

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 ID # ██████████
REQUEST# ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021 the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) denying her application for Supplemental Nutritional Assistance (“SNAP”) benefits.

On ██████████ 2021, the Appellant requested an administrative hearing to appeal the Department’s decision to deny SNAP.

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 hearing was held telephonically per the Appellant’s request. The following individuals participated in the hearing:

██████████, Appellant
Felice Johnson, Department's representative
Joseph Alexander, Administrative Hearing Officer

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 ██████████ 2021, the Department received the Appellant's application requesting SNAP benefits for herself and her two minor children. (Dept. Ex. 1: ONAP dated ██████████ 2021)
2. On ██████████, 2021, the Department reviewed the application and completed a telephone interview. Following the interview, the Department issued a W-1348 "Proofs We Need" form to the Appellant requesting the following information which was due to be returned to the Department by ██████████, 2021:
 - A. Proof of child support income
 - B. Proof of application for Unemployment Compensation Benefits ("UCB")
 - C. Proof of loss of employment(Hearing Record, Dept. Ex. 2: W-1348 Proofs We Need)
3. On ██████████ 2021, the Department determined the Appellant's household did not meet the criteria to qualify for expedited SNAP. (Hearing Record)
4. On ██████████ 2021, the Department searched the ImpaCT system for receipt of the information requested on ██████████, 2021 using the Appellants first/last names, Case ID# and Client ID#. All searches were negative therefore the Department denied the application. (Department's Testimony)
5. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which requires that a decision must be reached, and the household notified within █ days of receipt of a requested fair hearing. The Appellant requested an administrative hearing on ██████████, 2021, making this decision due no later than ██████████, 2021.

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.
3. Title 7 C.F.R. § 273.2(i)(1)(i) -(iii) and (2) provides for expedited service and instructs the Department to screen applications submitted in-office the same day to determine eligibility for expedited service. Screen online and paper applications that have requested SNAP, and indicated that they are eligible for expedited service, as soon as possible. Review ImpaCT to see if the EDG is known and whether they receive or have received benefits in Connecticut.

EDGs must meet one of the following criteria to receive expedited service:

- Anticipate receiving less than \$150 countable gross income in the month of application, and their liquid assets are not more than \$100.
- Combined monthly countable gross income and liquid assets are less than the EDG’s monthly:
 - rent or mortgage payment, and
 - utility expenses using the appropriate utility standard.
- Migrant or seasonal farmworker EDGs who:
 - are destitute, and
 - have less than \$100 in liquid assets.

The Department correctly determined the Appellant’s household did not meet the criteria to be eligible for expedited service.

4. 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 correctly sent the Appellant a W-1348 Proofs We Need form, advising that verification was required to establish eligibility for the SNAP program.

5. 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)

The Appellant did not submit the requested information by the specified due date of [REDACTED], 2021.

6. 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

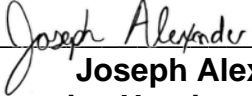
receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in paragraph (i) of this section. For residents of public institutions 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.

The Department correctly denied the application on [REDACTED] 2021, [REDACTED] days following the date the application was submitted.

DECISION

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



Joseph Alexander
Administrative Hearing Officer

CC: Yecenia Acosta, Operations Manager, DSS, Stamford Regional Office
Felice Johnson, Fair Hearing Liaison, DSS, Stamford 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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 with 45 days of the mailing of this decision, or 45 days after the agency denies 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 06105-3725. 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 her 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.