

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

██████████  
██████████  
Request # 191680

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2022, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a notice of action ("NOA") denying his application for Supplemental Nutrition Assistance Program ("SNAP") benefits because he failed to supply the information required to determine eligibility.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the denial of the SNAP benefits.

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

On ██████████ 2022, the Appellant requested the hearing to be rescheduled.

On ██████████ ██████████ 2022, OLCRAH issued a notice rescheduling 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 following individuals were present at the hearing:

██████████, the Appellant

Theresa Martinez, Department's Representative  
Carla Hardy, Hearing Officer

### **STATEMENT OF THE ISSUE**

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

### **FINDINGS OF FACT**

1. On [REDACTED] 2021, the Department received the Appellant's application for SNAP assistance for a household of five persons which included the Appellant, his spouse, and three children. (Exhibit 1: Case Notes; Exhibit 2: Application, [REDACTED]/21; Hearing Summary)
2. On [REDACTED] 2022, the Department reviewed the Appellant's application. The Appellant indicated on his application that his spouse earns \$1,020.00 monthly in self-employment income and that the total monthly household income equals \$1,881.00. (Exhibit 2)
3. On [REDACTED] 2022, the Department requested the Appellant provide proof of the household's checking and savings balances, and proof of the self-employment income. The Department indicated the Appellant could provide business records, tax records, and the last tax return receipts of business income and expenses as acceptable forms of proof for the self-employment income. The requested information was due [REDACTED], 2022. (Exhibit 3: Proofs We Need, [REDACTED]/22)
4. Verification of the checking and savings balances is not necessary for SNAP eligibility. (Hearing Summary)
5. On [REDACTED] 2022, the Department received the Appellant's 2020 Profit or Loss From Business ("Schedule C"). (Department's Testimony)
6. The Appellant has not filed his 2021 Income Tax Return. (Appellant's Testimony)
7. On [REDACTED] 2022, the Appellant completed his telephone interview with the Department. (Exhibit 1)
8. On [REDACTED] 2022, the Department denied the SNAP because they did not receive all the requested proofs by the due date. (Exhibit 5: NOA, [REDACTED]/22)

9. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a hearing. The Appellant requested an administrative hearing on ██████████ 2022. Therefore, this decision is due not later than ██████████ 2022. However, the Appellant requested a reschedule of the hearing which caused an 8-day delay. Therefore, this decision is due not later than ██████████ 2022. (Hearing Summary)

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes provides that 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 of the Code of Federal Regulations (“C.F.R.”) Section 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 to time the documents should cover.
3. 7 C.F.R. § 273.2(h)(i)(C) provides for 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 sent the Appellant a Proofs We Need notice, advising that additional verifications were needed to establish eligibility.**

4. 7 C.F.R. § 273.2(f)(1)(i) provides that 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.

**The Department correctly requested the Appellant to provide verification of his spouse's self-employment income.**

5. "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." 7 C.F.R. § 273.2(f)(4)(i)
6. 7 C.F.R. § 273.2(f)(5)(i) provides that the household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information. . .
7. 7 C.F.R. § 273.2(f)(5)(ii) provides 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.

**The Department failed to request an alternative form of verification of the spouse's self-employment income when they determined that the 2020 Schedule C was not sufficient.**

8. 7 C.F.R. § 273.2 (g)(3) provides for denying the application and states 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 Appellant expressed his interest in pursuing the SNAP application when he submitted the 2020 Schedule C.**

**On [REDACTED] 2022, the Department incorrectly denied the Appellant's SNAP application for failing to return the required proofs.**

**DECISION**

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

**ORDER**

1. The Department shall rescreen the SNAP application effective [REDACTED] 2021, the date of application.
2. The Department shall request additional to verify the spouse's self-employment income.
3. Compliance with this order is due no later than [REDACTED] 2022.

*Carla Hardy*  
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Carla Hardy  
Hearing Officer

Pc: Rachel Anderson, Operations Manager, DSS, New Haven Office  
Mathew Kalarickal, Operations Manager, DSS, New Haven Office  
Lisa Wells, Operations Manager, New Haven Office  
Theresa Martinez, Fair Hearing Liaison, New Haven Office  
Ermelindo Cardona, Fair Hearing Liaison, New Haven 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.