

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE
HEARINGS
55 FARMINGTON AVE
HARTFORD, CT 06105-3725

[REDACTED]
[REDACTED]

Client ID # [REDACTED]
Case ID # [REDACTED]
Request # [REDACTED]

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED], the Department of Social Services (the "Department") sent [REDACTED] (the "Appellant") a Notice of Action ("NOA") denying her benefits under the Supplemental Nutritional Assistance Program ("SNAP").

On [REDACTED], the Appellant requested an administrative hearing to contest the Department's decision to deny such benefits.

On [REDACTED], the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for [REDACTED]
[REDACTED]

On [REDACTED], in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing.

The following individuals were present at the hearing:

██████████, Appellant
Garfield White, Department's Representative
Sara Hart, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department's decision to deny the Appellant's SNAP application was correct.

FINDINGS OF FACT

1. On ██████████, the Appellant submitted an online application for SNAP benefits. (*Exhibit 2: Online Application*)
2. The Appellant's household consists of six members including the Appellant (DOB ██████████), her four minor children, and her ██████████ niece, ██████████ (DOB ██████████). (*Appellant's Testimony, Exhibit 2, Exhibit 10: Landlord Verification Request*)
3. The Appellant resides at ██████████. Her monthly rental payment is \$950.00. (*Appellant's Testimony, Exhibit 10*)
4. The Appellant is the owner of a rental property located at ██████████. (*Exhibit 2, Exhibit 13: Mortgage Loan Statement*)
5. On ██████████, the Department completed an interview with the Appellant and issued a Proofs We Need form ("W1348") requesting the following information: proof of rental income and proof of mortgage paid on the rental property for the Appellant, proof of gross earnings for the Appellant and proof of residency for ██████████. The notice provided examples of acceptable documentation and gave a due date of ██████████. (*Exhibit 3: W1348 dated ██████████*)
6. On ██████████, the Appellant provided the following documents to the Department: Birth Certificate and Child Care Authorization for ██████████, Landlord Verification for ██████████, Utility Bill, ██████████, Housing Authority letter regarding Section 8 Rental Assistance for ██████████, a Mortgage Loan Statement for property address ██████████ and wage stubs for the Appellant. (*Department's Testimony, Exhibit 7: Document Search Results*)

7. [REDACTED] employs the Appellant on a per diem basis. On [REDACTED], the Appellant submitted verification of all wages received from her date of hire. The following wages were received by the Department:

Check Date	Current Wages	Year to Date Wages
[REDACTED]	\$82.63	\$82.63
[REDACTED]	\$393.75	\$476.38
[REDACTED]	\$407.50	\$883.88
[REDACTED]	\$502.25	\$1386.13
[REDACTED]	\$421.75	\$1807.88
[REDACTED]	\$265.00	\$2072.88
[REDACTED]	\$401.25	\$2474.13
[REDACTED]	\$203.25	\$2677.38
[REDACTED]	\$228.00	Not Noted
[REDACTED]	\$236.00	Not Noted

(Exhibit 14: [REDACTED] wages)

8. The Appellant did not receive wages on the pay dates of [REDACTED] and [REDACTED] [REDACTED] (Appellant's Testimony, Exhibit 14)
9. The Appellant receives \$1250.00 per month for the rent of her property located at [REDACTED] (Appellant's Testimony, Exhibit 12: [REDACTED] Housing Authority letter)
10. The Appellant's regular monthly mortgage payment for the [REDACTED] [REDACTED] address is \$1218.04. (Exhibit 13: Mortgage Statement)
11. On [REDACTED], the Department issued a second W1348 requesting the following information: Verification of rental income and mortgage amount for rental property and proof of current gross earnings for the Appellant. The letter provided examples of acceptable documentation and gave a due date of [REDACTED] (Exhibit 4: W1348 dated [REDACTED])
12. On [REDACTED] the Appellant uploaded verification of her two most recent weekly wages and a rental receipt for her current residence. (Appellant's Testimony)
13. The Department did not receive the Appellant's [REDACTED] uploaded rental receipt or two most recent weekly wages. (Exhibit 7)
14. On [REDACTED], the Department sent the Appellant a Notice of Action denying the Appellant's application for SNAP benefits because she failed to return all the required proofs by the due date. (Exhibit 6: Notice of Action [REDACTED])

15. The issuance of this decision is timely under the Title 7 of Code of Federal Regulations (“C.F.R.”) § 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]. The hearing was held on [REDACTED]; therefore, this decision is due no later than [REDACTED].

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. 7 C.F.R. § 273.2(c)(4)(iv) provides for application date and states the date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day.

7 C.F.R. § 273.2(e)(1) provides for interviews and states 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

The Department correctly determined the application date was [REDACTED] and correctly interviewed the Appellant.

3. 7 C.F.R. § 273.1(a) defines general households and states that a household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

7 C.F.R. § 273.1(b)(1) provides for required household composition. The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.

- ii. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).
- iii. A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for

purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

The Department correctly determined the Appellant's SNAP household size included six members: the Appellant, her four children, and her niece.

4. 7 C.F.R. § 273.2(f)(1)(vi) provides in part for mandatory verification of residency. The residency requirements of § 273.3 shall be verified except in unusual cases (such as homeless households, some migrant farmworker households, or households newly arrived in a project area) where verification of residency cannot reasonably be accomplished.

7 C.F.R. § 273.2(f)(1)(x) provides in part for mandatory verification of household composition. State agencies shall verify factors affecting the composition of a household, if questionable.

The Department correctly determined that the Appellant was required to verify residency and household composition.

5. 7 C.F.R. § 273.2(f)(1)(i) provides for mandatory verification of income. State agencies shall verify the following information prior to certification for households initially applying:
 - i. *Gross nonexempt income.* Gross nonexempt income shall be verified for all households prior to certification.

The Department correctly determined that the Appellant was required to verify her gross income.

6. 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.

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

The Department correctly sent the Appellant the W1348 *Proofs We Need* form on [REDACTED] requesting verifications needed to determine eligibility and correctly allowed 10 days for completion.

7. 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 of the application and to resolve any questionable information. 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.

The Appellant correctly provided the requested documents to the Department timely.

8. 7 C.F.R. § 273.2(g)(1) provides for the normal processing standard. The State agency shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but no later than 30 calendar days following the date the application was filed.

7 C.F.R. § 273.2(g)(3) provides for denying the application and states 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 Department incorrectly issued the Appellant a notice denying her SNAP benefits because it received the information needed for the Department to review and establish eligibility.

The Department incorrectly denied the Appellant's SNAP application on [REDACTED] because it incorrectly determined that the Appellant failed to provide required verifications.

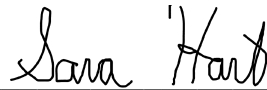
DECISION

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

ORDER

1. The Department shall reopen the Appellant's SNAP application, effective [REDACTED]

2. The Department shall review the Appellant's earnings from [REDACTED] and determine a monthly average based on the provided wages.
3. The Department shall review the Appellant's rental income and determine appropriate deductions.
4. Compliance with this order is due to the undersigned no later than [REDACTED]



Sara Hart
Hearing Officer

CC: Musa Mohamud, Operations Manager Hartford Regional Office
Judy Williams, Operations Manager Hartford Regional Office
Jessica Carroll, Operations Manager Hartford Regional Office
Jay Bartolomei, Operations Manager Hartford Regional Office
Garfield White, Department Representative Hartford Regional Office

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.