

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

██████████ 2021
Signature Confirmation

Client ID ██████████
Case ID ██████████
Request # 184354

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2021, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") closing her benefits under the Supplemental Nutrition Assistance Program ("SNAP") effective ██████████ 2021.

On ██████████, 2021, the Appellant requested an administrative hearing to contest the Department's decision to close such 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, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals called in for the hearing:

██████████, Appellant
Rosalie Bertolini, Department Representative
Lisa Nyren, Fair Hearing Officer

The hearing record remained open for the submission of additional evidence from the Department. On ██████████ 2021, the record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's [REDACTED], 2021 decision to close the Appellant's benefits under the SNAP effective [REDACTED], 2021 was correct.

FINDINGS OF FACT

1. The Department certified the Appellant's SNAP eligibility for a twelve (12) month period beginning [REDACTED] 2020 and ending [REDACTED] 2021. (Exhibit 7: SNAP EDG Summary and Exhibit 10: Notice of Action)
2. The Appellant is married to [REDACTED] (the "spouse"). The spouse is not a United States citizen but has had legal permanent residency status for a year. (Appellant's Testimony, Exhibit 1: Proofs We Need and Exhibit 10: Notice of Action)
3. The Appellant resides at [REDACTED] ("home address") with her spouse and three children: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. The Appellant is pregnant. (Appellant's Testimony and Exhibit 4: Notice of Renewal of Eligibility)
4. The Appellant's relationship with the spouse is estranged. (Appellant's Testimony)
5. On [REDACTED], 2021, the Department issued the Appellant a Notice of Renewal of Eligibility ("renewal notice") to her home address. The renewal notice stated the Appellant must complete the paper renewal form or an electronic renewal online and provide all required proofs by [REDACTED], 2021 or your SNAP benefits may stop. "We must get the completed and signed electronic or paper renewal form. If we do not get the signed form by [REDACTED], the renewal process may be delayed. You must submit the renewal by [REDACTED] to receive uninterrupted benefits. You must complete your form and submit all required proofs by [REDACTED] or your benefits may stop. ... Your benefits will end on [REDACTED], 2021 if we do not get your renewal form, all required proofs and you do not complete your interview. If your benefits close you may contact us to request a new application form, or you submit a new application online at www.connect.ct.gov." The Department enclosed a paper renewal form ("renewal form") to complete. (Exhibit 4: Notice of Renewal)
6. On [REDACTED] 0, 2021, the Department issued the Appellant a Warning Notice ("warning notice") to her home address. The warning notice states that the Department did not receive the Appellant's renewal form sent on [REDACTED] 2021, due [REDACTED] 2021, and instructed the Appellant to return the renewal form by [REDACTED], 2020 to continue to receive benefits without interruption. The Department will discontinue benefits effective [REDACTED] 2021 if the

renewal process is not completed by [REDACTED] 2021. (Exhibit 5: Warning Notice)

7. The Department did not receive a completed renewal form from the Appellant before the [REDACTED] 2021 due date. (Hearing Record)
8. On [REDACTED] 2021, the Department closed the Appellant's benefits under the SNAP effective [REDACTED] 2021 for failure to complete the renewal process. (Hearing Record)
9. On [REDACTED], 2021, the Department issued the Appellant a Notice of Action ("NOA") to her home address. The NOA states the Appellant not eligible for benefits under the SNAP effective [REDACTED] 2021 for the following reasons: "Renewal form was not submitted, renewal process not completed, no household members are eligible for this program, [and] does not meet program requirements." (Exhibit 10: Notice of Action)
10. On [REDACTED], 2021, the Appellant dropped off her renewal form in the drop box located at the local Department office. (Appellant's Testimony)
11. On [REDACTED] 2021, the Department received the Appellant's renewal form which she dropped off that same day. The Appellant failed to sign the renewal form. (Exhibit 2: Case Notes and Department Representative's Testimony)
12. On [REDACTED], 2021, the Department telephoned the Appellant informing her the renewal form which she submitted was not valid because she failed to sign the renewal form. (Exhibit 2: Case Notes, Exhibit 3: Department Email, and Department Representative's Testimony)
13. On [REDACTED] 2021, the Department reissued the [REDACTED] 2021 renewal form to the Appellant. (Department Representative's Testimony and Exhibit 9: Document Search)
14. On [REDACTED], 2021, the Department received the Appellant's signed renewal form and statement of employment reporting the Appellant's new employment with [REDACTED] (the "employer") beginning [REDACTED] 2021. The Appellant failed to list the spouse on the renewal form. (Exhibit 2: Case Notes, Exhibit 6: Notice of Renewal of Eligibility Copy, and Department Representative's Testimony)
15. On [REDACTED], 2021, the Department received evidence confirming the spouse resides at the home address. (Department Representative's Testimony and Exhibit 2: Case Notes)
16. On [REDACTED] 2021, the Department telephoned the Appellant without success. (Exhibit 2: Case Notes)

