

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 #191797

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2022, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing her Supplemental Nutrition Assistance Program ("SNAP") benefits, effective ██████████ 2022.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the Department's decision to discontinue 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 were present at the hearing:

██████████, Appellant
██████████, the Appellant's spouse
Deborah James, Department's Representative
Scott Zuckerman, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue the Appellant's SNAP benefits for failure to complete a redetermination is correct.

FINDINGS OF FACT

1. On [REDACTED], 2021, the Appellant's spouse submitted his application to register permanent resident or adjust status. The Application states it does not grant any immigration status or benefit. (Exhibit 4: Department of Homeland Security U.S. Citizen and Immigration Services Form I797C, Notice of Action)
2. On [REDACTED] 2022, the Department received the Appellant's Renewal of Eligibility form dated [REDACTED] 2022, for a household of two. The Appellant's current certification period is [REDACTED] 2021 through [REDACTED] 2022, for a household of one. (Hearing Summary and Exhibit 7: Notice of Renewal of Eligibility dated [REDACTED] 2022)
3. On [REDACTED] 2021, the Department reviewed the renewal. The Appellant indicated she is married and listed her spouse's citizen status is undocumented non - citizen. (Hearing Summary, Exhibit 2: Case notes and Exhibit 7)
4. On [REDACTED] 2021, the Department mailed the Appellant a W-1348, Proofs We Need form. The form requested proof of the effective date of the Appellant's spouse immigration status and proof of his date of entry to the United States such as a Permanent Resident card or work authorization card or federal identification from U.S. Citizen and Immigration Services. In addition to the W-1348, the Department mailed the Appellant an interview notice informing her of an interview requirement. The proofs and the interview were due by [REDACTED], 2022. (Hearing Summary, Exhibit 1: W-1348, Proofs We Need, dated [REDACTED] 2022, and Exhibit 2)
5. On [REDACTED] [REDACTED] 2022, the Appellant contacted the Department and completed the SNAP telephone interview. The Appellant stated that her spouse was a permanent resident with a sponsor. (Exhibit 2: Case Notes)
6. On [REDACTED], 2022, the Department received I – 797C, Notice of Action from the Department of Homeland Security U.S. Citizenship and Immigration Services. The Notice stated that Homeland security had received her spouse's application to register as a permanent resident and does not grant any immigration status. (Hearing Summary, Exhibit 4)

7. On [REDACTED], 2022, the Department sent the Appellant a Notice of Action. The notice stated, the Appellant did not complete the renewal process and benefits will close effective [REDACTED], 2022. (Exhibit 3: Notice of Action dated [REDACTED], 2022)
8. On [REDACTED] 2022, the Department received the Sponsor of Non-Citizens Information Sheet. (Hearing Summary and Exhibit 5)
9. The Department had no record of the Appellant's spouse's proof of date of entry to the U.S. (Hearing Record)
10. The Appellant's spouse is in the process of adjusting his immigration status. He did not provide a copy of his I-94 document showing his date of entry when requested by the Department. (Appellant's spouse testimony)
11. 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 fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2022. Therefore, this decision is due not later than [REDACTED] 2022. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("CFR") § 273.14(a) provides that no household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

The Department correctly notified the Appellant that she must complete the redetermination process by [REDACTED] 2022.

3. 7 C.F.R. § 273.2(e) (2) provides the State agency may use a telephone 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 Appellant completed the SNAP telephone interview.

4. Title 7 CFR § 273.14(b)(2) provides that the State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in §273.2(b)(2), and provide the household with a notice of required verification as specified in §273.2(c)(5).

The Appellant timely submitted the Renewal form.

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 (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 verification that was missing.

The Department correctly sent the Appellant a W-1348 requesting information needed to establish eligibility beyond [REDACTED], 2022 and allowed 10 days to provide the information.

8. 7 C.F.R. § 273.14 (e)(2) provides that if a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification or at the end of 30 days. Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have the application be treated as an application for recertification. If the household takes the required action before the end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period. If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action. The State agency shall determine cause for any delay in process a recertification application in accordance with the provisions of § 273.3(h)(1).

The Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] 2022, because the Appellant did not submit the requested information by the end of the certification period.

DECISION

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

Scott Zuckerman
Scott Zuckerman
Hearing Officer

Pc: Rachel Anderson, Operations Manager, DSS, New Haven Regional Office
Mathew Kalarickal, Operations Manager, DSS, New Haven Regional Office
Lisa Wells, Operations Manager, DSS, New Haven Regional Office
Debra James, Fair Hearing Liaison, DSS, New Haven Regional 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.