

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# ██████████
Client # ██████████
Request # 180600

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

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

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, 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
Marybeth Mark. Department Representative
Almelinda McLeod, Hearing Officer

The hearing record was extended to allow the Appellant and the Department to submit additional evidence. The Department submitted additional evidence; however, no further evidence was submitted by the Appellant. On ██████████, 2021 the hearing record was closed.

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. The Appellant was active on SNAP for herself, her daughter and twin foster children. This is a household of four. (Hearing record)
2. On [REDACTED] 2021, the Department issued a Notice of Renewal of Eligibility to the Appellant. (Exhibit 1, Historical Correspondence Detail)
3. The Appellant received the notice of renewal. (Appellant testimony)
4. On [REDACTED] 2021, The Department issued a NOA informing the Appellant that the SNAP benefits were closed effective [REDACTED] 2021 because the renewal process for continued SNAP benefits was not completed. The notice included "Your SNAP will remain closed if you do not have your interview and send us all of the required proofs, we ask for within 30 days after [REDACTED] 2021". (Exhibit 3, NOA)
5. The last day of the Appellant's SNAP certification period was [REDACTED] 2021. (Hearing record)
6. On [REDACTED] 2021, the Department issued a W-3025N, Paperless Option notice informing the Appellant that because the Appellant signed up for the paperless option requesting email from the Department telling her when notices are posted in her account, the Department will no longer send her paper notices in the mail. (Exhibit 10, W-3025N)
7. The Appellant testified she requested mail correspondence versus the online paperless option and will provide verification. However, the Appellant also testified that the reason why she requested to stop getting her paper mail through the regular mail was because she was getting her information online and thought that would be a way for her to get the paperwork the Department was sending. (Appellant testimony)
8. No verification was provided to show the Appellant requested regular mail over the paperless option. (Hearing record)
9. On [REDACTED] 2021, the Appellant submitted an application for SNAP assistance for her household of four and reported she was a student

at [REDACTED] [REDACTED] [REDACTED] College half-time or more, is not employed, receives foster care \$779.70, and pays \$1500 rent per month. (Exhibit 8, Online renewal application)

10. On [REDACTED] 2021, the Department issued a W-3015N, Interview notice online, informing the appellant that she needs to be interviewed before the interview date of [REDACTED] 2021. The notice stated "Your application will be denied if you do not have your interview and send us all of the required proofs, we asked for by the denial date" which is noted as [REDACTED] 2021. (Exhibit 4, W-3015N)
11. On [REDACTED] 2021, the Department issued a w-1348 Proofs We Need form online requesting proof of Social Security Number for the twins, Proof of school attendance and Educational Aid. The notice instructed the Appellant to call 1-855-626-6632 if help or more time was needed. The due date for this verification was [REDACTED], 2021 and the date the Department will take an action on the application was [REDACTED] [REDACTED] 2021. (Exhibit 5, W-1348)
12. The Appellant received the W-1348 Proofs We Need online requesting the social security numbers for the twins, a copy of her lease and a copy of her school information. (Appellant testimony)
13. The Appellant uploaded the social security numbers for the twins, and a copy of her lease, but admittedly did not send in the school information because she was not in school this semester. (Appellant testimony)
14. The Appellant did not request help or more time to get the requested information. (Hearing record)
15. On [REDACTED] 2021, the Department issued a W-0108N, Notice of Missed Interview ("NOMI") online advising the Appellant that the interview scheduled by the due date of [REDACTED] 2021 was not done. The notice instructed the Appellant to call the Benefit Center at 1-855-626-6632 if she still wanted to apply for SNAP by the denial date. The notice stated "Your application will be denied if you do not have your interview and send us all of the required proofs, we asked for by the denial date" which is noted as [REDACTED] 2021. (Exhibit 6, W-0108N)
16. On [REDACTED], 2021, the Appellant received state correspondence regarding the required interview prior to [REDACTED] 2021 deadline. The state correspondence was postmarked on [REDACTED] 2021. (Appellant testimony)

