

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

Client ID ██████████
Case ID ██████████
Request #175362

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████, 2021, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying her request for Supplemental Nutritional Assistance Program (“SNAP”) benefits.

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, 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 by telephone.

The following individuals were present at the hearing:

████████████████████, Appellant
Debra James, Department’s Representative
Scott Zuckerman, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to deny the Appellant's application for SNAP benefits is correct.

FINDINGS OF FACT

1. On [REDACTED], 2021, the Appellant applied for SNAP benefits for a household of three. (Exhibit 5: Case notes and Exhibit 6: Document search)
2. On [REDACTED], 2021, the Department conducted a SNAP phone interview with the Appellant and sent a W-1348, Proofs We Need form and W-1348M, Worker Generated Request for Proofs. Among the items needed was the last four weeks of paystubs verifying most recent earnings with [REDACTED] and a social security number for her son. The due date for the requested information was [REDACTED], 2021. (Exhibit 3: W-1348M, [REDACTED] 2021 and Exhibit 4: W-1348, [REDACTED]/2021)
3. On [REDACTED], 2021, the Department conducted a thirty - day SNAP review and determined none of the requested proofs were received. (Exhibit 5: Case notes and Exhibit 6: Document Search Screen)
4. On [REDACTED], 2021, the Department sent the Appellant a Notice of Action. The notice stated the Appellant's application for SNAP benefits was denied for the reason, "Did not provide information, report changes or meet the requirements necessary to determine eligibility." (Exhibit 1: Notice of Action, [REDACTED] 2021)
5. Sometime the first week of [REDACTED] 2020, the Appellant provided the requested verifications. (Appellant's testimony)
6. 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. Therefore, this decision is due not later than [REDACTED], 2021 and is therefore timely. (Hearing Record)

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 in accordance with federal law.

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(1994) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712 (1990)).
3. Title 7 CFR § 273.2(e)(1) provides in part that except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this sections, households must have a face to face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State Agencies may not require to report for an in office interview during their certification period, though they may request households to do so.
4. "The office interview is conducted as a condition of eligibility in the following programs: Food Stamps." UPM § 1505.30(A)(2)(b)
5. Title 7 of the CFR § 273.2(e)(2) provides that 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.

"For the FS program, the Department conducts a telephone interview or a home visit once every twelve months if the office interview is waived." UPM § 1505.30(G)(3)

The Appellant completed the required SNAP telephone interview.

6. Title 7 CFR § 273.14(b)(4) provides that information provided by the household shall be verified in accordance with §273.2(f)(8)(i). The State agency shall provide the household a notice of required verifications provided in §273.2(c)(5)

and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 days to provide the required verification information. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within 5 working days after the household submits the missing verification and benefits cannot be prorated.

7. Title 7 of the Code of Federal Regulations (“CFR”) § 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.
8. Title 7 CFR § 273.2(h)(i)(C) provides for in cases where verifications in incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household with 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.

“The assistance unit must supply the Department in an accurate and timely manner as defined by the Department, all pertinent information and verification which the Department requires to determine eligibility and calculate the amount of benefits.” UPM § 1010.05(A)(1)

“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.” UPM 1015.05 (C)

“The Department must inform the assistance unit regarding the eligibility requirements of the programs administered by the Department, and regarding the unit’s rights and responsibilities. UPM § 1015.10(A)

The Department correctly sent the Appellant the W1348 Proofs We Need forms requesting proofs needed to determine eligibility and allowed 10 days to provide.

9. “The household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information.” Title 7 CFR 273.2(f)(5)(i)
10. Title 7 CFR 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.

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

The Department correctly denied the Appellant’s application for SNAP benefits because the Appellant did not submit all the required information by the due date.

DECISION

The Appellant’s appeal **is DENIED.**

Scott Zuckerman
Hearing Officer

Pc: Rachel Anderson, Operations Manager, DSS, New Haven Regional Office
Cheryl Stuart, Operations Manager, DSS, New Haven Regional Office
Lisa Wells, Operations Manager, DSS, New Haven Regional Office
Debra James, Fair Hearing Liaison, DSS, New Haven Regional 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.