

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

██████████ 2022
Signature confirmation

Case: ██████████
Client: ██████████
Request: 184395

NOTICE OF DECISION

PARTY

████████████████████

Mailing address:

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

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued a *Notice of Action* denying ██████████ (the “Appellant”) ██████████ 2021 application for Supplemental Nutrition Assistance Program (“SNAP”).

On ██████████ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the Appellant’s ██████████ postmarked hearing request.

On ██████████ 2021 the OLCRAH issued a *Notice of Administrative Hearing* scheduling the administrative hearing for ██████████ 2021. The *Notice of Administrative Hearing* asked that the Appellant call only at his scheduled time because another hearing may still be in session if he called earlier. The administrative hearing did not go forward on ██████████ 2021 due to a scheduling conflict, and the OLCRAH rescheduled the hearing to ██████████ 2021.

On ██████████ ██████████ 2021, the Appellant called into the teleconferencing number approximately half an hour after his hearing’s scheduled start time, and his hearing could not go forward as it conflicted with a different appellant’s hearing in progress. The OLCRAH granted the Appellant’s request for a postponement.

On [REDACTED] 2022, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, and Section 273.15 (a) of Title 7 of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held an administrative hearing by telephone conferencing. The following individuals participated:

[REDACTED] Appellant
Jacqueline Taft, Department Representative
Eva Tar, Hearing Officer

The record closed [REDACTED] 2022.

STATEMENT OF ISSUE

The issue is whether the Department correctly denied the Appellant’s [REDACTED] 2021 SNAP application.

FINDINGS OF FACT

1. The Appellant does not have a fixed address; he “couch surfs” at different locations on different days. (Appellant Testimony)
2. The Appellant’s friend resides at [REDACTED] [REDACTED] and accepts the Appellant’s mail for him. The Appellant does not live at that address. (Appellant Testimony)
3. On [REDACTED] 2021, the Appellant completed a SNAP application at the Department’s field office. (Appellant Testimony)
4. On the [REDACTED] 2021 SNAP application, the Appellant reported that his home address was [REDACTED] [REDACTED] and was obligated to pay \$300.00 in rent per month. The Appellant did not list a mailing address in the appropriate section and provided no prior addresses in the prior 60 months. (Exhibit 1)
5. At his [REDACTED] 2021 interview with a Department employee, the Appellant stated that his address was [REDACTED], [REDACTED] (Department Representative Testimony)
6. On [REDACTED] 2021, the Department issued a *Proofs We Need* to the Appellant, requesting in part that he submit by [REDACTED] 2021 verification of his address. (Exhibit 2)
7. The [REDACTED] 2021 *Proofs We Need* listed acceptable proofs of address as rent receipt, current lease, mortgage bill, condo fees bill, Section 8 contract, letter from landlord, recent mail sent to his address, post office records, letter from non-relative disinterested third party, or Form W-1408. Included with the *Proofs We Need* was a Form W-1408 *Landlord Verification Request*. (Exhibit 2)

8. As of [REDACTED] 2021, the Appellant had not provided verification of his reported address to the Department. (Department Representative Testimony)
9. On [REDACTED] 2021, the Department issued a *Notice of Action*, denying the Appellant's [REDACTED] 2021 SNAP application. (Exhibit 3)
10. On [REDACTED] 2022, the date of this administrative hearing, the Appellant for the first time verbally informed the Department that he had no fixed address. (Appellant Testimony) (Department Representative Testimony)
11. Title 7, Code of Federal Regulations ("C.F.R.") section 273.15 (c)(1) provides that "[w]ithin 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 are notified of the decision...." On [REDACTED] 2021, the OLCRAH received the Appellant's [REDACTED] 2021 postmarked hearing request. The issuance of this decision would have been due by [REDACTED] 2022. However, the OLCRAH granted the Appellant a continuance from [REDACTED] 2021 through [REDACTED] 2022, resulting in a 28-day delay, which also extended the deadline for the issuance of this decision by 28 days, through [REDACTED] 2022. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes designates the Department of Social Services as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department had the authority under state statute to administer the Federal SNAP in Connecticut.

2. Title 7, Code of Federal Regulations ("C.F.R.") Section 273.3 (a) provides:
A household shall live in the State in which it files an application for participation. ... The State agency shall not impose any durational residency requirements. The State agency shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Nor shall residency require an intent to reside permanently in the State or project area. Persons in a project area solely for vacation purposes shall not be considered residents.

7 C.F.R. § 273.3 (a).

The SNAP did not require the Appellant to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility.

3. Title 7, Code of Federal Regulations ("C.F.R.") Section 273.2 (f)(2)(i) provides that "[t]he 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. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information....”

“The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information....”
7 C.F.R. § 273.2 (f)(5)(i).

With respect to his [REDACTED] 2021 SNAP application, the Appellant had the primary responsibility to provide evidence to support his statements as to his address as well as to resolve inconsistencies as to the street number of his reported address.

4. Title 7, Section 273.2 (f)(1)(vi) of the Code of Federal Regulations provides:
Residency. The residency requirements of [§ 273.3](#) shall be verified except in unusual cases (such as homeless households, some migrant farmworker households, or households newly arrived in a project area) where verification of residency cannot reasonably be accomplished. Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity. If verification cannot be accomplished in conjunction with the verification of other information, then the State agency shall use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility should normally suffice to verify residency as well. Any documents or collateral contact which reasonably establish the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed. No durational residency requirement shall be established.
7 C.F.R. § 273.2 (f)(1)(vi).

As the Appellant had reported on the [REDACTED] 2021 SNAP application that he had a fixed address, the Department’s request for verification of his reported address was reasonable and supported by 7 C.F.R. § 273.2 (f)(1)(vi).

5. “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. ... 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).

“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....” 7 C.F.R. § 273.2 (f).

The Department's [REDACTED] 2021 *Proofs We Need* met the criteria for a notice that informed a household of verification requirements, as that criteria was described at 7 C.F.R. § 273.2 (c)(5).

The Department's [REDACTED] 2021 *Proofs We Need* correctly provided the Appellant with at least 10 days to submit requested documents to verify the SNAP residency requirement for an individual who had represented to the Department on [REDACTED] 2021 that he had a fixed address.

6. "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...." 7 C.F.R. § 273.2 (g)(3).

The Department's [REDACTED] 2021 denial of the Appellant's [REDACTED] 2021 SNAP application was in accordance with the federal regulations.

DISCUSSION

On [REDACTED] 2021, the Appellant represented to the Department that he lived at a fixed address in [REDACTED] and had a rental obligation of \$300.00 per month. The Department's [REDACTED] 2021 denial of the Appellant's SNAP application after the Appellant failed to provide proof of his living arrangements was appropriate, based on the information that the Appellant had provided to it.

The Appellant testified at the [REDACTED] 2022 administrative hearing that he does not live at the previously reported address, but has his mail sent to that address. The Appellant testified that he does not have a fixed address and is "couch surfing" between multiple locations. The Appellant is encouraged to reapply for the SNAP.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Pc: Jacqueline Taft, DSS-New Haven
Rachel Anderson, DSS-New Haven
Mathew Kalarickal, DSS-New Haven
Lisa Wells, DSS-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.