

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-9902

██████████ 2021
Signature Confirmation

Case # ██████████
Client ID # ██████████
Request # 179127

NOTICE OF DECISION

PARTY

██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing benefits under the Supplemental Nutrition Assistance Program ("SNAP").

On ██████████ 2021, the Appellant requested an administrative hearing to contest the Department's decision to discontinue 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, the Appellant requested a re-schedule of the hearing, which was granted.

On ██████████ 2021, OLCRAH issued a notice scheduling the administrative hearing for ██████████

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 were present at the hearing:

██████████ Appellant
Chris Filek, Department Representative
Almelinda McLeod, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue the Appellant's SNAP benefits for failing to submit information needed to establish eligibility was correct.

FINDINGS OF FACT

1. The Appellant was incarcerated from [REDACTED] 2019 to [REDACTED] 2020. (Appellant testimony)
2. Upon his release from incarceration, the Appellant resided at [REDACTED] located at [REDACTED]. This was a temporary homeless facility after incarceration, where [REDACTED] a case manager of the facility became his Authorized Representative. (Hearing record)
3. Since [REDACTED] or [REDACTED] 2020, the Appellant has been residing at [REDACTED]. (Appellant testimony)
4. The Appellant called the Department to re-activate his EBT card because it was shut off during his incarceration and he still had a SNAP balance on his EBT card. (Appellant's testimony)
5. On [REDACTED] 2021, the Appellant applied for SNAP benefits. (Hearing record)
6. On [REDACTED] 2021, the Department processed the Appellants SNAP application and granted expedited SNAP benefits for [REDACTED] and [REDACTED] 2021 and postponed the interview and verifications. (Hearing record)
7. A copy of all notices issued to the Appellant regarding this application was also sent to the authorized representative on record to [REDACTED]. (Hearing record and Exhibit 7)
8. On [REDACTED] 2021, a W-1348 Proofs We Need notice was issued to the Appellant and his authorized representative requesting proof of income from his uncle or verification that the income from his uncle stopped; proof of his last day he worked with [REDACTED] and proof of residency as he was recently discharged from incarceration. The due date for this information was [REDACTED] 2021. (Exhibit 1, W-1348, Exhibit 5, Case notes)
9. On [REDACTED] 2021, the Department issued a W-3015N Interview Notice informing the Appellant and his authorized representative he must be

interviewed before the due date of [REDACTED] 2021. The application will be denied if the interview is not done or if required proofs are not received by the denial date of [REDACTED] 2021. (Exhibit 2, W-3015N)

10. On [REDACTED] 2021, a W-0108N Notice of Missed Interview was issued to the Appellant and his authorized representative informing the Appellant that interview was not done. If he was still interested in applying for benefits, he would need to call 1-855-626-6632 before the denial date of [REDACTED] 2021 to complete his application. (Exhibit 4, W-0108N)
11. The Department conducted a document search under the Appellant's case number or client identification number but did not find any of the requested verifications from the Appellant or his authorized representative. (Exhibit 3, Document search)
12. On [REDACTED] 2021, a W-0001N Notice of Action ("NOA") was issued to the Appellant and his Authorized representative informing him that SNAP program which were granted for the month of [REDACTED] and [REDACTED] would close for the months of [REDACTED] 2021 and [REDACTED] 2021 because "You did not return all of the required proofs by the date we asked. You did not provide the proofs needed in order to receive SNAP for a longer period of time. Does not meet program requirement".) (Exhibit 6, W-0001N)
13. A document search conducted by the Department showed all copies of notices (W-1348; W-3015N, W-0108N and W-0001N) issued to the listed Authorized Representative to the [REDACTED] were returned with a stamped message "Return to sender, not deliverable as addressed, Unable to forward". (Exhibit 3, Document search)
14. The Department did not receive any returned mail issued to the Appellant at [REDACTED] (Hearing record)
15. The counselor at the homeless facility was an authorized representative because he was homeless for a time after his incarceration. The authorized representative on record had not been at [REDACTED] for approximately two years. The Appellant presently has a new case manager at the [REDACTED] address. (Appellant testimony)
16. The Department was not informed that the Appellant's Authorized representative had changed. (Hearing record)

17. The Appellant was confused by the expedited process and didn't know he had to send additional information because since he was granted, he thought he was all set. (Appellant's testimony)
18. The Appellant did not request assistance nor request an extension from the Department. (Appellant's testimony)
19. 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 a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2021 therefore, this decision is due no later than [REDACTED] 2021.

CONCLUSIONS OF LAW

1. Section 17b-2 and § 17b-260 of the Connecticut General Statutes, authorizes the Department of Social Services to administer the Medicaid program pursuant to Title XIX of the Social Security Act.
2. 7 CFR 273.2 (i) (1) pertains to *Expedited service— Entitlement to expedited service*. The following households are entitled to expedited service: (i) Households with less than \$150 in monthly gross income, as computed in §273.10 provided their liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, and lump sum payments as specified in §273.9(c)(8)) do not exceed \$100; (ii) Migrant or seasonal farmworker households who are destitute as defined in §273.10(e)(3) provided their liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, and lump sum payments as specified in §273.9(c)(8)) do not exceed \$100; (iii) Households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage, and utilities (including entitlement to a SUA, as appropriate, in accordance with §273.9(d)).
3. 7 CFR 273.2 (i) (2) provides the state agency's application procedures shall be designed to identify households eligible for expedited service at the time the household request assistance.
4. 7 CFR 273.2 (i) (3) (i) pertains to processing standards and provides in general part, 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.
5. 7 CFR 273.2 (i) (4) (i) *Special procedures for expediting service*. The State agency shall use the following procedures when expediting certification

and issuance: In order to expedite the certification process, the State agency shall use the following procedures: (A) In all cases, the applicant's identity shall be verified through collateral contact or readily available documentary evidence. (B) All reasonable efforts shall be made to verify within expedited processing standards.... residency, income statements, liquid assets and all other factors required by §273.2 (f).... 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.

