

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

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

Client ID ██████████
Case ID ██████████
Request No. 189606

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

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

On ██████████ 2022, the Appellant requested an Administrative Hearing to contest the Department’s decision to deny 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, 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 participated in the hearing:

██████████ Appellant
Jacqueline Taft, Department’s Representative
Jessica Gulianello, Administrative Hearings Officer

The hearing record remained open to allow the Department time to submit additional information. On ██████████ 2022, the hearing record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's ██████████ 2021, action to deny the Appellant's ██████████ 2021, application for benefits under the SNAP was correct.

FINDINGS OF FACT

1. On ██████████ 2021, the Appellant filed an online application ("ONAP") with the Department requesting SNAP benefits. (Exhibit 1: ONAP, Exhibit 6: Case Notes, Department's Testimony)
2. On ██████████ the Department registered the Appellant's SNAP application in the online eligibility management system ("ImpaCT"). (Exhibit 6: Case Notes, Department's Testimony)
3. On ██████████ the Appellant designated, ██████████, of ██████████ as her Authorized Representative ("AREP"). (Exhibit 1: ONAP, Appellant's Testimony)
4. On ██████████, the Department did not appoint ██████████ as an AREP as requested by the Appellant. (Exhibit 11: ImpaCT Authorized Representative – Summary, Department's Testimony)
5. On ██████████ 2021, the Department placed two calls to the Appellant in unsuccessful attempts to conduct the mandatory SNAP interview. (Exhibit 6: Case Notes, Departments Testimony)
6. On ██████████ 2021, the Department issued the Appellant an Interview Notice to call the Benefit Center by ██████████ 2021, and complete the mandatory SNAP interview. (Exhibit 2: Interview Notice, Exhibit 6: Case Notes, Department's Testimony)
7. On ██████████ 2021, the Appellant was determined ineligible for expedited SNAP benefits based on nonreceipt of postponed verifications following the previous SNAP application. (Exhibit 6: Case Notes)
8. On ██████████ 2021, the Department received an Authorization to Obtain and Disclose Information (signed by the Appellant) and a Physician Statement – ██████████ (signed by the Appellant's healthcare provider, ██████████ ██████████ M.D. on ██████████ 2021). The physician statement confirmed the following details: the Appellant had been unable to work for ██████████ as of ██████████

2021, her requested leave started [REDACTED] 2021, and her return-to-work date was to be determined. (Exhibit 8: Verification)

9. On [REDACTED] 2021, the Department issued the Appellant a W1348: Proofs We Need form (“W-1348”) requesting the following verification due by [REDACTED] 2021: proof of [REDACTED] [REDACTED] income, proof of [REDACTED] [REDACTED] benefits, proof of last date worked and proof of the reason for separation with [REDACTED]. (Exhibit 3: W-1348, Exhibit 6: Case notes, Department’s Testimony)
10. On [REDACTED] 2021, the Department issued the Appellant a Notice of Missed Interview (“NOMI”). The notice stated, “Your application will be denied if you do not have your interview and send us all the required proofs we asked for by the denial date(s).” Denial date reflected as [REDACTED] 2021. (Exhibit 4: Notice of Missed Interview, Department’s Testimony)
11. On [REDACTED] 2021, the Department issued the Appellant a Notice of Action (“NOA”) advising the SNAP application date of [REDACTED] 2021 was being denied for the following reasons: “No household members are eligible for this program”, “The required interview was not completed” and “Does not meet the program requirements”. (Exhibit 5: NOA, Departments Testimony)
12. 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] 2022; therefore, this decision is not due until [REDACTED] 2022, and therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statute provides the following: “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 Section 273.2(a)(2) of the Code of Federal Regulations (“C.F.R.”) provides the following: *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. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

7 C.F.R § 273.2(c)(1)(i) provides the following: Households must file SNAP applications by submitting the forms to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission.

The Department complied with Federal Regulation and correctly determined the Appellant filed an ONAP requesting SNAP benefits.

3. 7 C.F.R § 273.2(c)(1)(iv) provides the following: *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. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

The Department complied with Federal Regulation and correctly determined the SNAP application date to be [REDACTED] 2021.

4. 7 CFR § 273.2(n) provides the following: *Authorized representatives.* Representatives may be authorized to act on behalf of a household in the application process, in obtaining SNAP benefits, and in using SNAP benefits.

7 CFR § 273.2(n)(1) provides the following: *Application processing and reporting.* The State agency shall inform applicants and prospective applicants that indicate that they may have difficulty completing the application process, that a nonhousehold member may be designated as the authorized representative for application processing purposes. The household member or the authorized representative may complete work registration forms for those household members required to register for work. The authorized representative designated for application processing purposes may also carry out household responsibilities during the certification period, such as reporting changes in the household's income or other household circumstances in accordance with §§ 273.12(a) and 273.21. Except for those situations in which a drug and alcohol treatment center or other group living arrangement acts as the authorized representative, the State agency must inform the household that the household will be held liable for any overissuance that results from erroneous information given by the authorized representative.

7 CFR § 273.2(n)(1)(i) provides the following: A nonhousehold member may be designated as an authorized representative for the application process provided that the person is an adult who is sufficiently aware of relevant household circumstances and the authorized representative designation has been made in writing by the head of the household, the spouse, or another responsible member

of the household. Paragraph (n)(4) of this section contains further restrictions on who can be designated an authorized representative.

