

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

_____, 2021
Signature confirmation

Case: _____
Client: _____
Request: 182082

NOTICE OF DECISION

PARTY

PROCEDURAL BACKGROUND

On _____, 2021, the Department of Social Services (the "Department") received Chelsea Flannigan's (the "Appellant") on-line application for Supplemental Nutrition Assistance Program ("SNAP") electronically signed by her on _____ 2021. The Appellant filed the application on behalf of her spouse, _____, as his authorized representative.

On _____ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's _____ 2021¹ online hearing request.

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

On _____, 2021, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, and Section 273.15 (a) of Title 7 of the Code of Federal Regulations ("C.F.R."), the OLCRAH held an administrative hearing. The following individuals attended the hearing:

_____, Appellant
Carolyn Jones, Department Representative
Eva Tar, Hearing Officer

The record closed _____ 2021.

¹ _____ 2021 fell on a Saturday. The regular business hours of the Department's field offices are Monday, Tuesday, Thursday, and Friday, from 8:00 a.m. to 4:30 p.m. (<https://portal.ct.gov/dss>)

STATEMENT OF ISSUE

The issue is whether the Department correctly denied the Appellant's [REDACTED], 2021 SNAP application.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Department denied the Appellant's [REDACTED] 2021 SNAP application (the "first SNAP application"). (Exhibit 9)
2. On [REDACTED], 2021, the Department received the Appellant's SNAP application (the "second SNAP application"), electronically signed by her on [REDACTED], 2021,² and a mortgage document. The Appellant filed the application on behalf of [REDACTED] [REDACTED], her spouse. (Exhibits 7 and 8)
3. On the second SNAP application, the Appellant reported: 1) she and her spouse were the owners of or employed in some capacity by [REDACTED], and 2) she was a full-time college student. (Exhibit 7)
4. The Department found questionable the Appellant's reported information on the second SNAP application as to the couple's association with [REDACTED] and the resultant income. (Exhibit 9)
5. On the second SNAP application, the Appellant reported her household's ownership of the following assets: three checking accounts, a motor vehicle, a van, and a mortgaged home. (Exhibit 7)
6. The documents received by the Department from the Appellant prior to [REDACTED], 2021 were associated with the denied first SNAP application. These documents included: a single-page Form 8879-PE *IRS-e-file Signature Authorization for Form 1065* (received [REDACTED]/21); a business profit/loss statement for [REDACTED] 2021 through [REDACTED] 2021 (received [REDACTED]/21); and [REDACTED] paperwork (received [REDACTED]/21). (Exhibits 4, 8, and 9)
7. The documents received by the Department from the Appellant prior to [REDACTED], 2021 did not include proof of the motor vehicles' ownership and proof of the balances of the household's three checking accounts. (Exhibit 8)
8. On [REDACTED] 2021, the Department granted the Appellant's household expedited \$867.00 in SNAP benefits for the period from [REDACTED] 2021 through [REDACTED], 2021.³ (Exhibit 5) (Department Representative Testimony)

² [REDACTED], 2021 fell on a Sunday.

³ It is unclear as to how the Department had arrived at an August 3, 2021 start-date of expedited SNAP benefits, given an [REDACTED], 2021 SNAP application date. See 7 C.F.R. § 273.2 (i)(4)(iii)(C) regarding SNAP applications received after the 15th of the month as to pro-rating expedited SNAP benefits based on the date of application.

