

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

[REDACTED]
Signature Confirmation

**Client ID # [REDACTED]
Case ID # [REDACTED]
Request # 192965**

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED], the Department of Social Services (the "Department") sent [REDACTED] [REDACTED] (the "Appellant") a Notice of Action ("NOA") indicating that her application for the Supplemental Nutrition Assistance Program ("SNAP") was granted from [REDACTED] [REDACTED].

On [REDACTED], the Appellant requested an administrative hearing to contest the Department's decision to discontinue her SNAP benefits after [REDACTED].

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

On [REDACTED], 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 via audio connection to the [REDACTED] Regional office.

The following individuals participated in the hearing:

[REDACTED], Appellant
Javier Rivera, Department's Representative
Sara Hart, Hearing Officer

A separate decision will be issued regarding the Department's denial of the Appellant's HUSKY C Medicaid application.

STATEMENT OF THE ISSUE

The issue is whether the Department's decision to discontinue the Appellant's SNAP benefits effective, [REDACTED], was correct.

FINDINGS OF FACT

1. On [REDACTED], the Appellant submitted an online application ("ONAP") to the Department requesting SNAP and medical benefits for a household of one. (*Exhibit 1: Online Application*)
2. The Appellant reported a home address of [REDACTED], [REDACTED], and telephone number of [REDACTED] on her ONAP. The Appellant has resided at this address for the last thirty years and does not have a separate mailing address. (*Exhibit 1, Appellant's Testimony*)
3. On [REDACTED], the Department mailed a Proofs We Need form ("W1348") to the Appellant requesting the following information: proof of shelter expenses. The notice provided examples of acceptable documentation and gave a due date of [REDACTED]. (*Exhibit 8A: USPS Returned Mail W1348 [REDACTED]*)
4. On [REDACTED] the Department reviewed the Appellant's SNAP application and attempted to contact the Appellant twice by telephone at [REDACTED] to conduct the required interview. The Department was unable to reach the Appellant and issued an Interview Notice. The Notice gave an Interview Due Date of [REDACTED], [REDACTED], and a Denial Date of [REDACTED]. The Notice further advised the Appellant to call the Department's Benefit Center to complete the interview or to set up a time for an in-office interview. The 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." (*Exhibit 7: Case Notes, Exhibit 5: Interview Notice [REDACTED]*)
5. On [REDACTED], the Department issued the Appellant a Proofs We Need form ("W1348") requesting the following information: proof of checking account balance, proof of shelter expenses, and proof of money received from others. The notice provided examples of acceptable documentation and gave a due date of [REDACTED]. (*Exhibit 2: W1348 [REDACTED]*)
6. On [REDACTED], the Department granted SNAP benefits for the dates of [REDACTED], through [REDACTED], and issued a NOA to the Appellant. The NOA stated "Interview and Proofs Needed to Keep Getting Your SNAP Benefits. Because you needed SNAP right away, you did not have to have an interview when you applied. To keep getting SNAP after [REDACTED] you will need to interview by

- ██████████ and give us the required proofs by ██████████.” (*Exhibit 3: NOA ██████████*)
7. On ██████████, the Department received the W1348 (issued on ██████████) as returned mail (“RPO”) from the United States Post Office (“USPS”). The document was marked “Return to Sender, Not Deliverable As Addressed, Unable to Forward”. (*Exhibit 8A RPO ██████████*)
 8. On ██████████, the Department issued the Appellant a Notice of Missed Interview (“NOMI”) and notified the Appellant that her SNAP application would be denied if she did not contact the Department to complete an interview and submit the required proofs by ██████████. (*Exhibit 6: Notice of Missed Interview ██████████*)
 9. On ██████████, the Department received the W1348 (issued on ██████████) as RPO from the USPS. The document was marked as “Return To Sender, Not Deliverable As Addressed, Unable to Forward”. (*Exhibit 8B: RPO ██████████*)
 10. On ██████████, the Department received the NOMI as RPO from the USPS. The document was marked “Return To Sender, Not Deliverable As Addressed, Unable to Forward”. (*Exhibit 8C: RPO ██████████*)
 11. The Appellant has an online account with the Department that she accesses through her telephone. (*Appellant’s Testimony*)
 12. On ██████████, the Department issued the Appellant a NOA confirming the discontinuance of her SNAP benefits after ██████████, because she failed to return all the required proofs by the due date and did not provide the proofs needed in order to receive SNAP for a longer period of time and does not meet program requirements. (*Exhibit 4: NOA ██████████*)
 13. The Appellant did not attempt to contact the Department upon receipt of the ██████████, NOA. (*Appellant’s Testimony*)
 14. On ██████████, the Department contacted the Appellant via telephone. The Appellant advised the Department representative that she was unable to speak and ended the call. (*Exhibit 17: Case Note ██████████*)
 15. As of ██████████, the Appellant had not completed her interview or submitted the requested verifications to the Department. (*Hearing Record*)
 16. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations (“C.F.R”) § 273.15(c)(1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency is notified of the decision. The Appellant requested an administrative hearing on ██████████; therefore, this decision is due no later than ██████████. (*Hearing Record*)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.2(c)(4)(iv) provides for application date and states 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.

The Department correctly determined the application date of [REDACTED]

3. 7 C.F.R. § 273.2(e)(1) provides in relevant part for interviews and states that 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. 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.

