

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# ██████████
REQUEST# ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the "Department") sent ██████████ ██████████ (the "Appellant"), a Notice of Action ("NOA") granting Supplemental Nutrition Assistance Program ("SNAP") benefits for the period of ██████████ 2021 through ██████████ 2021 only.

On ██████████ 2021, the Appellant requested an administrative hearing to contest a discontinuance of his SNAP benefits for Failure to Provide Information.

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

On ██████████ 2021, OLCRAH issued a notice rescheduling 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 a telephonic administrative hearing. The following individuals participated in the hearing:

Appellant, ██████████
Appellant's Daughter, ██████████

Department's Representative, Rebecca Shah
Hearing Officer, Joshua Couillard

The hearing record was held open an additional three days, until [REDACTED] 2021, for the Department to submit more information.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP benefits for failure to provide information, effective [REDACTED] 2021.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Appellant applied for SNAP benefits for a household of one. (Exhibit 8: Document Search, Exhibit 6: Case Notes, Department's Testimony)
2. On [REDACTED], 2021, the Department granted the Appellant Expedited SNAP benefits for [REDACTED] 2021 only. The benefit amount was \$148. (Exhibit 1: NOA, Exhibit 2: NOA, Exhibit 6, Department's Testimony)
3. The Appellant is 63-years-old [DOB: [REDACTED] 1957]. (Appellant's Testimony)
4. The Appellant was on an approved leave of absence from his job at [REDACTED] [REDACTED] since [REDACTED] 2020. (Exhibit 7: Employment Letter, Appellant's Testimony)
5. On [REDACTED] 2021, the Department issued a W-1348 Proofs We Need form requesting verification of the Appellant's last date of work with [REDACTED] [REDACTED]. The required verifications were due no later than [REDACTED] 2021. (Exhibit 5: W-1348 Proofs We Need Form, Department's Testimony)
6. On [REDACTED] 2021, the Department issued a NOA which stated that in order for the Appellant to keep receiving SNAP benefits after [REDACTED] 2021, the Appellant needed to provide the Department with the required verifications by [REDACTED] 2021. (Exhibit 1)
7. The Appellant did not submit the required verifications by [REDACTED], 2021. The Appellant submitted proof of his last date of work with [REDACTED] to the Department on [REDACTED] 2021. (Exhibit E: Appellant's MyAccount Documents page, Exhibit 8, Exhibit 6, Department's Testimony)
8. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 60 days of the request for an administrative hearing. The hearing request was received on [REDACTED] 2021. An additional [REDACTED] days were added due to the rescheduling of the hearing. An

additional [REDACTED] days were also added to allow for the Appellant and Department to submit additional information; therefore, this decision is due no later than [REDACTED] 2021.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. “*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.” Title 7 of the Code of Federal Regulations (“C.F.R.”) § 273.2 (a)(2)
3. “*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)(iv)
4. “*General.* 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.” 7 C.F.R § 273.2 (i)(3)(i)

The Department correctly granted the Appellant Expedited SNAP benefits on [REDACTED] 2021.

5. “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 15th 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 C.F.R. 273.2 § (i)(4)(iii)

6. "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." 7 C.F.R. 273.2 § (i)(4)(iii)(A)

The Department correctly granted a one-month certification period (██████████ 2021) for Expedited SNAP benefits. The NOA correctly explained that the Appellant needed to supply all requested verifications timely in order to keep receiving SNAP benefits after ██████████ 2021.

7. "*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." 7 C.F.R. § 273.2 (f)
8. "*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)
9. "All reasonable efforts shall be made to verify within the expedited processing standards, the household's residency in accordance with §273.2(f)(1)(vi), income statement (including a statement that the household has no income), liquid resources and all other factors required by §273.2(f), through collateral contacts or readily available documentary evidence. 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.” 7 C.F.R. 273.2 § (i)(4)(i)(B)

The Department correctly issued the Appellant a W-1348 Proofs We Need form on [REDACTED] 2021 requesting verification of the Appellant’s last date of work with [REDACTED]. The Department correctly allowed the Appellant a 10-day period to provide these verifications by setting the due date as [REDACTED] 2021.

10. *“Responsibility of obtaining verification.* (i) The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under paragraph (d)(1) of this section. Households may supply documentary evidence in person, through the mail, by facsimile or other electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the SNAP office. The State agency 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. However, the State agency has primary responsibility for verifying fleeing felon and parole or probation violator status in accordance with §273.11(n). If a SNAP applicant's attestation regarding disqualified felon status described in §273.2(o) is questionable, the State agency shall verify the attestation. Each element of a questionable attestation—that the individual has been convicted of a crime listed at §273.11(s), and that the individual is not in compliance with the terms of their sentence—shall be verified by the State agency. The State agency shall determine whether an attestation is questionable based on the standards established under §273.2(f)(2)(i). In conducting verifications of questionable attestations under this paragraph, the State agency shall establish reasonable, consistent standards, evaluate each case separately, and document the case file accordingly.” 7 C.F.R. § 273.2 (f)(5)(i)

The Appellant failed to submit verification of his last date of employment with [REDACTED] by the due date of [REDACTED] 2021.

DECISION

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

Joshua Couillard

**Joshua Couillard
Fair Hearing Officer**

**Pc. Rachel Anderson, New Haven Regional Operational Manager
Cheryl Stuart, New Haven Regional Operational Manager
Lisa Wells, New Haven Regional Operational Manager
Rebecca Shah, Fair Hearing Liaison**

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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 with 45 days of the mailing of this decision, or 45 days after the agency denies 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, 53 Elm Street, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105-3725. 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.