

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

████████████████████
Signature Confirmation

Client ID # ██████████
Request #181694

NOTICE OF DECISION

PARTY

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██████████
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PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) granting her benefits from the Supplemental Nutrition Assistance Program (“SNAP”) for the period from ██████████ 2021 to ██████████ 2021.

On ██████████ 2021, the Appellant requested an administrative hearing because the Department ended her SNAP benefits without notice.

On ██████████ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2021. At the Appellant’s request, the hearing was scheduled to be held telephonically.

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
Valentina Fuentes, Department’s Hearing Liaison
James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

1. Whether the Department processed the Appellant's application for SNAP in accordance with federal SNAP regulations.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Appellant submitted an online application for SNAP. (Ex. 11: Online application form)
2. The Appellant reported on her application form that she had no income, no assets, and paid \$275.00 per month to rent the lot for her mobile home. (Ex. 11)
3. The Appellant reported on her application form that she was able to pay her bills through the help of friends. (Ex. 11)
4. On [REDACTED] 2021, the Appellant was interviewed. The worker noted that the Appellant was "eligible for Snap benefits pending verfs (Proof of Residency, US Citizenship, and letter from friends stating financial assistance) with a VCL due date of [REDACTED]/2021." (Ex. 1 Case Notes)
5. On [REDACTED] 2021, the Department sent the Appellant a written request for information that included proof of residency, proof of U.S. citizenship and proof of income from other reported sources. The due date to provide the proofs was [REDACTED] 2021. (Ex. 9: W-1348 form)
6. On [REDACTED] 2021, the Appellant submitted a copy of her birth certificate, a utility bill, and a completed landlord verification form to verify her lot rental. (Ex. 2: Birth Certificate, Ex. 4: Landlord verification form, Ex. 13-C: Utility bill)
7. On [REDACTED] 2021, the Department issued an NOA to the Appellant approving her for SNAP from [REDACTED] 2021 to [REDACTED] 2021. (Ex. 12: NOA)
8. On [REDACTED] 2021, a Department worker entered a case note, "Pulled W1408 confirming address. She provided birth certificate to verify citizenship. Copy of utility bill also received. CI has not submitted statement from her friends confirming their financial support."
9. No case note was entered stating that the Appellant's SNAP application was granted on [REDACTED] 2021. (Hearing Record)
10. On [REDACTED] 2021, the Appellant submitted a letter explaining that her friend made three separate loans to her within the past year, and that there was an understanding that the loans would be paid back. The letter also explained that the Appellant was selling 60 years of her personal property at yard sales. The

letter was dated [REDACTED] 2021 and was signed by the Appellant's friend. (Ex. 13-F: Letter regarding income from friend)

11. On [REDACTED] 2021, the Appellant submitted a second letter that clarified that her personal property included items acquired through "dumpster diving" on bi-weekly trash pickup day. She noted that "One of my favorite bed comforters came from the trash." (Ex. 13-G: Letter regarding dumpster diving)
12. On [REDACTED] 2021, a Department worker entered a case note, "Pulled task dated [REDACTED]/2021, cl submitted a letter stating [REDACTED] has loaned her money on many occasions the letter does not provide [REDACTED] contact information or if the loan will be ongoing, Letter is not acceptable at this time. CI also provided a self attest letter that she receives income biweekly collecting unwanted item by neighbors. The letter does not state her estimated biweekly rate, the letter is not signed or dated. (not accepted at this time.) Task completed." (Ex. 1)
13. In the [REDACTED] 2021 case note, the worker inaccurately memorialized the Appellant's statements from her letter. The Appellant did not report receiving loans "on many occasions" but, rather, reported receiving three specific loans. The Appellant did not report that she received "income bi-weekly". Rather, she reported that she had been selling personal property acquired over 60 years; she reported that she acquired some of her property through "dumpster diving" but did not say that she sold all of the items she found. Rather, she reported that one of her prized possessions, a comforter, was found in the trash (Hearing Record)
14. On [REDACTED] 2021, the Department did not send a new request to the Appellant for information regarding the items the worker deemed "not accepted at this time". (Hearing Record)
15. On [REDACTED] 2021, the Department stopped issuing SNAP benefits to the Appellant. (Hearing Record)
16. The Department did not issue an NOA when the Appellant's benefits ended on [REDACTED] 2021. (Hearing Record)
17. On [REDACTED] 2021, a Department worker entered a case note that stated, "CI called about her closed SNAP. Discussed that proof of income was not acceptable. Upon review of the letter regarding the loans from [REDACTED] – it appears acceptable as he did sign off on the dated letter and it does indicate repayment to be made once cl has income. Discussed income from selling goods – informed cl what would be acceptable for this type of income would be a signed and dated letter indicating how much she earned in each of the last full 3 months. CI states she does not file self employment taxes for this income. CI went on to clarify that since 2017 she has been using her savings to pay for her living expenses but, she has now depleted her savings to about \$400 which is why she is seeking help. SNAP remains closed." (Ex. 1)

