

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-9902

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

Case # ██████████
Client # ██████████
Request # 184781

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

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

On ██████████, 2021, the Appellant requested an administrative hearing to contest the Department’s decision to discontinue 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, 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
Ferris Clare, Department’s Representative
Shawn Hardy, Hearing Officer, observer
Almelinda McLeod, Hearing Officer

The hearing record remained opened until the end of the business day for the submission of additional evidence. On ██████████ 2021, the hearing record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue the Appellant's SNAP benefit effective [REDACTED] 2021 was correct.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Appellant applied for SNAP benefits for herself and her 3 children as a household of 4. She reported receiving Unemployment compensation of \$326 per week, child support of \$50.00 for each of her children, a rental obligation of \$1225.00 per month and responsible for utilities. (Hearing record)
2. On [REDACTED] 2021, the Department issued a NOA granting the Appellant Expedited SNAP benefit for the month of [REDACTED] 2021 based on the initial information provided. (Exhibit 5A, NOA)
3. On [REDACTED], 2021, the Department issued a w-1348 Proofs We Need requesting proof of childcare expense and child support income for her 3 children. The requested verification was due by [REDACTED] 2021. The date the Department must take an action on her application was [REDACTED], 2021. (Exhibit 3, W-1348)
4. On [REDACTED] 2021, the Department issued an Interview notice, W-3015N, requiring the Appellant to complete the required interview by [REDACTED] 2021. This notice informed the Appellant that "Your application will be denied if you do not have your interview and send us all of the required proofs, we asked for by the denial date(s)." The denial date was [REDACTED] 2021. (Exhibit 4, W-3015N)
5. On [REDACTED] 2021, the Appellant did not complete the required interview and a notice of missed interview was issued to the Appellant. (Department's testimony)
6. On [REDACTED], 2021, the Department issued a NOA closing the SNAP benefits effective [REDACTED] 2021 citing that no household members are eligible for the SNAP program because "Individual did not provide information, report changes, or meet the requirements necessary to determine eligibility ". (Exhibit 5B, NOA)
7. On [REDACTED] 2021, the Appellant called the Department to inquire about the SNAP application. At this time, the Department conducted the SNAP interview. (Exhibit 1, Case Notes)

8. The Department conducted a document search under client name, case number and client identification number and did not find the requested direct child support income needed to determine SNAP eligibility. (Hearing record)
9. The Department allowed her a grace period after the denial of the SNAP application not to exceed the [REDACTED] 2021 to provide the requested documents to re-instate her SNAP application as of the date it is received. If documents are received after the grace period, the Appellant would need to re-apply for the SNAP benefits. (Hearing record, Exhibit 1)
10. The Appellant testified that she submitted the requested documents on [REDACTED] 2021 at 5:04 pm and presented a screen shot of the Verification Checklist and Document Submission under submission # [REDACTED] which shows a submission date of [REDACTED], 2021 at 12:26 pm and that the documents were received on [REDACTED], 2021. The category of verification documents submitted were regarding Address, Citizenship, and Identification. (Exhibit B, screen shot)
11. There is no evidence that the requested direct child support income verification was part of the submission of [REDACTED] 2021. (Exhibit B)
12. 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 fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2021; therefore, this decision is due not later than [REDACTED] 2022.

CONCLUSIONS OF LAW

1. Section 17b-2 (7) of the Connecticut General Statutes, provides 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 CFR § 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.
3. 7 CFR 273.2 (i) (1) pertains to *Expedited service— Entitlement to expedited service*. 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; (ii) Migrant or seasonal farmworker households who are destitute as defined in §273.10(e)(3) 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)).

4. 7 CFR 273.2 (i) (2) provides the state agency's application procedures shall be designed to identify households eligible for expedited service at the time the household request assistance.
5. 7 CFR 273.2 (i) (3) (i) pertains to processing standards and provides in general part, 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.
6. 7 CFR 273.2 (i) (4) (i) *Special procedures for expediting service*. The State agency shall use the following procedures when expediting certification and issuance: In order to expedite the certification process, the State agency shall use the following procedures: (A) In all cases, the applicant's identity shall be verified through collateral contact or readily available documentary evidence. (B) All reasonable efforts shall be made to verify within expedited processing standards.... residency, income statements, liquid assets and all other factors required by §273.2 (f).... 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. 7 CFR 273.2 (i) (4) (iii) Households that are certified on an expedited basis and have provided all necessary verification required in paragraph (f) of this section prior to certification shall be assigned normal certification periods. **If verification was postponed**, the State agency may certify these households for the month of application (the month of application and the subsequent month for those households applying after the 15th of the month) or, at the State agency's option, may assign normal certification periods to those households whose circumstances would otherwise warrant longer certification periods. State agencies, at their option, may request any household eligible for expedited service which applies after the 15th of the month and is certified for the month of application and the subsequent month only to submit a second application (at the time of the initial certification) if the household's verification is postponed.
8. **The hearing record shows the Appellant applied for SNAP assistance on [REDACTED] [REDACTED] 2021; therefore, the Department correctly certified this application in the month of application, [REDACTED] 2021.**