9. In general, expedited SNAP benefits are granted for the month of application when a household's reported expenses exceed its reported income. (Department Representative Testimony)
10. On [REDACTED] 2021, the Department issued a *Proofs We Need* notice to the Appellant, requesting that the Appellant submit by [REDACTED] [REDACTED], 2021 proof of the following: her household's shelter expenses; educational aid meant for living expenses; motor vehicles' ownership; three checking accounts' balances; and income of the Appellant and her spouse from employment/self-employment. The *Proofs We Need* notice provided examples of proof that would be acceptable to the Department. (Exhibit 12)
11. The [REDACTED] 2021 *Proofs We Need* notice provided the following instruction in the last paragraph of the first page: "You can upload your proof electronically at www.connect.ct.gov, mail the proof using the enclosed envelope and cover sheet, or bring the proof to a [Department] office. If you do not send us your proof on time, your benefits may be delayed or denied." (Exhibit 12)
12. The Department did not receive the items it had requested on the [REDACTED] 2021 *Proofs We Need* notice. (Department Representative Testimony)
13. On [REDACTED], 2021, the Department denied the Appellant's second SNAP application. (Department Representative Testimony)
14. Title 7, Code of Federal Regulations ("C.F.R.") section 273.15 (c)(1) provides that "[w]ithin 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision...." On [REDACTED] 2021, the OLCRAH received the Appellant's online hearing request. The issuance of this decision would have been due by [REDACTED] [REDACTED] 2021. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes designates the Department of Social Services as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority under state statute to administer the SNAP in Connecticut.

2. Title 7, Code of Federal Regulations ("C.F.R."), Section 273.2 (c)(1)(iv) provides for the recording of the filing date of a SNAP application and provides: "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. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours...."

The Department correctly determined that the filing date of the Appellant's second SNAP application was [REDACTED], 2021, the first business day following the

Appellant's submission of an online SNAP application outside of normal business hours.

3. "Gross nonexempt income shall be verified for all households prior to certification...." 7 C.F.R. § 273.2 (f)(1)(i).

As a condition of SNAP eligibility, federal regulations governing the SNAP required the verification of the gross nonexempt income received by the Appellant's household.

4. "The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information...." 7 C.F.R. § 273.2 (f)(2)(i).

The Department's ██████████ 2021 request for the Appellant to verify her household's income was reasonable, based on the questionable information reported on the Appellant's second SNAP application as to income received by the Appellant and her spouse from ██████████.

5. Title 7, Code of Federal Regulations, Section 273.2 (f)(4)(i) provides:
State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or through a collateral contact, without a requirement being imposed that documentary evidence must be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. ... For example, documentary evidence may be considered insufficient when the household presents pay stubs which do not represent an accurate picture of the household's income (such as out-dated pay stubs) or identification papers that appear to be falsified.
7 C.F.R. § 273.2 (f)(4)(i).

"The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information." "Households may supply documentary evidence in person, through the mail, by facsimile or other electronic device, or through an authorized representative...." 7 C.F.R. § 273.2 (f)(5)(i).

The Appellant had the primary responsibility to provide documents to the Department to support her statements on the second SNAP application and resolve the questionable information regarding income from ██████████.

6. "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. ... At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover." 7 C.F.R. § 273.2 (c)(5).

The Department's [REDACTED] 2021 Proofs We Need notice met the criteria for a notice that informs a household of verification requirements, as that criteria is discussed at 7 C.F.R. § 273.2 (c)(5).

7. "Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification...." 7 C.F.R. § 273.2 (f).

The Department's [REDACTED] 2021 Proofs We Need notice correctly provided the Appellant with at least 10 days to submit requested documents to verify her household's income.

8. "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...." 7 C.F.R. § 273.2 (g)(3).

The Appellant did not verify her household's income by [REDACTED] 2021, the date the Department denied her second SNAP application.

The Department's [REDACTED] 2021 denial of the Appellant's [REDACTED] 2021 SNAP application was in accordance with the federal regulations, as the Appellant failed to submit all requested verifications to the Department necessary to establish her SNAP eligibility.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

- Pc: Carol Jones, DSS-Hartford
Merline Fowler, DSS-Hartford
Jay Bartolomei, DSS-Hartford
Musa Mohamud, DSS-Hartford
Judy Williams, DSS-Hartford
Jessica Carroll, DSS-Hartford

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.