6. 7 CFR 273.2 (i) (4) (iii) 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. **The hearing record shows the Department determined the Appellant was eligible for expedited SNAP. The Appellant applied for the SNAP assistance after the 15th of the month [REDACTED] 2021); therefore, the Department appropriately certified his application in the month of application and the subsequent month.**
8. **The Department correctly granted expedited SNAP based on the reported circumstances at the time of the application for both [REDACTED] and [REDACTED] 2021.**
9. **The Department correctly postponed the interview and verifications needed to complete the application.**
10. Title 7 of the CFR § 273.2 (c) (5) provides in part, 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.
11. Title 7 of the Code of Federal Regulations § 273.2 (h) (i) (C) provides for in 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.

12. 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)).
13. Uniform Policy Manual ("UPM") § 1010.05 (A) (1) provides that the assistance unit must supply the Department in an accurate and timely manner as defined by the Department, all pertinent information, and verification that the Department requires to determine eligibility and calculate the amount of benefits.

UPM § 1015.10 (A) provides that 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.

The Department correctly sent the Appellant an Application Verification Requirements lists (W-1348) on [REDACTED] 2021 requesting information needed to establish eligibility by the due date of [REDACTED] 2021.

The hearing record shows the W-1348 were issued to the Appellant and to his authorized representative. Although, the mail was returned from the Authorized representative, the W-1348 issued to the Appellant was not returned to the Department.

- 14.7 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.

15. **The Department correctly issued an Interview Notice to the Appellant for a telephone interview to be completed by [REDACTED] 2021.**
16. **The hearing record shows the W-3015N Interview notice were issued to the Appellant and to his authorized representative. Although, the mail was returned from the Authorized representative, the W-3015N issued to the Appellant was not returned to the Department.**
17. **There is no evidence that the Appellant completed the telephone interview requirement by the due date of [REDACTED] 2021 nor completed the required telephone interview by the denial date of [REDACTED] 2021.**
18. Title 7 CFR §273.2 (f) (5) (i) pertains to the responsibility of obtaining verification and provides in part, the household has the primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The state 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.
19. UPM 1540.10 (A) provides that the assistance unit bears the primary responsibility to providing evidence to corroborate its declarations.
20. UPM § 1505.40(C)(1) provides that the applicant is considered responsible for incomplete applications if the Department has taken the following actions: a. Offered assistance in completing application materials or procuring difficult to obtain verification; b. Scheduled a second interview for applicants who failed to appear for the first scheduled interview but who contacted the Department to reschedule; or c. With the exception of (3) below has allowed at least 10 days from the date if notifies the applicant of a required action for the applicant to complete the action, including requests to provide verification.
21. UPM § 1505.40 (C) (3) provides that the Department is considered responsible for delays in processing applications if it has agreed to accept responsibility for obtaining verification on behalf of the assistance unit, and the delay is due to a delay in getting that verification, provided that the assistance unit continues to cooperate in the verification process.
22. UPM § 1545.40 (B) (2) (c) provides good cause is not a consideration in the FS program.
23. **The hearing record shows the Appellant did not request assistance or an extension of time from the Department to obtain requested verification prior to the due date of [REDACTED] 2021; therefore, there was no further action required by the Department.**

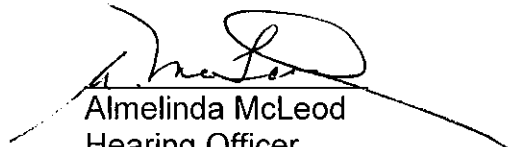
24. The hearing record shows the Department allowed the Appellant 10 days to supply requested verifications.
25. The Department correctly determined the Appellant was responsible for the incomplete application.
26. 7 CFR 273.2 (i) (4) (iii) (B) For households applying after the 15th of the month, the 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.
27. UPM § 1015.10 (C) provides that the Department must send the assistance unit a notice regarding the Department's determination of the unit's initial eligibility, and, subject to conditions described in Section 1570, adequate notice before taking action to change the unit's eligibility status or the amount of benefits.
28. The Department correctly issued the W-0108N, Missed Interview notice ("NOMI") on [REDACTED] 2021 informing the Appellant that unless the interview is completed and all requested verifications are received by the denial date, the SNAP application will be denied.
29. The Department correctly issued the W-018N NOMI to the Appellant and to his authorized representative. Although, the mail was returned from the Authorized representative, the W-018N issued to the Appellant was not returned to the Department.
30. The Department correctly issued a combination notice on the [REDACTED] 2021 NOA granting a two-month certification for the initial application month with a date of [REDACTED] 2021 and the subsequent month of [REDACTED] 2021 and the denial for the months of [REDACTED] 2021 and [REDACTED] 2021.
31. The Department correctly denied the Appellant's application for failure to submit information needed to establish eligibility since requested information was not returned by the due date.

DISCUSSION

After reviewing the evidence and testimony presented, the Department's action to deny the Appellant's request for SNAP assistance was correct for failure to provide information. The Appellant is encouraged to re-apply.

DECISION

The Appellant's appeal is DENIED



Almelinda McLeod
Hearing Officer

CC: Brian Sexton, SSOM Middletown
Chris Filek, Fair Hearing Liaison, 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.