Department's representative concerning the status of adding her daughter to her SNAP assistance.

On [REDACTED] 2021, the Appellant contacted the Department regarding the status of her reported change and the Department verbally advised the Appellant to obtain verification of her daughter's Connecticut residency and proof of her SNAP discontinuance in Florida. The Department proceeded to issue a written request for the verification via a W-3016, however, the form failed to designate a ten-day due date for which the Appellant was to provide the requested verification. The Department did not procedurally abide by policy because the due date was omitted on the W-3016, therefore the Appellant was not aware that the requested information was time-barred.

I found the Appellant's testimony credible and the hearing record demonstrates the Appellant's willingness to cooperate with the Department and her ongoing efforts and difficulty obtaining the requested verification from Florida. On several occasions, she requested assistance from the Department, and it is apparent that both the Appellant and the Department had trouble obtaining the necessary proof of the daughter's Florida discontinuance.

The Department failed to follow proper procedures in accordance with policy and regulations. In addition, the Appellant demonstrated good cause for failing to provide the requested verification. The Appellant must be allowed the opportunity to explore the reported additional member's SNAP eligibility for the months of [REDACTED] and [REDACTED] 2021.

DECISION

The Appellant's appeal is GRANTED.

ORDER

1. The Department shall determine SNAP eligibility for the reported additional household member for the months of [REDACTED] 2021; and modify the Appellant's SNAP allotment if determined eligible.
2. Proof of compliance with the above order shall be submitted to the undersigned no later than [REDACTED] 2021.


Shelley Starr
Hearing Officer

cc: Brian Sexton, DSS, Middletown
Christopher Filek, DSS, Middletown

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 06105-3725.

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, 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.