

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 # 179986

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████, 2021, the Department of Social Services (the "Department") Issued a Notice of action ("NOA") to ██████████ (the "Appellant") denying her application for SNAP benefits for failure to provide required information.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the denial 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, at the Appellant's request, the OLCRAH issued a notice rescheduling administrative hearing for ██████████ 2021. The hearing was scheduled to be held telephonically due to the COVID-19 pandemic.

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 by telephone conference.

The following individuals participated in the hearing:

██████████, Appellant

Debra James, Department's Representative  
Swati Sehgal, Hearing Officer

Hearing record remained open for the submission of additional evidence. The Department provided additional information on [REDACTED] 2021.

On [REDACTED] 2021, this hearing officer reopened the hearing record and requested the Department to provide the information it has received from the Appellant on [REDACTED] 2021. The Department did not respond to the request, hearing record closed on [REDACTED], 2021.

### **STATEMENT OF THE ISSUE**

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

### **FINDINGS OF FACT**

1. On [REDACTED], 2021, the Department received the Appellant's application requesting SNAP benefits for herself, and her two minor children. (Hearing Summary; Appellant's testimony)
2. On [REDACTED] 2021, the Department reviewed the application and mailed the Appellant W-1348 Proofs We Need form requesting proof of current income from [REDACTED], and employment status from [REDACTED]. 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; Hearing Record)
3. On [REDACTED] 2021, the Department received a hand written note from the Appellant stating she started her employment at [REDACTED] on [REDACTED], 2021, and has received two checks. (Exhibit 5: Note from the Appellant)
4. On [REDACTED] 2021, the Department received statement from the Appellant's employer and some pay stubs. (Exhibit 6: Document Search Result)
5. On [REDACTED] 2021, the Department denied the Appellant's application for failure to provide required information and issued a notice to the Appellant informing of such action. (Department's Testimony and Hearing Summary)
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 hearing. The Appellant requested an administrative hearing on [REDACTED], 2021. Therefore, this decision is due not later than [REDACTED] 2021. However, the hearing, which was originally scheduled for [REDACTED] 2021, was rescheduled for [REDACTED]

■ 2021, at the request of the Appellant, which caused a 27-day delay. Because this 27-day delay resulted from the Appellant's request, this decision is not due until ■■■■■■■■■■, 2021, and is therefore 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 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.

Title 7 of the CFR § 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 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 form, advising that additional verification was required to establish eligibility for the SNAP program.**

3. 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. 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)

UPM 1505.40 (C) (1) (c) provides that the applicant is considered responsible for incomplete applications if the Department has taken the following actions: offered assistance in completing applications materials or procuring difficult to obtain verification; or with the exception of (3) below, has allowed at least ten days from the date it notifies the applicant of a required action for the applicant to complete the action, including requests to provide verification.

**The Department incorrectly determined that the Appellant did not submit the verifications listed on the W-1348 sent to the Appellant on [REDACTED], 2021.**

4. Title 7 CFR § 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.

Title 7 CFR § 273.2 (g) (3) provides for denying the application. 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 household must file a new application if it wishes to participate in the program. 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 also 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.

5. 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.

**The Department incorrectly denied the Appellant's SNAP application for failure to provide information needed to establish eligibility.**

### **DISCUSSION**

The Appellant testified that she provided her pay stubs and letter from her employer as requested by the Department on [REDACTED] 2021. The Appellant's testimony was supported by the Department's evidence. The Department provided a copy of Search Result Document, which shows both documents received on [REDACTED] 2021. It is unclear why the Department did not acknowledge those documents received on [REDACTED] 3, 2021. This hearing officer reopened the hearing record on [REDACTED] 2021, and requested the Department to explain why this information was not used to determine the Appellant's eligibility for SNAP benefits, and for the Department to submit the pay stubs. The Department failed to respond to the request.

### **DECISION**

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

**ORDER**

1. The Department will reopen the Appellant's SNAP application as of initial application date, and determine eligibility based on documents received on [REDACTED] 2021.
2. Compliance with this order is due no later than [REDACTED] 2021.

Swati Sehgal  
Swati Sehgal  
Hearing Officer

Pc: Rachel Anderson, Operations Manager, DSS, New Haven, Ro#20  
Mathew Kalarickal, Operations Manager, DSS, New Haven, Ro#20  
Lisa Wells, Operations Manager, DSS, New Haven, Ro #20  
Debra James, Fair Hearing Liasion, DSS, New Haven, Ro #20

### **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.