17. It is unclear by the hearing record if the state correspondence received was the [REDACTED] 2021 interview notice or the NOMI issued on [REDACTED] 2021. (Hearing record)
18. On [REDACTED] 2021, the Department conducted a document search by name, case number and client id number and did not find any of the requested verifications and found that the Appellant did not complete the required interview. (Exhibit 7, Case notes, Exhibit 9 Document Search)
19. On [REDACTED] 2021, the Department determined the Appellant's SNAP benefits will remain closed effective [REDACTED] 2021 because the required interview was not completed, and no verifications had been received. (Hearing record, Exhibit 7)
20. When the Appellant did not receive her SNAP benefits, she checked her Connect access online account to find a letter posted that was a week and a half late. (Appellant testimony)
21. It is unclear by the hearing record if the online letter received was regarding the [REDACTED] 2021 interview notice or the NOMI issued on [REDACTED] 2021. (Hearing record)
22. As of the date of this hearing the Department was unaware the Appellant stopped attending college because the [REDACTED] 2021 SNAP application reported she was a student at [REDACTED] [REDACTED] [REDACTED] College half-time or more. See FOF #5. (Exhibit 8, Online Renewal application, Department testimony)
23. 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; thus, this decision was due not later than [REDACTED] 2021, however the extended close of the hearing record caused a 5-day delay; therefore, the decision is now due [REDACTED] 2021.

CONCLUSIONS OF LAW

1. Section 17b-(7) of the Connecticut General Statutes authorizes the commissioner of the Department of Social Services to administer the SNAP pursuant to the Food and Nutrition Act of 2008.
2. Title 7 of the Code of Federal Regulations ("CFR") § 273.14(a) provides that no household may participate beyond the expiration of the certification

- period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.
3. “The department’s uniform policy manual (“UPM’) 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)).
 4. UPM 1545.25 (A) provides that assistance units are required to complete a redetermination form at each redetermination.
 5. **The Department correctly notified the Appellant that she was due for a redetermination with the issuance of Notice of Renewal of Eligibility on [REDACTED] 2021. The hearing record shows that the Appellant received the notice of renewal.**
 6. Title 7 CFR § 273.14(b)(3) provides that as part of the recertification process, the State agency must conduct a face to face interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of §273.2(e) also apply to interviews for recertification. The State agency may choose to interview the household at interim recertification within the 12-month period. The requirement for a face-to-face interview once every 12 months may be waived in accordance with §273.2(e)(2).
 7. UPM § 1505.30 (A) (2) (b) provides that the office interview is conducted as a condition of eligibility in the food stamp program.
 8. UPM §1505.30 (G) (3) provides for the food stamp program, the Department conducts a telephone interview or a home visit once every twelve months if the office interview is waived.
 9. **The Department correctly issued the Interview Notice online to the Appellant on [REDACTED] 2021 notifying the Appellant that an interview must be completed before [REDACTED] 2021.**
 10. **The Department correctly determined that the Appellant did not complete the required interview.**
 11. 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.
12. The Food and Nutrition Services (“FNS”) issued a policy memo on November 13, 2017 allowing states to provide designated notices to households through an online account on a secure website or portal instead of mailing paper notices to physical addresses. Under this waiver, SNAP households opting to receive their notices electronically receive both an email and a paper confirmation notice that explains how to retrieve their e-notices. Each time an e-notice is issued and available for viewing, households receive an email prompting them to visit their online account. States currently approved for this waiver use e-notices to inform households of a variety of case-related actions, such as the notice of missed interview, eligibility, denial, pending status, expiration, and required verification.
 - 13. The Department correctly issued the interview notice, the W-1348 Proofs We Need, and the NOMI which informed the Appellant of the interview and verification requirements as part of the application process in accordance with regulations.**
 - 14. The Appellant testified she requested regular mail over the paperless option and would submit verification of her request. However, there was no evidence provided to verify that the Appellant requested paper mail through the regular mail over the paperless online option.**
 - 15. The hearing record shows that the Appellant requested a paperless option on ██████████ 2021; therefore, the Department correctly issued the W-3025N Paperless Option notice to the Appellant on ██████████ 2021 and correctly issued all correspondence to the Appellant’s Connect access online account as requested by the Appellant.**
 16. 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.