18. On [REDACTED] 2021, the Department issued the Appellant a notification that stated, "After your call to the Benefit Center on [REDACTED]-21 it came to our attention that your last application was submitted over 60 days ago. If you are still seeking SNAP assistance please submit a new application with the verifications that were discussed." (Ex. 8: W-3016 Notification from Department of Social Services)
19. On [REDACTED] 2021, the Appellant submitted a letter dated [REDACTED] 2021, indicating how much money she made through selling items in the prior three full months. (Ex. 13-H: Letter regarding items sold)

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 in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("CFR") Sec. 273.2(a)(2) provides, in relevant part, "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 been determined eligible. ...The State agency must make expedited service available to households in immediate need...."
3. "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...(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))." 7 CFR § 273.2(i)(1)
4. "The State agency's application procedures shall be designed to identify households eligible for expedited service at the time the household requests assistance...." 7 CFR § 273.2(i)(2)
5. "All households receiving expedited service, except those receiving it during months in which allotments are suspended or cancelled, shall have their cases processed in accordance with the following provisions. ...(i) General. 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...." 7 CFR § 273.2(i)(3)

6. "The State agency shall use the following procedures when expediting certification and issuance: (i) In order to expedite the certification process, the State agency shall use the following procedures when expediting certification and issuance:...(B) All reasonable efforts shall be made to verify within the expedited processing standards, the household's residency in accordance with § 273.2(f)(1)(vi), income statement (including a statement that the household has no income), liquid resources and all other factors required by § 273.2(f), through collateral contacts or readily available documentary evidence. 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. 7 CFR § 273.2(i)(4)
7. **The Appellant was eligible for expedited certification and issuance of SNAP. Her reported income and assets met the requirements in both § 273.2(i)(1)(i) and 273.2(i)(1)(iii). Her benefits should not have been delayed beyond the 7-day delivery standard solely because factors of eligibility had not yet been verified.**
8. **The Department did not grant expedited SNAP for the Appellant. By the seventh calendar day following the date the Appellant filed her application the Department had not issued benefits to her.**
9. **The action taken by the Department on ██████████ 2021 was not supported by SNAP regulations. The Department approved SNAP for a less-than-60-day period, but the action was not expedited processing because it was outside of the required time frame.**
10. **As of ██████████ 2021, the Appellant had complied with the Department's ██████████ 2021 request for verification by providing all three of the items requested of her; proof of residency, proof of citizenship, and proof of the loans she received from a friend that were subject to repayment.**
11. "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 dates following the date the application was filed..." 7 CFR § 273.2(g)(1)
12. **██████████ 2021 was within the normal thirty-day processing standard for SNAP.**
13. **It would have been in accordance with SNAP regulations if, as of ██████████ 2021, the Department granted the Appellant's SNAP and certified her household for 12 months, then followed up on the unclear information regarding income from "dumpster diving" by sending a request for contact (a W-1348 request for proofs) pursuant to 7 CFR § 273.12(c)(3).**

14. **Alternatively, it would have been in accordance with SNAP regulations if the Department continued processing the Appellant's application based on the unclear information.**
15. **"Delays in processing.** If the State agency does not determine a household's eligibility and provide an opportunity to participate within 30 days following the date the application was filed, the State agency shall take the following action: (1) **Determining cause.** The State agency shall first determine the cause of the delay using the following criteria (i) A delay shall be considered the fault of the household if the household has failed to complete the application process even though the State agency has taken all of the action it is required to take to assist the household. The State agency must have taken the following actions before a delay can be considered the fault of the household: ... (C) 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. ... (ii) Delays that are the fault of the State agency include, but are not limited to, those cases where the State agency failed to take the actions described in paragraphs (h)(1)(i) (A) through (D) of this section." 7 CFR 273.2(h)
16. **If the Department determined the Appellant's application could not be granted within the initial 30-day period without first verifying the unclear information about "dumpster diving" income, the delay had to be considered agency caused because the Department did not send the Appellant a request to verify the unclear information that allowed her 10 days to respond.**
17. **"Delays caused by the State agency.** (i) Whenever a delay in the initial 30-day period is the fault of the State agency, the State agency shall take immediate corrective action. Except as described in §§ 273.2(f)(1)(ii)(F) and 273.2(f)(10)(i), the State agency shall not deny the application if it caused the delay, but shall instead notify the household by the 30th day following the date the application was filed that its application is being held pending. The State agency shall also notify the household of any action it must take to complete the application process. ... (ii) If the household is found to be eligible during the second 30-day period, the household shall be entitled to benefits retroactive to the month of application...." 7 CFR § 273.2(h)((3)
18. **The Department did not process the Appellant's application in accordance with SNAP regulations. It neither granted the application as expedited within the first seven days, nor granted it within the initial 30-day period after the Appellant provided all of the verifications initially requested of her, nor held her application pending into a second 30-day period and notified her what actions she had to take to complete the application process, allowing her 10 additional days.**

DECISION

The Appellant's appeal is GRANTED.

ORDER

1. The Department must grant SNAP benefits to the Appellant retroactive to [REDACTED] 2021.
2. Proof of compliance with the above order must be sent directly to the undersigned hearing officer by no later than [REDACTED] 2021.

James Hinckley

James Hinckley
Hearing Officer

cc: Tonya Cook-Beckford
Valentina Fuentes

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 06105-3725.

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.