

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 # 177017

NOTICE OF DECISION

PARTY

██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the "Department") granted ██████████ (the "Appellant"), expedited Supplemental Nutrition Assistance Program ("SNAP") benefits for ██████████ 2021.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the discontinuance of SNAP 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, 17-61, and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals participated at the in-person hearing:

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

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue the SNAP benefits was correct.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Department received the Appellant's online application requesting SNAP benefits for her household consisting of three members, herself, and her two minor children. (Hearing Summary; Appellant's testimony)
2. The Appellant submitted with her application, two duplicate submissions of a letter from [REDACTED] Hospital verifying her last day of employment as [REDACTED] 2020. (Exhibit 4: Letter from [REDACTED] dated [REDACTED]/21; Department's Testimony)
3. On [REDACTED] 2021, the Department conducted the SNAP interview by telephone. (Hearing Summary; Hearing Record)
4. On [REDACTED] 2021, the Department sent the Appellant a W-1348 Proofs We Need form requesting proof of [REDACTED] school attendance, DSS form (W-1446), proof that you are not enrolled in school this semester, and a letter from the [REDACTED] or proof that you have applied for unemployment. The information was due by [REDACTED] 2021, with a date the Department will take action by of [REDACTED] 2021. (Exhibit 1: W-1348 Proofs We Need to be dated [REDACTED] 2021; Hearing Record)
5. On [REDACTED], 2021, the Department determined that the Appellant qualified for expedited SNAP, and the Appellant was granted \$184.00 in SNAP for the period of [REDACTED] 2021, through [REDACTED] 2021, and \$616.00 for [REDACTED] 2021. (Exhibit 2: Notice of Action dated [REDACTED], 2021; Hearing Record)
6. On [REDACTED] 2021, a Notice of Action was issued to the Appellant notifying that she had been approved for \$184.00 in SNAP benefits for the period of [REDACTED] 2021, through [REDACTED] 2021, and approved for \$616.00 for [REDACTED] 2021 only. (Exhibit 2: Notice of Action, dated [REDACTED] 2021; Department's testimony; Hearing Record)
7. There is no evidence that the Appellant responded to the W-1348 Proofs We Need request issued on [REDACTED], 2021, and did not provide any of the requested information by the designated [REDACTED] 2021, due date. (Department's testimony; Hearing Record)

8. The Appellant did not communicate to the Department to request assistance or an extension of time to obtain the requested verification. (Hearing Record; Appellant's testimony)
9. The Department has no record of the submission of any additional documents since the submission of the SNAP application and last day of work verification uploaded on [REDACTED] 2021. (Department's Testimony; Hearing Record)
10. The Appellant's expedited SNAP benefits closed on [REDACTED], 2021, with the Appellant's last SNAP benefit issuance of \$616.00 issued in [REDACTED] 2021. (Department's testimony; Hearing Record)
11. 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 hearing. The Appellant requested an administrative hearing on [REDACTED], 2021. Therefore, this decision is due not later than [REDACTED] 2021, and is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes provides that 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. Title 7 of the Code of Federal Regulations ("C.F.R.") Section 273.2 (2) provides for application processing and states that 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.

The Department correctly granted the Appellant expedited SNAP based on her assistance unit's immediate need.

3. Title 7 C.F.R. § 273.2(i)(4)(iii)(B) provides 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. When a certification period of longer than 2 months is assigned and verification is postponed, households must be sent a notice of eligibility advising that no benefits for the third month will be issued until the postponed verification requirements are satisfied. The notice must also advise the household that if the verification process results in changes in the household's eligibility or level of benefits, the State agency will act on those changes without advance notice of adverse action.

On [REDACTED], 2021, the Department correctly issued a notice granting a two-month certification for [REDACTED] 2021 and [REDACTED] 2021 and separately informed the Appellant through the W-1348 issued on [REDACTED] 2021, that additional proofs were required to determine eligibility to receive SNAP after [REDACTED] 2021.