17. Title 7 CFR § 273.2 (f) (5) (i) provides the household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information.
18. UPM §1010.05 (A) (1) provides 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.
19. UPM §1015.05 (C) provides 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.
20. 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 producing 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.
- 21. The Department correctly issued the W-1348, Proofs We Need verification list online requesting proofs needed to determine SNAP eligibility. The hearing record shows that Appellant received the W-1348.**
- 22. The Department correctly allowed the Appellant 10 days to submit the requested verifications.**
- 23. The Appellant did not request help or more time to get the requested verifications; therefore, there was no further action required from the Department.**
- 24. The Department correctly determined that the required redetermination was incomplete and correctly determined the Appellant was responsible for the incomplete redetermination.**
25. Title 7 CFR § 273.14 (e) (2) provides that If a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days. Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have its application be treated as an application

for recertification. If the household takes the required action before the end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period. If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of §273.3(h)(1).

26. Title 7 CFR § 273.2 (h) (2) (i) provides that if by the 30th day the State agency cannot take any further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. However, the State agency shall give the household an additional 30 days to take the required action, except that, if verification is lacking, the State agency has the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing.
27. UPM 1530.05 (B) (3) Provides under no circumstances is eligibility continued upon expiration of the certification period unless the assistance unit is recertified.
28. UPM § 1545.35 (A) (1) provides- assistance units are provided benefits without interruption by the first normal issuance date following the redetermination month if they timely complete the required actions of the redetermination process.
29. UPM § 1545.35 (A) (2) provides the following actions must be timely completed to receive uninterrupted benefits: a. The redetermination form must be filed and completed, and b. The office interview must be completed, unless exempt from the requirement; and c. Required verification of factors that are conditions of eligibility must be provided.”
- 30. The hearing record shows that the initial SNAP redetermination was properly closed effective [REDACTED] 2021 because eligibility for SNAP benefits was not re-established prior to the last day of the recertification period; therefore, the renewal process was not completed.**
- 31. The Department correctly treated the Appellant’s [REDACTED] 2021 SNAP application as a redetermination and continued the eligibility process.**

- 32. The Department properly allowed an additional 30 days after the initial SNAP denial effective [REDACTED] 2021 for the Appellant to complete the interview and submit the requested verifications.**
- 33. The Department correctly determined that after the 30 additional days, the required action of the interview was not completed and requested verifications was not submitted by the due date.**
34. UPM 1545.25 (D) provides that assistance units that do not complete the redetermination form within the time limits specified in this chapter may be subject to discontinuance or an interruption in benefits.
35. UPM 1545.40 (A) (2) provides that unless otherwise stated, assistance is discontinued on the last day of the redetermination month if eligibility is not reestablished through the redetermination process.
36. UPM 1545.40 (B) (2) (a) provides that in the FS program eligibility for the FS program is discontinued at the end of the redetermination period in all situations where the redetermination is in-complete and the assistance unit has not been recertified.
37. UPM 1545.40 (B) (b) provides that discontinuance is automatic, regardless of the reason for the incomplete redetermination.
38. UPM 1545.40 (B) (c) provides that good cause is not a consideration in the FS program.
- 39. The Department correctly determined the Appellant's SNAP benefits remained closed effective [REDACTED] 2021 for failing to complete the required interview and redetermination.**

DECISION

The Appellant's appeal is DENIED.

A. McLeod

Almelinda McLeod
Hearing Officer

CC: Cheryl Stuart, SSOM, Norwich
MaryBeth Mark, Fair Hearing Liaison, Norwich

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.