

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 # ██████████
CLIENT ID # ██████████
REQUEST# 191554

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████, 2022, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) denying her application for Supplemental Nutritional Assistance (“SNAP”) benefits.

On ██████████, 2022, the Appellant requested an Administrative Hearing to appeal the Department’s decision to deny the SNAP.

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, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Hearing.

The hearing was held telephonically per the Appellant’s request. The following individuals participated in the hearing:

██████████, Appellant
Ermelindo Cardona, Department’s Representative
Jessica Gulianello, Hearings Officer

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

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's [REDACTED], 2022, action to deny the Appellant's [REDACTED], 2022, application for the SNAP was correct.

FINDINGS OF FACT

1. On [REDACTED], 2022, the Appellant submitted an online application ("ONAP") to the Department requesting SNAP and Cash benefits for a household of three individuals: [REDACTED]. (Exhibit 8: ONAP, Hearing Record).
2. The ONAP was received outside of normal business hours [REDACTED]. The Department's online eligibility management system ("ImpaCT") auto-updated the application date to the next business day, [REDACTED], 2022. (Exhibit 8: ONAP).
3. On [REDACTED], 2022, the Department registered the Appellant's ONAP for SNAP in ImpaCT. (Exhibit 1: Case Notes, Department's Testimony)
4. On [REDACTED], 2022, the Department issued the Appellant a W-1348: Proofs We Need ("W-1348") requesting the following required proofs for the SNAP: gross earnings and last date worked details due by [REDACTED], 2022. (Exhibit 1: Case Notes, Exhibit 2: W-1348, Department's Testimony)
5. On [REDACTED], 2022, the Appellant gave birth to her third child, [REDACTED]. (Appellant's Testimony)
6. On [REDACTED], 2022, the Appellant contacted the Department and completed a telephone interview ("TI"). (Exhibit 1: Case Notes, Hearing Record)
7. On [REDACTED], 2022, the Department issued the Appellant a second W-1348 requesting the following required proofs for the SNAP: gross earnings, last date worked details, and residency due by [REDACTED], 2022. (Exhibit 1: Case Notes, Exhibit 4: W-1348, Department's Testimony)
8. On [REDACTED], 2022, the Department submitted a Fraud Early Detection ("FRED") referral to the investigation's unit to verify the Appellant's household composition. (Exhibit 1: Case Notes, Department's Testimony)

9. On [REDACTED], 2022, the Department received the following documents from the Appellant: Fast link cover sheet, account card activity statement, three birth certificates, three social security cards, letter from [REDACTED] confirming the Appellant's [REDACTED] and [REDACTED], vehicle registration, handwritten letter concerning residency and eating arrangements, mail from the [REDACTED], and two [REDACTED] Bank receipts for account ending [REDACTED]. (Exhibit 11: Verifications)
10. On [REDACTED], 2022, the Department received the following documents from the Appellant: Fast link cover sheet, W1408: Landlord Verification Request form, W348A: Non-Custodial Parent's Information Sheet, W595: Notice Concerning Exemption from CS Cooperation, Jobs First Program Recipient/Agency Responsibilities Addendum, W1084: Exemption form for Jobs First and a [REDACTED] Bank Customer Account Relationship statement. (Exhibit 11: Verifications)
11. On or about [REDACTED], 2022, an investigator with the Department conducted a home visit to [REDACTED]. The investigator concluded the Appellant resides with [REDACTED] and [REDACTED]. (Exhibit 1: Case Notes, Hearing Record)
12. On [REDACTED], 2022, the Department conducted a 30-day case review and determined the Appellant did not provide proof of gross earnings and the last date worked details from her employment with [REDACTED]. Furthermore, the Appellant was ineligible for the SNAP [REDACTED]. The Department denied the SNAP application and ImpaCT issued a W-0001: Notice of Action ("NOA") advising the Appellant the SNAP application was denied for the following reasons: no household members are eligible for the program; individual did not provide information report changes or meet the requirements necessary to determine eligibility and does not meet program requirements. (Exhibit 1: Case Notes, Exhibit 6: NOA, Department's Testimony)
13. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which requires that a decision must be reached, and the household notified within 60 days of receipt of a requested fair hearing. The Appellant requested an administrative hearing on [REDACTED], 2022, making this decision due no later than [REDACTED], 2022. (Hearing Record)

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."

