

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 # 183134

NOTICE OF DECISION

PARTY

██████████
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PROCEDURAL BACKGROUND

On ██████████, 2021, the Department of Social Services (the "Department") Issued a Notice of action ("NOA") to ██████████ (the "Appellant") denying his 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, 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 participated in the hearing:

██████████, Appellant
Mary Sblendorio, Department's Representative
Swati Sehgal, Hearing Officer

Hearing record remained open for the submission of additional evidence until the end of [REDACTED] 2021. No additional information was received and the hearing record was 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 himself. (Hearing Summary; Appellant's Testimony, and Exhibit2: Search Result)
2. On [REDACTED] 2021, the Department reviewed the application and completed a telephone interview. The Appellant informed the Department that he receives monetary help from his parents. He has no other income or expenses, He resides with friends and has no rental obligation. (Appellant's Testimony, Exhibit 1: Case Notes)
3. On [REDACTED], 2021, The Department granted expedited SNAP benefits for [REDACTED]r 2021, and mailed a W-1348 Proofs We Need form requesting proof of amount received from his parents for ongoing SNAP benefits. The information was due by [REDACTED] 2021. (Exhibit 4: W-1348 Proofs We Need; Exhibit 1: Case Notes)
4. The Appellant's expedited SNAP benefits closed on [REDACTED], 2021. (Exhibit 6: Notice of Action dated [REDACTED]/21)
5. On [REDACTED] 2021, the Department received a returned mail from the Post Office, it was a Notice of Action dated [REDACTED] 2021. (Exhibit 6: Notice of Action, [REDACTED]/21)
6. On [REDACTED] 2021, the Department denied the SNAP application for ongoing months for failure to provide required information regarding monetary help he receives from his parents, and notice of action was mailed to the Appellant informing of such action. (Hearing Summary)
7. 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, 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 of the Code of Federal Regulations (“C.F.R.”) Section 273.2 (2) provides for application processing and states that 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 have been determined eligible. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

The Department correctly granted the Appellant expedited SNAP based on his assistance unit’s immediate need.

3. Title 7 C.F.R. § 273.2(i)(4)(iii)(B) provides for households applying after the 15th of the month, the State agency may assign a 2-month certification period or a normal certification period of no more than 12 months. Verification may be postponed until the third month of participation, if necessary, to meet the expedited timeframe. If a two-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household is obligated to satisfy the verification requirements that were postponed. For subsequent months, the household must reapply and satisfy the verification requirements which were postponed or be certified under normal processing standards. If the household does not satisfy the postponed verification requirements and does not attend the interview, the State agency does not need to contact the household again. When a certification period of longer than 2 months is assigned and verification is postponed, households must be sent a notice of eligibility advising that no benefits for the third month will be issued until the postponed verification requirements are satisfied. The notice must also advise the household that if the verification process results in changes in the household’s eligibility or level of benefits, the State agency will act on those changes without advance notice of adverse action.

The Department failed to provide proof that a notice granting a two-month certification for ██████████ 2021, and ██████████ 2021 was issued. The Department gave conflicted information regarding two-month certification.

The Department's Hearing Summary states that expedited SNAP benefits were granted for ██████████ 2021 and ██████████ 2021, but Case notes indicate that expedited SNAP benefit was granted only for ██████████ 2021.

4. Title 7 C.F.R. § 273.2(4)(iii) (C) provides households which apply for initial benefits (as described in § 273.10 (a) after the 15th of the month, are entitled to expedited service, have completed the application process, and have been determined eligible to receive benefits for the initial month and the next subsequent months, shall receive a combined allotment consisting of prorated benefits for the initial months of application and benefits for the first full month of participation within the expedited service timeframe. If necessary, verification shall be postponed to meet the expedited timeframe. The benefits shall be issued in accordance with § 274.2 (c) of this chapter.

Its unclear if the Department correctly issued prorated expedited SNAP for the Initial application month of ██████████ 2021, and the subsequent month of ██████████ 2021, postponing the verification to meet the expedited timeframe.

5. 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.

6. 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.

7. 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.

8. 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.
9. UPM § 1505.40(B)(1)(b)(2) provides if assistance cannot be granted, SNAP applications are denied on the thirtieth day following the date of the application.

On [REDACTED], 2021, the Department granted expedited SNAP benefit based on the immediate need, postponing verification requirements, however the Department failed to substantiate if SNAP benefits were granted for one month or two months.

The Department correctly determined that the Appellant was not eligible for ongoing SNAP benefits and discontinued the Appellant's SNAP for ongoing month because he did not provide the requested verification to determine ongoing SNAP eligibility.

DISCUSSION

The Appellant testified that he did not receive a notice from the Department informing him of grant of expedited SNAP benefits, neither did he receive an EBT card. The Appellant further stated that he did receive a W1348 form requesting verification of income received from his parents, which he mailed soon after he received the form. The Department provided convincing evidence that it did not receive requested information. The Department was correct to deny ongoing eligibility in absence of requested information, however it is unclear if the Department issued expedited SNAP benefits for the initial application month of

██████████r 2021 and the subsequent month of ██████████ 2021, as the Department failed to provide the Notice of Action verifying that. The Appellant is encouraged to reapply and provide all requested verification.

DECISION

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

ORDER

1. The Department shall review the Appellant's expedited SNAP eligibility for the initial application month of ██████████ 2021, and the subsequent month of ██████████ 2021.
2. The Department shall issue a Notice of Action to the Appellant informing him of SNAP grant for ██████████r 2021 and ██████████ 2021.
3. The Department shall issue an EBT card to the Appellant, if one has not been issued.
4. Compliance with this order is due no later that ██████████ 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
Mary Sblendorio, 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.