The Department did not comply with Federal Regulation.

The Department omitted the Appellant's request for an AREP.

5. 7 C.F.R § 273.2(e)(1) provides the following: Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

7 CFR § 273.2(e)(2) provides the following: 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.

The Department complied with Federal Regulation in part.

The Department correctly determined an interview was required to establish SNAP eligibility.

The Department incorrectly issued the interview notice to the Appellant only and did not issue a copy to the AREP.

6. 7 CFR § 273.2(i)(1) provides the following: *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)).

7 CFR § 273.2(i)(4)(iv) provides the following: There is no limit to the number of times a household can be certified under expedited procedures, as long as prior to each expedited certification, the household either completes the verification requirements that were postponed at the last expedited certification or was certified under normal processing standards since the last expedited certification. The provisions of this section shall not apply at recertification if a household reapplies before the end of its current certification period.

The Department complied with Federal Regulation and correctly determined the Appellant did not meet the criteria to be eligible for expedited service.

7. 7 C.F.R. § 273.2(c)(5) provides the following: *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 CFR § 273.2(f)(2)(i) provides the following: 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. 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)(5)(i) provides the following: 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). If a SNAP applicant's attestation regarding disqualified felon status described in § 273.2(o) is questionable, the State agency shall verify the attestation. Each element of a questionable attestation - that the individual has been convicted of a crime listed at § 273.11(s), and that the individual is not in compliance with the terms of their sentence - shall be verified by the State agency. The State agency shall determine whether an attestation is questionable based on the standards established under § 273.2(f)(2)(i). In conducting verifications of questionable

attestations under this paragraph, the State agency shall establish reasonable, consistent standards, evaluate each case separately, and document the case file accordingly.

7 C.F.R § 273.2(h)(1)(i)(C) provides the following: 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 did not comply with Federal Regulation when the Appellant was issued a W-1348.

The Department had access to the Appellant's paid [REDACTED] leave with [REDACTED] via a [REDACTED] income verification database, [REDACTED]

The Department had access to the Appellant's [REDACTED] [REDACTED] via ImpaCT's [REDACTED] interface with the [REDACTED].

The Appellant provided documentation with the ONAP to verify her last date worked and the reason for separation with [REDACTED]

8. 7 C.F.R § 273.2(e)(3) provides the following: The State agency must schedule an interview for all applicant households who are not interviewed on the day they submit their applications. To the extent practicable, the State agency must schedule the interview to accommodate the needs of groups with special circumstances, including working households. The State agency must schedule all interviews as promptly as possible to insure eligible households receive an opportunity to participate within 30 days after the application is filed. The State agency must notify each household that misses its interview appointment that it missed the scheduled interview and that the household is responsible for rescheduling a missed interview. If the household contacts the State agency within the 30 day application processing period, the State agency must schedule a second interview. The State agency may not deny a household's application prior to the 30th day after application if the household fails to appear for the first scheduled interview. If the household requests a second interview during the 30-day application processing period and is determined eligible, the State agency must issue prorated benefits from the date of application.

The Department complied with Federal Regulation in part.

The Department correctly issued the Appellant a NOMI.

The Department incorrectly did not issue the AREP a NOMI.

9. 7 CFR § 273.10(g)(1)(ii) provides the following: *Notice of denial*. If the application is denied, the State agency shall provide the household with written notice explaining the basis for the denial, the household's right to request a fair hearing, the telephone number of the SNAP office (a toll-free number or a number where collect calls will be accepted for households outside the local calling area), and, if possible, the name of the person to contact for additional information. If there is an individual or organization available that provides free legal representation, the notice shall also advise the household of the availability of the service. A household which is potentially categorically eligible but whose SNAP application is denied shall be asked to inform the State agency if it is approved to receive PA and/or SSI benefits or benefits from a State or local GA program. In cases where the State agency has elected to use a notice of denial when a delay was caused by the household's failure to take action to complete the application process, as provided in § 273.2(h)(2), the notice of denial shall also explain: The action that the household must take to reactivate the application; that the case will be reopened without a new application if action is taken within 30 days of the date the notice of denial was mailed; and that the household must submit a new application if, at the end of the 30-day period, the household has not taken the needed action and wishes to participate in the program. If the State agency chooses the option specified in § 273.2(h)(2) of reopening the application in cases where verification is lacking only if household provides verification within 30 days of the date of the initial request for verification, the State agency shall include on the notice of denial the date by which the household must provide the missing verification.

The Department did not comply with Federal Regulation.

The Department did not issue the AREP a copy of the NOA.

DECISION

The Appellant's appeal is GRANTED.

ORDER

- 1). The Department must reopen the Appellant's application for benefits under the SNAP effective [REDACTED] 2021.**
- 2). The Department must add the AREP to ImpaCT.**

3). The Department must issue an Interview Notice with an updated due date to both parties and continue to process the SNAP application accordingly.

4). Compliance is due within 14 days of the date of this decision.

Jessica Gulianello

**Jessica Gulianello
Fair Hearing Officer**

CC: Rachel Anderson, Mathew Kalarickal, Lisa Wells, Jacqueline Taft, Department of Social Services, New Haven Office (RO 20)

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.