The Department has the authority to administer the SNAP.

2. Title 7 of the Code of Federal Regulations (“C.F.R”) § Section 273.2(a)(2) 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], 2022.

4. 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 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 complied with Federal Regulation and issued the Appellant a W-1348 on [REDACTED], 2022. The due date of, [REDACTED], 2022, afforded the Appellant ten days to provide the requested proofs.

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 and conducted a telephone interview with the Appellant on [REDACTED], 2022.

6. 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.

The Department complied with Federal Regulation and correctly determined there was questionable information the Appellant was required to verify for the Department to accurately establish eligibility for the SNAP.

The Department correctly issued the Appellant a second W-1348 on [REDACTED], 2022. The due date of [REDACTED], 2022, afforded the Appellant an additional ten days to provide the additional proofs requested.

7. 7 C.F.R § 273.2(f)(5)(ii) provides the following: 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.

Fraud Early Detection (FRED) Investigation: *CT Process*: A FRED investigation is completed during the application process when circumstances indicating an increased likelihood of fraud are discovered.

The Department correctly determined a FRED referral was appropriate to verify the household composition [REDACTED].

8. 7 C.F.R § 273.2(f)(4) provides the following: *Sources of verification* - (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 through 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 which do not represent an accurate picture of the household's income (such as out-dated 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 suggest that the household is suspected of any wrong doing.

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.

The Department complied with Federal Regulation and correctly determined the Appellant held the primary responsibility of providing documentary evidence to support the statements made on the ONAP.

The Department correctly determined the historical letter received in ImpaCT on [REDACTED], 2021, was insufficient proof of the Appellant's last date worked details with [REDACTED].

The W-1348's issued to the Appellant stated the following, "If you need help getting the proof or need more time, call the Benefit Center at 1-855-626-6632."

The Appellant testified she did not contact the Department to request assistance obtaining the verifications and/or an extension to the due date(s).

9. 7 CFR § 273.1(a) provides the following: *General household definition*. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart

from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption. (b) *Special household requirements* - (1) *Required household combinations*. The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. (i) Spouses; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and (iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

The Department complied with Federal Regulation and correctly concluded the Appellant [REDACTED] and [REDACTED] are mandatory members of the SNAP household.

The Appellant testified to residing with the following individuals: [REDACTED].

10.7 C.F.R § 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.

7 C.F.R § 273.10(g)(1)(iii) provides the following: *Notice of pending status*. If the application is to be held pending because some action by the State is necessary to complete the application process, as specified in § 273.2(h)(2), or the State agency has elected to pend all cases regardless of the reason for delay, the State agency shall provide the household with a written notice which informs the household that its application has not been completed and is being processed. If some action by the household is also needed to complete the application process, the notice shall also explain what action the household must take and that its application will be denied if the household fails to take the required action within 60 days of the date the application was filed. If the State agency chooses the option specified in § 273.2(h) (2) and (3) of holding the application pending in cases where verification is lacking only until 30 days following the date verification was initially requested, the State agency shall include on the notice of pending status the date by which the household must provide the missing verification.

The Department needed proof of the Appellant’s last date worked details with [REDACTED] to establish SNAP eligibility.

The Department complied with Federal Regulation and correctly determined the Appellant did not provide the requested proofs timely.

The Department correctly denied the Appellant’s [REDACTED], 2022, SNAP application on [REDACTED], 2022, following a 30-day case review.

Furthermore, if the Appellant reapplies for SNAP benefits while residing at the same residence, she is required to [REDACTED] on the application.

DECISION

The Appellant’s appeal is DENIED.

Jessica Gulianello

**Jessica Gulianello
Administrative Hearing Officer**

CC: Ermelindo Cardona, Rachel Anderson, Matthew Kalarickal, Lisa Wells, 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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court with 45 days of the mailing of this decision, or 45 days after the agency denies 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 06105-3725. 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 her 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.