

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 # 176251

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”), a notice indicating that his application for Supplemental Nutrition Assistance Program (“SNAP”) benefits was granted from ██████████ through ██████████ 2021.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the Department’s discontinuance after ██████████ 2021, of 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 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephonic conferencing.

The following individuals participated in the hearing:

██████████ Appellant
Debra James, Department’s Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. On [REDACTED] 2021, the Appellant submitted an online application for SNAP benefits for himself. (Exhibit 1: Application; Exhibit 7: Department's case notes; Hearing summary)
2. On [REDACTED] 2021, the Department granted the Appellant expedited SNAP benefits for the period of [REDACTED] 2021, through [REDACTED] 2021. (Exhibit 2: Notice)
3. On [REDACTED] 2021, the Department issued a Telephone Interview notice ("W-3015N") and a Proofs We Need ("W-1348") form to the Appellant. The W-3015N indicated the Appellant needed to call the Department by [REDACTED] 2021 to complete a phone interview. The W-1348 requested the Appellant verify his last day of work and provide proof of gross earnings. [REDACTED] 2021, due date was given for the return of requested verifications and a we will act by date of [REDACTED] 2021. (Exhibit 3: W-3015N; Exhibit 4: W-1348; Hearing summary)
4. On [REDACTED] 2021, the Department sent the Appellant a notice of missed interview. (Exhibit 5A: Notice)
5. On [REDACTED] 2021, the Department received a screenshot of the Appellant's text with an employer representative. The text indicated the Appellant was laid off on [REDACTED] 2021. (Exhibit 7; Hearing summary; Appellant's testimony)
6. On [REDACTED] 2021, the Department sent the Appellant a Notification from the Department of Social Services ("W-3016") that indicated his text dialogue is not sufficient information to process his SNAP application. In addition, the correspondence indicated the Appellant needs to contact DSS for a phone interview. (Exhibit 6: W-3016; Hearing summary)
7. On [REDACTED] 2021, the Department received a piece of returned mail. The mail was the Department's notice of missed interview sent [REDACTED] 2021. No other Departmental mail was returned by the post office. (Exhibit 5B: Returned mail; Exhibit 7; Record)
8. There is no indication in the case record that the Appellant called the Department to complete a phone interview or send in requested verifications. (Exhibit 7)
9. As of the hearing date, the Appellant is not active SNAP and has not set up a Department online account. (Hearing summary; Record; Testimony)

10. 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.

The Department has the authority to review the Appellant’s SNAP application and determine whether his household meets the program’s eligibility requirements.

2. 7 C.F.R. § 273.2 (a) (2) provides 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. 7 C.F.R. § 273.2 (d) provides for Household cooperation. (1) To determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified. If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed not merely failing to appear for the interview. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied, and the agency shall provide assistance required by paragraph (c)(5) of this section. The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates with the State agency. The State agency shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for

verification. The State agency shall not consider individuals identified as nonhousehold members under §273.1(b)(2) as individuals outside the household.

4. 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.

The Appellant did not complete the telephone interview requirement with the Department.

5. 7 C.F.R. § 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 of time the documents should cover.

7 C.F.R. § 273.2 (h) (i) (C) provides for 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.

The Department correctly sent the Appellant a W-1348 requesting information needed to establish eligibility beyond ██████████ 2021 and afforded the Appellant 10 days to provide such information.

6. 7 C.F.R. § 273.2 (f) (2) provides for verification of questionable information. (i) The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision .
- 7 C.F.R. § 273.2 (f) (4) provides for 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 that do not represent an accurate picture of the household's income (such as outdated pay stubs) or identification papers that appear to be falsified.

7 C.F.R. § 273.2 (f) (5) (i) provides for the responsibility of obtaining verification. 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 food stamp 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).

The Department correctly determined that the Appellant did not submit the requested verification listed on the W-1348 sent [REDACTED] 2021.

7. 7 C.F.R. § 273.2 (g) provides for the normal processing standard. (1) Thirty-day processing. The State agency shall provide eligible households that complete the initial application process an opportunity to participate (as defined in §274.2(b)) as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and food

stamp benefits prior to release from the institution in accordance with §273.1(e)(2). An application is filed the day the appropriate food stamp office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in paragraph (i) of this section. For residents of public institutions who apply for food stamps prior to their release from the institution in accordance with §273.1(e)(2), the State agency shall provide an opportunity to participate as soon as possible, but not later than 30 calendar days from the date of release of the applicant from the institution.

The Department processed the Appellant's SNAP application using expedited criteria.

8. 7 C.F.R. § 273.2 (i) (3) (i) provides, in relevant part, that 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. Whatever systems a State agency uses to ensure meeting this delivery standard shall be designed to provide the household with an EBT card and PIN no later than the seventh calendar day following the day the application was filed.

7 C.F.R. § 273.2 (i) (3) (iii) provides for out-of-office interviews. If a household is entitled to expedited service and is also entitled to a waiver of the office interview, the State agency shall conduct the interview (unless the household cannot be reached) and complete the application process within the expedited service standards. The first day of this count is the calendar day following application filing. If the State agency conducts a telephone interview and must mail the application to the household for signature, the mailing time involved will not be calculated in the expedited service standards. Mailing time shall only include the days the application is in the mail to and from the household and the days the application is in the household's possession pending signature and mailing.

The Department waived the Appellant's office interview requirement and correctly processed the Appellant's SNAP application within the seven-day expedited period.

9. 7 C.F.R. § 273.2 (i) (4) (B) (iii) provides 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.

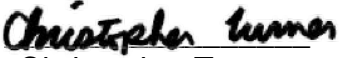
7 C.F.R. § 273.2 (i) (4) (B) (iii) (B) provides in relevant part that households applying after the 15th of the month, the State agency may assign a 2-month certification period or a normal certification period of no more than 12 months. Verification may be postponed until the third month of participation, 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.

The Department correctly granted the Appellant's SNAP assistance effective [REDACTED] 2021 and assigned the Appellant a two-month certification period.

The Department correctly notified the Appellant his SNAP assistance will close effective [REDACTED] 2021 if postponed verification requirements are not met.

DECISION

The Appellant's appeal is denied.


Christopher Turner
Hearing Officer

Cc: Rachel Anderson, Operations Manager New Haven
Cheryl Stuart, Operations Manager New Haven
Lisa Wells, Operations Manager New Haven
Debra James, DSS 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, law, and 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 requested 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 the 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 the 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 if 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 to 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 per §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.