9. **The Department correctly granted Expedited SNAP based on reported circumstances at the time of the application from [REDACTED] 2021 to [REDACTED] 2021 and correctly postponed verifications.**
10. Title 7 of the Code of Federal Regulations (“CFR”) Section §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.
11. Title 7 CFR §273.2 (f) (xiv) (5) pertains to the responsibility of obtaining verification and provides in part, the household has the primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The state 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.
12. Title 7 of the Code of Federal Regulations § 273.2 (h) (i) (C) provides for 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 verification that was missing.
13. 7 CFR §273.2 (f) (5) (i) provides that the household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information.
14. The department’s uniform policy manual (“UPM”) 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)).
15. UPM § 1010.05 (A) (1) provides that the assistance unit must supply the Department in an accurate and timely manner as defined by the Department, all pertinent information, and verification that the Department requires to determine eligibility and calculate the amount of benefits.

16. UPM § 1015.05 (C) provides that the Department must tell the assistance unit has to do to establish eligibility when the Department does not have sufficient information to make an eligibility determination.
- 17. The Department correctly sent the Appellant a W-1348 Proofs We Need Verification Requirements lists requesting information needed to establish eligibility on [REDACTED] 2021.**
18. UPM § 1505.40(C)(1) provides that the applicant is considered responsible for incomplete applications if the Department has taken the following actions: a. Offered assistance in completing application materials or procuring difficult to obtain verification; b. Scheduled a second interview for applicants who failed to appear for the first scheduled interview but who contacted the Department to reschedule; or c. With the exception of (3) below has allowed at least 10 days from the date if notifies the applicant of a required action for the applicant to complete the action, including requests to provide verification.
19. UPM § 1505.40 (C) (3) provides that the Department is considered responsible for delays in processing applications if it has agreed to accept responsibility for obtaining verification on behalf of the assistance unit, and the delay is due to a delay in getting that verification, provided that the assistance unit continues to cooperate in the verification process.
- 20. The Department appropriately allowed the Appellant 10 days to complete the action of providing verification by the [REDACTED] 2021 due date.**
21. 7 C.F.R. § 273.2(e) (2) provides the State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

22. **The Department correctly issued an Interview Notice to the Appellant for a telephone interview to be completed by [REDACTED] 2021.**
23. **The hearing record shows that the required Interview was not completed by [REDACTED] 2021.**
24. **The hearing record shows the Appellant subsequently completed the interview on [REDACTED] 2021.**
25. UPM 1540.10 (A) provides that the assistance unit bears the primary responsibility to providing evidence to corroborate its declarations.
26. UPM § 1505.40(C)(1) provides that the applicant is considered responsible for incomplete applications if the Department has taken the following actions: a. Offered assistance in completing application materials or procuring difficult to obtain verification; b. Scheduled a second interview for applicants who failed to appear for the first scheduled interview but who contacted the Department to reschedule; or c. With the exception of (3) below has allowed at least 10 days from the date if notifies the applicant of a required action for the applicant to complete the action, including requests to provide verification.
27. **There is no evidence the Appellant requested assistance or an extension of time from the Department to obtain requested verification prior to her due date of [REDACTED] 2020; therefore, there was no further action required by the Department.**
28. **The hearing record shows the Department allowed the Appellant 10 days to supply requested verifications.**
29. Title 7 CFR §273.2 (g) (1) pertains to normal processing standard. *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.
30. UPM 1505.35 (A) (1) (2) provides that prompt action is taken to determine eligibility on each application filed with the Department and reasonable processing standards are established to assure prompt action on applications.
31. UPM 1505.35 (C) (1) (a) provides that the established maximum time period for processing a SNAP application is thirty days for eligible FS applicants that do not qualify for expedited service.
32. UPM 1505.35 (C) (2) provides the first day of the processing period begins on the day following the date of application.

33. UPM § 1545.40 (B) (2) (c) provides good cause is not a consideration in the FS program
34. Title 7 CFR 273. 2 (h) (2) (i) provides if by the 30th day the State agency cannot take any further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. However, the State agency shall give the household an additional 30 days to take the required action, except that, if verification is lacking, the State agency has the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing.
35. In this case, the Department provided the Appellant with an additional 30 days to expire on [REDACTED] 2021, to provide the requested verification, the direct child support for her 3 children.
36. The Appellant testified and provided a screen shot as verification that she successfully submitted documents to the Department on [REDACTED] 2021 at 5:04pm; however, there is no evidence that the requested direct child support income verification was part of that submission.
37. As of the date of this hearing, there was no evidence that the direct child support verification required to determine SNAP eligibility was received by the Department.
38. The Department correctly denied the SNAP application effective [REDACTED] 2021.

DECISION

The Appellant's appeal is DENIED.

Almelinda McLeod

Almelinda McLeod
Hearing Officer

CC: Rachel Anderson, SSOM New Haven
Mathew Kalarickal, SSOM New Haven
Lisa Wells, SSOM New Haven
Ferris Clare, Fair Hearing Liaison New Haven

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.