

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# 192789

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, the Appellant did not attend the Administrative Hearing.

On ██████████ 2022, the Appellant requested the Administrative Hearing be rescheduled.

On ██████████ 2022, the OLCRAH issued the Appellant 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 hearing was held telephonically per the Appellant's request. The following individuals participated in the hearing:

██████████, Appellant
Taneisha Hayes, Department's Representative
Jessica Gulianello, Hearings Officer

The hearing record remained open to allow both parties time to submit additional information. Additional documents were received from both parties and on ██████████ 2022, the hearing record closed accordingly.

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. On ██████████ 2021, the Department received a paper W-1E Application for Benefits ("W-1E") from the Appellant requesting food and medical benefits for herself. The W-1E was signed and dated ██████████ 2021. (Exhibit 3: W-1E, Exhibit 9: Case Notes, Hearing Summary, Department's Testimony)
2. On ██████████ 2021, the Department reviewed the W-1E and registered the Appellant's request for food and medical benefits in the online eligibility management system ("ImpaCT"). (Exhibit 9: Case Notes, Hearing Summary, Department's Testimony).
3. The Appellant's date of birth is ██████████. She was ██████████ at the time of said application and she is currently ██████████ years old. (Exhibit 3: ONAP, Exhibit 11: Interfaces, Appellant's Testimony)
4. The Appellant was determined ██████████. She is currently receiving ██████████ ██████████ ██████████ benefits ██████████ and ██████████ ██████████ Income ██████████. (Exhibit 11: ██████████, Appellant's Testimony, Hearing Record)
5. The Appellant listed ██████████ as both her residential address and as a ██████████ property on the W-1E. (Exhibit 3: W-1E, Department's Testimony).
6. On ██████████, 2021, the Department issued the Appellant a W-1348: Proofs We Need ("W-1348") requesting proof of her ██████████ account balance due by ██████████ 2021. (Exhibit 5 W-1348, Hearing Record)

7. On [REDACTED] 2021, the Department issued the Appellant an Interview Notice. The Interview Notice stated, "Your application will be denied if you do not have your interview and send us all of the required proofs we asked for by the denial date(s)." The denial date was listed as [REDACTED] 2021. The notice also stated, "Your interview may be done by telephone or in person at a DSS office. Please call the Benefit Center at 1-855-626-6632 between the hours of Monday through Friday (except for holidays) between 7:30 am and 3:30 pm to have your interview or set up a time to come to a DSS office for your interview." (Exhibit 4: Interview Notice, Hearing Record)
8. On [REDACTED] 2021, the Department received proof of the Appellant's [REDACTED] account balance. (Exhibit 8: Bank Statement, Hearing Record)
9. On [REDACTED] 2021, the Department issued the Appellant a Notice of Missed Interview ("NOMI"). The NOMI reminded the Appellant, "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)." (Exhibit 6: NOMI, Hearing record)
10. On [REDACTED] 2021, the Department reviewed the bank statement received on [REDACTED] 2021. The SNAP remained pending awaiting completion of the mandatory interview. (Exhibit 9: Case Notes, Department's Testimony)
11. On [REDACTED] 2021, the Department conducted a 30-day case review and determined the Appellant did not complete the required SNAP interview timely. The Department denied the pending SNAP application and ImpaCT issued a NOA advising the Appellant the SNAP application was denied citing the following reasons: "No household members are eligible for this program", "The required interview was not completed", "Individual did not provide information, report changes, or meet the requirements necessary to determine eligibility" and "Does not meet program requirements". (Exhibit 7: NOA, Hearing Summary, Department's Testimony)
12. The Appellant moved from [REDACTED] to [REDACTED] on or about [REDACTED] of 2021; however, she continued to receive SNAP benefits from [REDACTED] through [REDACTED] 2021. (Appellant'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. This decision, therefore, was due no later than [REDACTED] 2022. The hearing, however, which was originally scheduled for [REDACTED] 2022, was rescheduled for [REDACTED] 2022, at the request of the Appellant, which caused a [REDACTED] day delay. Because this [REDACTED] delay resulted from the Appellant's request, this decision was due no later than [REDACTED] 2022. However, the hearing record, which had been anticipated to close on [REDACTED] 2022, did not close for the admission of evidence until [REDACTED] 2022, at the Appellant's request.