17. On [REDACTED] [REDACTED] 2021, the Department telephoned the Appellant and completed the SNAP renewal interview with the Appellant. The Appellant reported the spouse lives with her and is employed by [REDACTED] (“delivery service”). The Appellant did not list the spouse on the form since he is not eligible for SNAP due to his immigration status. The Appellant reported she continues to work for the employer and paid bi-weekly. (Exhibit 2: Case Notes)
18. The Department received information the spouse employed at [REDACTED] (the “second job”). (Department Representative’s Testimony)
19. On [REDACTED] 2021, the Department issued the Appellant a W-1348 Proofs We Need (“W-1348”) form via mail to the home address requesting proof of the Appellant’s and spouse’s gross earnings for the current four-week period needed to eligibility under the SNAP. The Department writes household member [the spouse]: “Provide [REDACTED] income from [delivery service]. Also provide proof you did not work for [the second job] from [REDACTED] 2021 – present.” The Department writes household member [the Appellant]: “Provide two current paystubs from [the employer].” The Department lists the due date for the information as [REDACTED], 2021. (Exhibit 1: Proofs We Need)
20. The Appellant did not submit the requested information by the [REDACTED] 2021 due date. (Appellant’s Testimony)
21. The Department did not receive the requested information from the Appellant by the [REDACTED], 2021 due date. (Department Representative’s Testimony)
22. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] 2021. However, the hearing record which was to close on [REDACTED] 2021 remained open through [REDACTED], 2021 for the submission of additional evidence resulting in a 10-day delay. Therefore, this decision is due not later than [REDACTED], 2021.

CONCLUSIONS OF LAW

1. Section 17b-2(7) 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.”) § 273.10(f) provides as follows:

Certification periods. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

3. Federal regulation provides as follows:

The State agency shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The State agency shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly processed PA and GA households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their PA or GA redetermination.

7 C.F.R. § 273.14(b)(1)(i)

On [REDACTED] 2021, the Department correctly complied with federal regulation and issued the Appellant a notice of expiration timely. The [REDACTED] 2021 renewal notice falls between [REDACTED] 2021, the first day of the last month of certification and [REDACTED] 2021, the first day of the next-to-last month as the certification period expired on [REDACTED] 2021.

4. Federal regulation provides as follows:

The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time application for recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the case file, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in § 273.2(b)(2) and provide the household with a notice of required verification as specified in § 273.2(c)(5).

7 C.F.R. § 273.14(b)(2)

Federal regulation provides as follows:

No household may participate beyond the expiration of the certification period assigned in accordance with § 273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Household must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.10(a)(2)

The Department correctly closed the Appellant's benefits under the SNAP effective [REDACTED] 2021 because the Appellant's certification period under the SNAP expired on [REDACTED] 2021 and the Department did not receive a renewal form from the Appellant prior to the expiration of the certification period. Federal regulation stipulates that no household may participate beyond the expiration of the certification period assigned without a determination of eligibility for a new period. The Appellant's certification period began on [REDACTED] 2020 and expired on [REDACTED], 2021. Without a new eligibility determination for SNAP prior to [REDACTED], 2021, the expiration of the certification period, benefits must end.

On [REDACTED] 2021, the Department correctly issued the Appellant a Notice of Action informing the Appellant that her benefits under the SNAP would close effective [REDACTED] 2021 for the reasons: "renewal form was not submitted, renewal process not completed, no household members are eligible for this program, and does not meet program requirements."

5. Federal regulation provides as follows:

Application for recertification. Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. The level of benefits for recertifications shall be based on the same anticipated circumstances, except for retrospectively budgeted households which shall be recertified in accordance with §273.21(f)(2). If a household, other than a migrant or seasonal farmworker household, submits an application after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with paragraph (a)(1)(ii) of this section. If a household's failure to timely apply for recertification was due to an error of the State agency and therefore there was a break in participation, the State agency shall follow the procedures in §273.14(e). In addition, if the household submits an application for recertification prior to the end of its certification period but is found ineligible for the first month following the end of the certification period, then the first month of any subsequent participation shall be considered an initial month. Conversely, if the household submits an

application for recertification prior to the end of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month.

7 C.F.R. § 273.10(a)(2)

Federal regulation provides as follows:

Signing an application or reapplication form. In this paragraph, the word “form” refers to applications and reapplications.

Requirement for signature. A form must be signed to establish a filing date and to determine the State agency’s deadline for acting on the form. The State agency shall not certify a household without a signed form.

7 C.F.R. § 273.2(c)(7)(i)

Federal regulation provides as follows:

If a household files an application within 30 days after the end of the certification period, the application shall be considered an application for recertification; however, benefits must be prorated in accordance with [§ 273.10\(a\)](#). If a household's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the State agency, the household's benefits for the new certification period shall be prorated based on the date of the new application, and the State agency shall provide restored benefits to the household back to the date the household's certification period should have begun had the State agency not erred and the household been able to apply timely.

