

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE
HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3730

████████████████████
Signature Confirmation

CLIENT ID # ██████████
CASE # ██████████
REQUEST # ██████████

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

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

On ██████████, the Appellant requested an administrative hearing to contest the
effective date of such benefits.

On ██████████, the Office of Legal Counsel, Regulations, and Administrative
Hearings (“OLCRAH”) issued a notice scheduling an administrative hearing for
██████████.

On ██████████, 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 via telephone.

The following individuals were present at the hearing:

██████████, Appellant
Althea Forbes-Francis, Department's Representative
Melissa Prisavage, Department's Observer
Sara Hart, Hearing Officer

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

The Appellant submitted additional evidence on ██████████ and ██████████. On ██████████, the hearing officer reopened the record to allow the Department an opportunity to respond to the Appellant's evidence. The Department submitted a response to the Appellant's evidence and the hearing record closed on ██████████.

STATEMENT OF ISSUE

The issue is whether the Department's decision to grant the Appellant's SNAP benefits effective ██████████, was correct.

FINDINGS OF FACT

1. The Appellant was a recipient of SNAP benefits for herself as a household size of one. The Department certified her benefits for the period of ██████████, through ██████████. (*Exhibit 1: Notice of Renewal of Eligibility ██████████, Department's Testimony*)
2. On ██████████, the Department sent the Appellant a notice of renewal of eligibility ("W-1ERL") for her SNAP benefits. The notice gave a due date of ██████████. The notice further stated: "You must complete your form and submit all required proofs by ██████████ or your benefits may stop." (*Exhibit 1*)
3. On ██████████, the Department issued the Appellant a NOA closing her SNAP benefits, effective ██████████, because she failed to complete the renewal process. (*Exhibit 5: NOA ██████████*)
4. On ██████████, the Department received the Appellant's completed W1ER renewal form. (*Exhibit 2: W1ER, Exhibit 8: Case Notes*)
5. On ██████████, the Department reviewed the Appellant's completed W1ER form and completed an interview with the Appellant. The Department advised the Appellant that verification of her last day of employment with ██████████ was required and issued a W1348M Worker Generated Request for Proofs form requesting the following "Please provide a letter from 1st Premier Staffing Services

stating your last day worked and reason for leaving.” The letter gave a due date of [REDACTED]. (*Department’s Testimony, Exhibit 4: W1348M [REDACTED]*)

6. On [REDACTED], the Appellant contacted [REDACTED]. She was advised that her employment information would not be confirmed without a written request. (*Appellant’s Exhibit B: Email Correspondence, Appellant’s Testimony*)
7. On [REDACTED], the Appellant spoke to a Department representative via phone to request assistance obtaining the required verification. The Appellant advised the Department that her former employer required a written request to confirm her employment status. (*Appellant’s Testimony*)
8. On [REDACTED], the Department issued a W35 Certificate of Wage Disclosure to the Appellant’s former employer. (*Exhibit 11: W35, Hearing Summary*)
9. The Department did not receive the requested verification regarding the Appellant’s employment status by the [REDACTED] due date. (*Hearing Record, Department’s Testimony*)
10. The Department did not notify the Appellant that the requested verifications were not received from her former employer. (*Hearing Record*)
11. On [REDACTED] the Appellant contacted the Department’s Benefit Center inquiring on the status of her SNAP benefits. The Department advised her that she would need to submit a new SNAP application. (*Exhibit 8, Appellant’s Testimony*)
12. On [REDACTED], the Appellant submitted an Online application for SNAP benefits. (*Exhibit 3: Online Application, Exhibit 8*)
13. On [REDACTED], the Department issued a NOA granting the Appellant’s SNAP benefits, effective [REDACTED]. (*Exhibit 6: NOA [REDACTED]*)
14. The Appellant is seeking SNAP benefits for the period of [REDACTED], through [REDACTED] (*Appellant’s Testimony*)
15. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations (“C.F.R”) § 273.15 (c) (1) which provides that within 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 is notified of the decision. The Appellant requested an administrative hearing on [REDACTED]. The hearing record remained open for an additional 54 days; therefore, this decision is due no later than [REDACTED] (*Hearing Record*)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP in accordance with federal law.
2. Title 7 of the 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.

7 C.F.R. § 273.14(a) provides that 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. Households must apply for recertification and comply with interview and verification requirements.

The Department correctly determined the Appellant must complete the recertification process and correctly sent the Appellant an application for recertification of her SNAP benefits. The Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED], because she did not complete the SNAP recertification process.

3. 7 C.F.R. § 273.14(e)(2) provides for in part for delayed processing. If a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days. Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have its application be treated as an application for recertification. If the household takes the required action before the end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period. If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action.

