

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

██████████ 2022  
Signature Confirmation

Case ID # ██████████  
Client ID # ██████████  
Request # 189444

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2022, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a notice of action indicating his application for Supplemental Nutrition Assistance Program (“SNAP”) benefits was denied because he failed to provide the Department enough information to determine eligibility.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the Department’s denial of such benefits.

On ██████████ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2022.

On ██████████ 2022, under the authority of an in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephonic conferencing.

The following individuals participated in the hearing:

██████████ Appellant’s Representative  
Christopher Filex, Department’s Representative  
Christopher Turner, Hearing Officer

The Appellant did not participate in the proceedings.

## **STATEMENT OF THE ISSUE**

The issue is whether the Department correctly denied the Appellant's SNAP application.

### **FINDINGS OF FACT**

1. On [REDACTED] 2021, the Appellant submitted an online application for SNAP benefits for himself. The Appellant alone comprises the assistance unit. (Exhibit 2: Case notes; Exhibit 4: Online SNAP application)
2. On [REDACTED] 2021, the Department completed a telephone interview with the Appellant. The Appellant indicated he has not been working due to health reasons. The Department sent the Appellant A Proofs We Need form ("W-1348") requesting the following information: Proof of gross earnings or an employer statement showing the last four weeks of wages. A [REDACTED] 2021, due date was given for their return but no later than [REDACTED] 2022. (Exhibit 5A: W-1348)
3. On [REDACTED] 2021, the Department sent the Appellant a W-1348 requesting the following information: Proof of gross earnings or an employer statement showing the last four weeks of wages. A [REDACTED] 2021, due date was given for their return and no later than [REDACTED] 2022. (Exhibit 5B: W-1348)
4. On [REDACTED] 2021, the Appellant received two checks for \$675.00. (Exhibit 1)
5. On [REDACTED] 2021, the Appellant received a check for \$225.00. There are no other earnings noted from this date for the Appellant. (Exhibit 1)
6. On [REDACTED] 2022, the Appellant provided wage stubs, and a letter from [REDACTED] disclosing his application for short-term disability was denied due to not having the requisite number of service hours. (Exhibit 1: Wage verification; Exhibit 2)
7. On [REDACTED] 2022, a Department representative reviewed the Appellant's SNAP application and information the Appellant submitted on [REDACTED]. The Department's representative determined the Appellant needed to verify his last day worked and current employment status. The Department's representative used a third-party collateral contact to confirm the Appellant's wages. (Exhibit 2)
8. On [REDACTED] 2022, the Department denied the Appellant's SNAP application for failure to provide information. (Exhibit 3: Notice of Action)
9. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which requires 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 the local agency are notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2022, with this decision due no later than [REDACTED] 2022. (Hearing Record)

## **CONCLUSIONS OF LAW**

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

**The Department has the authority to review the Appellant's SNAP application and determine whether he meets the program's eligibility requirements.**

2. 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 of time the documents should cover.

7 C.F.R. § 273.2 (f) defines verification as the use of documentation or 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 the required verification.

**The Department sent the Appellant a W-1348 requesting verification of wages while affording him ten days to provide said information.**

3. 7 C.F.R. § 273.2 (f) (1) provides for mandatory verification. 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. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the State agency, and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information.

7 C.F.R. § 273.2 (f) (2) details verification of questionable information and provides (i) The State agency shall verify, prior to certification of the household, all other factors of eligibility that 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. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision.

7 C.F.R. § 273.2 (f) (4) details sources of verification and provides (i) Documentary evidence. State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or a collateral contact, without a requirement being imposed that documentary evidence must be the primary source of verification. Documentary evidence consists of a written confirmation of a

household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. Whenever documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits. For example, documentary evidence may be considered insufficient when the household presents pay stubs that do not represent an accurate picture of the household's income (such as outdated pay stubs) or identification papers that appear to be falsified. (ii) Collateral contacts. A collateral contact is an oral confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the telephone. The State agency may select a collateral contact if the household fails to designate one or designates one which is unacceptable to the State agency. Examples of acceptable collateral contacts may include employers, landlords, social service agencies, migrant service agencies, and neighbors of the household who can be expected to provide accurate third-party verification. When talking with collateral contacts, State agencies should disclose only the information that is absolutely necessary to get the information being sought. State agencies should avoid disclosing that the household has applied for SNAP benefits, nor should they disclose any information supplied by the household, especially information that is protected by §273.1(c) or suggests that the household is suspected of any wrongdoing.

7 C.F.R. § 273.2 (f) (5) stipulates the responsibility of obtaining verification and provides (i) 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. 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 SNAP 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\(n\)](#).

7 C.F.R. § 273.2 (f) (5) (ii) provides that whenever documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, the State agency may require a collateral contact or a home visit in accordance with [paragraph \(f\)\(4\)](#) of this section. The State agency, generally, shall rely on the household to provide the name of any collateral contact. The household may request assistance in designating a collateral contact. The State agency is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide an accurate third-party verification. When the collateral contact designated by the household is unacceptable, the State agency shall either designate another collateral contact, ask the household to designate another collateral contact or to provide an alternative form of verification, or substitute a home visit. The State agency is responsible for obtaining verification from acceptable collateral contacts.

7 C.F.R. § 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 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.

7 C.F.R. § 273.10 (c) (1) explains determining income and anticipating income. (i) For the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it that can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by [§ 273.12](#).

7 C.F.R. § 273.10 (c) (1) (ii) provides that income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income. Similarly, if the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income. The State agency shall exercise particular caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no

event shall the State agency automatically attribute to the household the amounts of any past income. The State agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

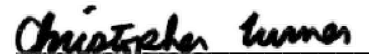
**The Department improperly denied the Appellant's SNAP application when it determined the Appellant did not submit the requested verification listed on the W-1348 sent to him on [REDACTED] 2021, since the Department did obtain the Appellant's wages and employment status from an acceptable third-party contact and had enough information to make an eligibility determination.**

### **DECISION**

The Appellant's appeal is granted.

### **ORDER**

The Department is instructed to reopen the Appellant's SNAP application effective [REDACTED] 2022, and continue the eligibility process. Proof of this order is due no later than [REDACTED] 2022, and will consist of a screen print of the Appellant's Eligibility Determination Results.

  
Christopher Turner  
Hearing Officer

Cc: Brian Sexton, DSS Operations Manager Middletown  
Christopher Filek, Department's Representative

### **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, law, and 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 the 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 the 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 if 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 to 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 under §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.