Because this [REDACTED] delay in the close of the hearing record arose from the Appellant's request, this final decision was not due until [REDACTED] 2022, and is therefore timely. (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 the Federal Regulations and correctly determined the Appellant filed a W-1E requesting the SNAP.

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

4. 7 C.F.R § 273.9(b) provides the following: Definition of income. Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.

7 C.F.R § 273.9(b)(2) provides the following: Unearned income shall include, but not be limited to: (i) Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in § 271.2); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt from consideration as countable income under the provisions of paragraph (c)(1) of this section. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.

7 C.F.R § 273.9(b)(2)(ii) provides the following: Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in § 272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

The Department verified the Appellant receives [REDACTED] and [REDACTED] benefits from [REDACTED].

The Department correctly determined the Appellant's income from the [REDACTED] [REDACTED] is countable income for the SNAP.

5. 7 C.F.R § 273.2(j)(2)(i) provides the following: The following households are categorically eligible for SNAP benefits unless the entire household is institutionalized as defined in § 273.1(e) or disqualified for any reason from receiving SNAP benefits.

7 C.F.R § 273.2(j)(2)(i)(D) provides the following: Any household in which all members receive or are authorized to receive SSI benefits, except that residents of public institutions who apply jointly for SSI and SNAP benefits prior to their

release from the institution in accordance with § 273.11(i), are not categorically eligible upon a finding by SSA of potential SSI eligibility prior to such release. The State agency must consider the individuals categorically eligible at such time as SSA makes a final SSI eligibility and the institution has released the individual.

The Appellant applied for SNAP for herself and is a recipient of [REDACTED] as such she is [REDACTED] eligible for SNAP.

6. 7 C.F.R § 273.8(a) provides the following: Uniform standards. The State agency shall apply the uniform national resource standards of eligibility to all applicant households, including those households in which members are recipients of federally aided public assistance, general assistance, or supplemental security income. Households which are categorically eligible as defined in § 273.2(j)(2) or 273.2(j)(4) do not have to meet the resource limits or definitions in this section.

7 C.F.R § 273.8(b) provides the following: Maximum allowable financial resources. The maximum allowable liquid and non-liquid financial resources of all members of a household without members who are elderly or have a disability shall not exceed \$2,000, as adjusted for inflation in accordance with paragraph (b)(1) and (b)(2) of this section. For households including one or more member who is elderly or has a disability, such financial resources shall not exceed \$3,000, as adjusted for inflation in accordance with paragraph (b)(1) and (b)(2) of this section.

7 C.F.R § 273.8(c) provides the following: Definition of resources. In determining the resources of a household, the following shall be included and documented by the State agency in sufficient detail to permit verification: (1) Liquid resources, such as cash on hand, money in checking and savings accounts, saving certificates, stocks or bonds, and lump sum payments as specified in § 273.9(c)(8); and (2) Nonliquid resources, personal property, licensed and unlicensed vehicles, buildings, land, recreational properties, and any other property, provided that these resources are not specifically excluded under paragraph (e) of this section. The value of nonexempt resources, except for licensed vehicles as specified in paragraph (f) of this section, shall be its equity value. The equity value is the fair market value less encumbrances. (3) For a household containing a sponsored alien, the State agency must deem the resources of the sponsor and the sponsor's spouse in accordance with § 273.4(c)(2).

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.

On [REDACTED] 2021, the Department issued the Appellant a W-1348. The W-1348 due date of [REDACTED] 2021, afforded the Appellant more than [REDACTED] [REDACTED] to provide proof of her assets.

The Department received the requested asset verification timely on [REDACTED] 2021.

As previously stated, the record reflects the Appellant is a receipt of [REDACTED] and is [REDACTED] eligible for SNAP. As such, she is not subject to the resource (asset limit). Therefore, the W-1348 as issued by the Department requested information that was immaterial to her eligibility for the SNAP.

7. 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 C.F.R § 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.