7 C.F.R. § 273.2(e)(3) provides 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.

7 C.F.R. § 273.2(e)(2) provides 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 Department correctly determined that the Appellant was required to complete an interview. The Department correctly attempted to reach the

Appellant by telephone upon receipt of her SNAP application, however, it erred when it called an incorrect telephone number. The Department correctly issued an Interview Notice to the Appellant advising her of the interview requirement and due date.

The Appellant failed to complete the required interview by the [REDACTED], [REDACTED], due date and the Department correctly issued a NOMI on the same day.

4. 7 C.F.R. § 273.2(f)(1)(i) provides for mandatory verification of income. State agencies shall verify the following information prior to certification for households initially applying:

- i. *Gross nonexempt income.* Gross nonexempt income shall be verified for all households prior to certification.

7 C.F.R. § 273.2(f)(2)(i) provides in relevant part for verification of questionable information. 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.

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.

7 C.F.R. § 273.2(h)(1)(i)(C) provides for 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 correctly determined the Appellant was required to verify her income and factors of eligibility.

The Department correctly issued the Appellant the W1348 *Proofs We Need* form on [REDACTED], and [REDACTED], requesting necessary verifications and correctly allowed 10 days for completion.

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

The Appellant failed to submit the required verifications necessary to establish SNAP eligibility.

6. 7 C.F.R. § 273.2(i)(1) provides for entitlement to expedited SNAP. The following households are entitled to expedited service:

- (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 C.F.R. § 273.2(i)(3) provides for expedited processing standards. All households receiving expedited service, except those receiving it during months in which allotments are suspended or cancelled, shall have their cases processed in accordance with the following provisions. Those households receiving expedited service during suspensions or cancellations shall have their cases processed in accordance with the provisions of § 271.7(e)(2).

- (i) *General.* For households entitled to expedited service, the State agency shall post benefits to the household's EBT card and make them available to the household not later than the seventh calendar day following the date an application was filed. For a resident of a public institution who applies for benefits prior to his/her release from the institution in accordance with § 273.11(i) and who is entitled to expedited service, the date of filing of his/her SNAP application is the date of release of the applicant from the institution. Whatever systems a State agency uses to ensure meeting this delivery standard shall be designed to provide the household with an EBT card and PIN no later than the seventh calendar day following the day the application was filed.

7 C.F.R. § 273.2(i)(4) provides for special procedures for expediting service. The State agency shall use the following procedures:

- (i) In order to expedite the certification process, the State agency shall use the following procedures:
 - (A) In all cases, the applicant's identity (i.e., the identity of the person making the application) shall be verified through a collateral contact or readily available documentary evidence as specified in paragraph (f)(1) of this section.
 - (B) All reasonable efforts shall be made to verify within the expedited processing standards, the household's residency in accordance with § 273.2(f)(1)(vi), income statement (including a statement that the household has no income), liquid resources and all other factors required by § 273.2(f), through collateral contacts or readily available documentary

evidence. However, benefits shall not be delayed beyond the delivery standards prescribed in paragraph (i)(3) of this section, solely because these eligibility factors have not been verified.

- (iii) Households that are certified on an expedited basis and have provided all necessary verification required in paragraph (f) of this section prior to certification shall be assigned normal certification periods. If verification was postponed, the State agency may certify these households for the month of application (the month of application and the subsequent month for those households applying after the 15th of the month) or, at the State agency's option, may assign normal certification periods to those households whose circumstances would otherwise warrant longer certification periods. State agencies, at their option, may request any household eligible for expedited service which applies after the 15th of the month and is certified for the month of application and the subsequent month only to submit a second application (at the time of the initial certification) if the household's verification is postponed.

(A) For households applying on or before the 15th of the month, the State agency may assign a one-month certification period or assign a normal certification period. Satisfaction of the verification requirements may be postponed until the second month of participation. If a one-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household has to satisfy all verification requirements that were postponed. For subsequent months, the household must reapply and satisfy all verification requirements which were postponed or be certified under normal processing standards. If the household does not satisfy the postponed verification requirements and does not appear for the interview, the State agency does not need to contact the household again.

The Department correctly granted the Appellant expedited SNAP on [REDACTED], within seven days of her [REDACTED], application, and correctly certified SNAP benefits for the month of application.

The Department correctly postponed the required interview and verifications during the expedited certification period.

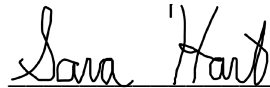
The Department properly notified the Appellant of the necessary requirements to continue receiving SNAP benefits beyond the expedited period of [REDACTED], through [REDACTED].

DISCUSSION

The Appellant provided testimony that she sometimes encounters difficulty receiving mail from the USPS and did not receive many of the mailed notices issued by the Department regarding her [REDACTED] [REDACTED] [REDACTED], application. The Department's evidence supports the fact that it properly notified the Appellant of the necessary requirements to continue receiving SNAP benefits beyond the expedited certification period. Federal regulations support the Department's termination of the Appellant's expedited SNAP benefits effective [REDACTED] because she failed to complete the required interview and failed to provide verifications required to determine eligibility.

DECISION

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



Sara Hart
Hearing Officer

CC: Javier Rivera, Department Representative Manchester Regional Office
Angelica Branfalt, Operations Manager Manchester 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.