The Appellant correctly filed her application for recertification on [REDACTED] before the [REDACTED] end of her certification period. The Department correctly discontinued the Appellants SNAP benefits effective [REDACTED], and correctly treated the Appellant's completed W1ER as an application for recertification. The Department correctly allowed 30 days for the Appellant to

fully complete the recertification process.

4. 7 C.F.R. § 273.14(b)(3) provides for recertification interviews. 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.

7 C.F.R. § 273.2(e)(2) provides in part for telephone interviews and states 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 Department correctly contacted the Appellant on [REDACTED] to complete the required interview.

5. 7 C.F.R. § 273.2(f)(1)(i) provides for mandatory verification of income. State agencies shall verify the following information prior to certification for households initially applying:
 - i. *Gross nonexempt income.* Gross nonexempt income shall be verified for all households prior to certification.

7 C.F.R. § 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 particular verification that was missing.

The Department correctly determined that the Appellant was required to verify her end date of employment.

The Department correctly advised the Appellant of the required verification and correctly issued a W1348M Worker Generated Request for Proofs on [REDACTED]. The Department correctly allowed the Appellant ten days to provide the required information and correctly determined an [REDACTED] due date.

6. 7 C.F.R. § 273.2(f)(5)(i) provides in relevant part for responsibility of obtaining verification. The household has primary responsibility for providing documentary evidence to support statements on 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.

The Appellant correctly contacted her former employer and attempted to obtain the required verification. The Appellant correctly contacted the Department on [REDACTED] to request assistance obtaining the required documentation.

The Department correctly issued a Certificate for Wage Disclosure to the Appellant's former employer on [REDACTED] and correctly assisted the Appellant in requesting the required verification.

7. 7 C.F.R. § 273.2(h)(3)(i) provides for delays caused by the State agency. Whenever a delay in the initial 30-day period is the fault of the State agency, the State agency shall take immediate corrective action. Except as specified in §§ 273.2(f)(1)(ii)(F) and 273.2(f)(10)(i), the State agency shall not deny the application if it caused the delay, but shall instead notify the household by the 30th day following the date the application was filed that its application is being held pending. The State agency shall also notify the household of any action it must take to complete the application process. 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 verification that was missing.

The Department failed to notify the Appellant by the 30th day following her [REDACTED] application for recertification that her application was being held pending. The Department failed to notify the Appellant of any action she needed to take following her [REDACTED] request to the Department to provide assistance obtaining the required verification.

8. 7 C.F.R. § 273.2(h)(4)(i) provides for delays beyond 60 days. If the State agency is at fault for not completing the application process by the end of the second 30-day period, and the case file is otherwise complete, the State agency shall continue to process the original application until an eligibility determination is reached. If the household is determined eligible, and the State agency was at fault for the delay in the initial 30 days, the household shall receive benefits retroactive to the month of application.

7 C.F.R. § 273.2(c)(1)(iv) provides for recording the filing date. 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 Appellant submitted her application for recertification of SNAP benefits on [REDACTED]. The Department incorrectly delayed the determination of

the Appellant's eligibility beyond 60 days when it failed to act on the non-receipt of the Appellant's W35 Certificate of Wage Disclosure.

9. 7 C.F.R. § 273.10(a)(1)(ii) provides in relevant part for determining eligibility and benefit levels. A household's benefit level for the initial months of certification shall be based on the day of the month it applies for benefits and the household shall receive benefits from the date of application to the end of the month unless the applicant household consists of residents of a public institution.

7 C.F.R. § 273.2(a)(2) provides for application processing. 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.

The Appellant submitted her application for recertification of SNAP benefits on [REDACTED]. The Department was incorrect when it granted the Appellant's SNAP benefits with an effective date of [REDACTED].

DISCUSSION

The Appellant credibly testified that she contacted the Department on [REDACTED] and requested assistance obtaining the required verification. The Department correctly responded to the Appellant's request and assumed responsibility for obtaining the required verification when it sent a Certificate of Wage Disclosure to the Appellant's former employer on [REDACTED]. The Department did not receive the required verification by the [REDACTED] due date and failed to notify the Appellant of further responsibilities until [REDACTED], at which time the Department incorrectly required the Appellant to refile a new application for SNAP benefits.

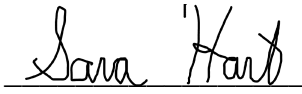
DECISION

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

ORDER

1. The Department shall reopen the Appellant's SNAP benefits, effective [REDACTED] and grant benefits provided all other eligibility factors have been established.

2. Compliance with this order is due no later than [REDACTED].

A handwritten signature in cursive script that reads "Sara Hart". The signature is written in black ink and is positioned above a horizontal line.

Sara Hart
Hearing Officer

CC: Althea Forbes-Francis, Department Representative, New Britain Regional Office
Patricia Ostroski, Operations Manager, New Britain 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 § 4-181a (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.