7 C.F.R § 273.2(k)(1)(i)(G) provides the following: Households in which all members are applying for or participating in SSI will not be required to see a State eligibility worker, or otherwise be subjected to an additional State interview. The SNAP application will be processed by the State agency. The State agency shall not contact the household further in order to obtain information for certification for SNAP benefits unless: the application is improperly completed; mandatory verification required by § 273.2(f)(1) is missing; or, the State agency determines that certain information on the application is questionable. In no event would the applicant be required to appear at the SNAP office to finalize the eligibility determination. Further contact made in accordance with this paragraph shall not constitute a second SNAP certification interview.

The Appellant reported she is the owner of [REDACTED], and listed the residence [REDACTED] on the W-1E.

The Department determined this information was questionable and correctly concluded an interview was required to clarify the details surrounding [REDACTED].

On [REDACTED] 2021, the Department correctly issued an Interview Notice.

On [REDACTED] 2021, the Department correctly issued a NOMI as the interview had not been completed.

8. 7 C.F.R § 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(j)(2)(v) provides the following: The eligibility factors which are deemed for SNAP eligibility without the verification required in paragraph (f) of this section because of PA/SSI status are the resource, gross and net income limits; social security number information, sponsored alien information, and residency. However, the State agency must collect and verify factors relating to benefit determination that are not collected and verified by the other program if these factors are required to be verified under paragraph (f) of this section. If any of the following factors are questionable, the State agency must verify, in accordance with paragraph (f) of this section, that the household which is considered categorically eligible: (A) Contains only members that are PA or SSI recipients as defined in the introductory paragraph (j) of this section; (B) Meets the household definition in § 273.1(a); (C) Includes all persons who purchase and prepare food together in one SNAP household regardless of whether or not they are separate units for PA or SSI purposes; and (D) Includes no persons who have been disqualified as provided for in paragraph (j)(2)(vi) of this section.

The Department complied with the Federal Regulations and correctly determined the details surrounding the [REDACTED] as a requirement to accurately establish the Appellant's eligibility for the SNAP.

9. 7 C.F.R § 273.2(g)(1) provides the following: *Thirty-day processing.* The State agency shall provide eligible households that complete the initial application

process an opportunity to participate (as defined in § 274.2(b)) as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and SNAP benefits prior to release from the institution in accordance with § 273.11(i). An application is filed the day the appropriate SNAP office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in paragraph (i) of this section. For residents of public institutions who apply for SNAP benefits prior to their release from the institution in accordance with § 273.11(i), the State agency shall provide an opportunity to participate as soon as possible, but not later than 30 calendar days from the date of release of the applicant from the institution.

7 C.F.R § 273.2(g)(3) provides the following: 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 of 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(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 complied with the Federal Regulations and correctly issued the Appellant a NOA on [REDACTED] 2021, as the information required to complete the application process and establish eligibility including but not limited to the mandatory interview was not completed timely.

10.7 C.F.R § 272.4(e)(1) provides the following: Each State agency shall establish a system to assure that no individual participates more than once in a month, in more than one jurisdiction, or in more than one household within the State in SNAP. To identify such individuals, the system shall use names and social security numbers at a minimum, and other identifiers such as birth dates or addresses as appropriate.

During the hearing proceedings the Appellant testified that she continued to receive SNAP benefits [REDACTED] 2021. It should be noted that individuals are not allowed to participate concurrently in the SNAP in more than one state in the same month.

DISCUSSION

The Appellant maintained she is eligible for the SNAP. As previously noted, the Appellant is [REDACTED] eligible for the SNAP as a receipt of [REDACTED]. However, the Department determined that information reported on her application was questionable and as such the interview was required to establish eligibility. The Appellant did not contact the Department to complete the interview and the application was subsequently denied. It appears the Appellant may have prematurely applied for SNAP [REDACTED] on [REDACTED] 2021, as she continued to receive SNAP benefits in [REDACTED] [REDACTED] 2021. The Appellant clarified during the hearing proceedings that [REDACTED] is the [REDACTED] in question, and she pays [REDACTED] a monthly rental fee. The Appellant is encouraged to reapply for the SNAP with the Department if she has not already done so.

DECISION

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

Jessica Gulianello

Jessica Gulianello
Administrative Hearing Officer

CC: Taneisha Hayes, Jessica Carroll, Musa Mohamud, Josie Savastra, Department of Social Services, Hartford Office (DO 10)

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.