4. Title 7 C.F.R. § 273.2(4)(iii) (C) provides households which apply for initial benefits (as described in § 273.10 (a) after the 15th of the month, are entitled to expedited service, have completed the application process, and have been determined eligible to receive benefits for the initial month and the next subsequent months, shall receive a combined allotment consisting of prorated benefits for the initial months of application and benefits for the first full month of participation within the expedited service timeframe. If necessary, verification shall be postponed to meet the expedited timeframe. The benefits shall be issued in accordance with § 274.2 (c) of this chapter.

The Department correctly issued prorated expedited SNAP for the initial application month of [REDACTED] 2021, and the subsequent month of [REDACTED] 2021, postponing the verification to meet the expedited timeframe.

5. Title 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 to time the documents should cover.

6. Title 7 C.F.R. § 273.2(h)(1)(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 particular verification that was missing.

"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)).

UPM § 1015.05(C) provides that 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.

The Department correctly sent the Appellant a W-1348 Proofs We Need notice, advising that additional verification was required to establish eligibility for the SNAP program.

7. Title 7 C.F.R. § 273.2(e)(1) provides that except for households certified for longer than 12 months, and except as provided in paragraph (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.

Title 7 C.F.R. § 273.2(e)(2) CFR provides in part that the State agency may opt to waive the face-to-face interview in favor of a telephone interview for all households which have no earned income and all members of the household are elderly or disabled. The State agency has the option of conducting a telephone interview or a home visit that is scheduled in advance with the household if the office interview is waived.

On [REDACTED], 2021, the Department correctly conducted a telephone interview with the Appellant.

8. Title 7 C.F.R. § 273.2(d)(1)) provides in relevant part that in order 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.

UPM § 1010.05(A) provides for supplying information.

1. 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 (cross-reference: 1555).

2. The assistance unit must permit the Department to verify information independently whenever the unit is unable to provide the necessary information, whenever verification is necessary (cross-reference: 1540)

The Appellant did not provide the Department with the requested verification by the [REDACTED] 2021, designated due date, necessary for the determination of eligibility.

9. Title 7 CFR § 272.2 (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 the 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 particular verification that was missing.

On [REDACTED] 2021, the Department issued a W-1348 Proofs We Need, requesting verification needed to determine ongoing SNAP eligibility, and provided a designated due date of [REDACTED] 2021, affording the Appellant at least 10 days to respond to the request.

10. Title 7 CFR § 273.2(f)(5)(i) provides that the household has the primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information.
11. Title 7 CFR § 273.2(g)(3) provides in part for denying the application and states that in cases where the State agency was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the State agency may deny the application on the 30th day if the State agency provided assistance to the household in obtaining verification as specified in paragraph (f)(5) of this section, but the household failed to provide the requested verification.

UPM § 1505.35(C)(1)(a) provides that the maximum time period for processing SNAP applications is thirty calendar days for eligible SNAP applications that do not qualify for expedited service

UPM § 1505.35 (D) provides that the Department determined eligibility within the standard of promptness without exception for the SNAP program.

UPM § 1505.40(B)(1)(b)(2) provides if assistance cannot be granted, SNAP applications are denied on the thirtieth day following the date of the application.

On [REDACTED], 2021, the Department correctly granted the Appellant's assistance unit expedited SNAP for the months of [REDACTED] and [REDACTED] 2021, based on the immediate need, postponing verification requirements.

The Department correctly determined that the Appellant was not eligible for ongoing SNAP benefits and discontinued the Appellant's SNAP for [REDACTED] 2021, because she did not provide the requested verification to determine ongoing SNAP eligibility.

The Department correctly discontinued SNAP effective [REDACTED] 2021.

The Appellant is encouraged to reapply and provide all requested verification.

DECISION

The Appellant's appeal is DENIED.


Shelley Starr
Hearing Officer

Pc: 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.

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.