7 C.F.R. § 273.14(e)(3)

On [REDACTED] 2021, the Department correctly determined the Appellant’s unsigned renewal form received by the Department on [REDACTED] 2021 as an invalid request for continued assistance under the SNAP. Federal regulation states, “A new household signature and date is required at the time application for recertification.”

The Department correctly determined the Appellant’s renewal form, received by the Department on [REDACTED], 2021, as an application for recertification because the Appellant submitted the signed renewal form withing 30 days of [REDACTED], 2021, the end of the certification period.

6. Federal regulation provides as follows:

Interview. As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of [§ 273.2\(e\)](#) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with [§ 273.2\(e\)\(2\)](#). 7 C.F.R. § 273.14(b)(3)

Federal regulation provides as follows:

State agencies shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires. If a household misses its scheduled interview, the State agency shall send the household a Notice of Missed Interview that may be combined with the notice of denial. If a household misses its scheduled interview and requests another interview, the State agency shall schedule a second interview.

7 C.F.R. § 273.14(b)(3)(iii)

On [REDACTED] [REDACTED] 2021, the Department correctly completed a recertification interview with the Appellant.

7. Federal regulation provides as follows:

Verification. Information provided by the household shall be verified in accordance with [§ 273.2\(f\)\(8\)\(i\)](#). The State agency shall provide the household a notice of required verification as provided in [§ 273.2\(c\)\(5\)](#) and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 days to provide required verification information. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within 5 working days after the household submits the missing verification and benefits cannot be prorated.

7 C.F.R. § 273.14(b)(4)

Federal regulation provides as follows:

At recertification the State agency shall verify a change in income if the source has changed or the amount has changed by more than \$50. Previously unreported medical expenses, actual utility expenses and total recurring medical expenses which have changed by more than \$25 shall also be verified at recertification. The State agency shall not verify income if the source has not changed and if the amount is unchanged or has changed by \$50 or less, unless

the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses, or actual utility expenses claimed by households which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. For households eligible for the child support deduction or exclusion, the State agency may use information provided by the State CSE agency in determining the household's legal obligation to pay child support, the amount of its obligation and amounts the household has actually paid if the household pays its child support exclusively through its State CSE agency and has signed a statement authorizing release of its child support payment records to the State agency. A household would not have to provide any additional verification unless they disagreed with the information provided by the State CSE agency. State agencies that choose to use information provided by their State CSE agency in accordance with this [paragraph \(f\)\(8\)\(i\)\(A\)](#) must specify in their State plan of operation that they have selected this option. For all other households eligible for the child support deduction or exclusion, the State agency shall require the household to verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a nonhousehold member. The State agency shall verify reportedly unchanged child support information only if the information is incomplete, inaccurate, inconsistent or outdated.

7 C.F.R. § 273.2(f)(8)(i)(A)

Federal regulation provides as follows:

Changes. Changes reported during the certification period shall be subject to the same verification procedures as apply at initial certification, except that the State agency shall not verify changes in income if the source has not changed and if the amount has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses or actual utility expenses which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated.

7 C.F.R. § 273.2(f)(8)(ii)

“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. ...” 7 CFR 273.2(f)(2)(i)

“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. Spouses.” 7 CFR 273.1(b)(1)(i)

Federal regulation provides in pertinent part as follows:

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. ... State agencies shall verify the following information prior to certification for household initially applying: Gross nonexempt income shall be verified for all households prior to certification. ...

7 C.F.R. § 273.2(f)(1)(i)

Federal regulation provides as follows:

Notice of Required Verification. 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 of time the documents should cover.

7 C.F.R. § 273.2(c)(5)

The Department correctly determined the spouse a member of the household whose income must be counted in the eligibility determination of SNAP benefits. The Department correctly determined gross nonexempt income, such as earnings, from both the Appellant and the spouse must be verified prior to recertification.

On [REDACTED] 2021, the Department correctly complied with federal regulations issuing the Appellant a notice of required verification or W-1348 form informing the Appellant of verification requirements which the household must meet as part of the renewal process. The Department correctly complied with federal regulations listing the due date in which the verification requirements must be satisfied as [REDACTED], 2021, 13-days after the date of request and recertification interview, meeting the minimum 10-day requirement under federal regulations.

The Department correctly closed the Appellant's benefits under the SNAP effective [REDACTED] 2021 since the Appellant failed to complete the recertification process by [REDACTED] 2021, 30 days after the certification period expired.

DISCUSSION

The Appellant stated she did not submit the renewal document timely because she does not receive her mail regularly. The Department issued the appropriate documents to the Appellant notifying her of the recertification process. The Appellant may wish to contact the United States Postal Service to share her concerns or create an online account with the Department allowing electronic access to her documents and avoiding any further mail carrier issues.

DECISION

The Appellant's appeal is denied.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Carol Sue Shannon, RO 31
Stacey Wencek, RO 31
Rosalie Bertolini, RO 31

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.