

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

■■■■ 2022
Signature Confirmation

Client ID ■■■■
Case ID ■■■■
Request # 194733

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

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

On ■■■■ 2022, the Appellant requested an administrative hearing to contest the Department's decision to close 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, the Appellant failed to appear at the administrative hearing and OLCRAH issued a notice of dismissal.

On ■■■■ 2022, the Appellant requested a continuance which the OLCRAH granted effectively rescinding the notice of dismissal.

On ■■■■ 2022, the OLCRAH issued a notice scheduling the administrative hearing for ■■■■ 2022.

On ■■■■ 2022, the OLCRAH granted a continuance due to an administrative delay caused through scheduling.

On [REDACTED] [REDACTED] 2022, the OLCRAH issued a notice scheduling the administrative hearing for [REDACTED] [REDACTED] 2022.

On [REDACTED] [REDACTED] 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 via teleconference at the Appellant's request.

The following individuals called in for the hearing:

[REDACTED] [REDACTED] Appellant
 Christopher Filek, Department Representative
 Lisa Nyren, Fair Hearing Officer
 Tina Haskell, Fair Hearing Officer, Observation Only

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's [REDACTED] [REDACTED] 2022 decision to close the Appellant's benefits under the SNAP effective [REDACTED] [REDACTED] 2022 was correct.

FINDINGS OF FACT

1. The Appellant received benefits under the SNAP for a household of one, herself. (Exhibit 3: Notice of Action)
2. On [REDACTED] [REDACTED] 2020, the Appellant began working for [REDACTED] [REDACTED] [REDACTED] (the "employer") part time. (Exhibit 1: Income Documents)
3. On [REDACTED] [REDACTED] 2021, the Appellant received her final paycheck for pay period [REDACTED] [REDACTED] 2021 through [REDACTED] [REDACTED] 2021 from the employer because she requested a medical leave of absence from the employer which the employer approved. (Exhibit 1: Income Documents and Appellant's Testimony)
4. [REDACTED] [REDACTED] (the "firm") is the firm which administers the employer's medical leave benefits. The firm assigned the Appellant a leave officer to process her request for medical leave from the employer. The Appellant does not recall the name of her leave officer. (Appellant's Testimony)
5. Eligibility for continued benefits under the SNAP are reviewed annually by the Department through the renewal process. The Appellant's certification period began [REDACTED] [REDACTED] 2021 and expired [REDACTED] [REDACTED] 2022. (Department Representative's Testimony)

6. On [REDACTED] [REDACTED] 2022, the Department issued the Appellant a notice to renew eligibility under the SNAP to continue benefits. (Department Representative's Testimony)
7. On [REDACTED] [REDACTED] 2022, the Department received the Appellant's renewal form requesting continued benefits under the SNAP. (Department Representative's Testimony, Exhibit 5: Case Notes, and Hearing Summary)
8. On [REDACTED] [REDACTED] 2022, the Department conducted a renewal interview with the Appellant by telephone. During the interview the Appellant reported the following changes: Accepted to [REDACTED] but failed to enroll; currently on unpaid medical leave from the employer since [REDACTED] 2021 and does not pay rent. The Department requested documentation of the Appellant's student status and proof of unpaid medical leave during the interview. (Exhibit 5: Case Notes)
9. On [REDACTED] [REDACTED] 2022, the Department issued the Appellant a Proofs We Need ("W-1348") form requesting proof of school attendance and proof of loss of employment. The Department comments, "Please submit verification that you are not currently in school [and] Please provide proof that you are on UNPAID leave from your employer." The Department writes, "You can upload your proof electronically at www.connect.ct.gov, mail the proof using the enclosed envelope and cover sheet, or bring the proof to a DSS office. Make sure you include the attached return cover sheet to get faster service. If you do not send us your proof on time, your benefits may be delayed or denied. If you need help getting the proof or need more time, call the Benefit Center at 1-855-626-6632." The Department lists the due date for the information as [REDACTED] [REDACTED] 2022. (Exhibit 2: Proofs We Need Form)
10. On [REDACTED] [REDACTED] 2022, the Department received a copy of the Appellant's school schedule and proof of the Appellant's last date worked at the employer. (Exhibit 4: Document Search, Exhibit 5: Case Notes, and Department Representative's Testimony)
11. The Department did not receive proof of unpaid medical leave by the [REDACTED] [REDACTED] 2022 due date. Proof of the status of medical leave – paid or unpaid is required to evaluate SNAP eligibility because some employers offer paid medical leave to their employees and paid medical leave is counted income under the SNAP. The Appellant provided proof of last date worked and proof of last paycheck for work but failed to provide proof of paid or unpaid medical leave. (Department Representative's Testimony and Exhibit 4: Document Search)

12. On [REDACTED] [REDACTED] 2022, the Department closed the Appellant's benefits under the SNAP effective [REDACTED] [REDACTED] 2022 because the Appellant failed to provide the requested documentation, specifically proof of paid or unpaid medical leave resulting in the failure to complete the SNAP renewal process. (Department Representative's Testimony and Exhibit 3: Notice of Action)
13. On [REDACTED] [REDACTED] 2022, the Department issued the Appellant a Notice of Action informing the Appellant of the closure of her benefits under the SNAP. The notice states, you are not eligible for benefits under the SNAP beginning [REDACTED] [REDACTED] 2022 listing the reasons as: "You did not return all of the required proofs by the date we asked [and] does not meet program requirements." (Exhibit 3: Notice of Action)
14. As of [REDACTED] [REDACTED] 2022, the Department has not received proof of the Appellant's unpaid medical leave from the employer or the firm. (Department Representative's Testimony)
15. Interactions, including telephone conversations, between the Department and applicants/recipients are documented by the Department in case notes. Neither the Department nor the Appellant can document a call from the Appellant requesting assistance in obtaining the requested verification, specifically proof of unpaid medical leave. (Hearing Record)
16. The issuance of this hearing decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2022. However, the hearing which was originally scheduled for [REDACTED] [REDACTED] 2022 was rescheduled at the request of the Appellant which caused a [REDACTED] day delay. Because this [REDACTED]-day delay resulted from the Appellant's request, this decision is due no later than [REDACTED] [REDACTED] 2022 and therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides as follows: 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 Section 273.14(a) of the Code of Federal Regulations provides as follows:

General. 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

3. Federal regulation provides as follows:

The State agency shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The State agency shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly processed PA and GA households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their PA or GA redetermination.

7 C.F.R. § 273.14(b)(1)(i)

Federal regulation provides as follows:

Application. 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 provisions of [§ 273.2\(c\)\(7\)](#) regarding acceptable signatures on applications also apply to applications used at 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\(c\)\(5\)](#).

7 C.F.R. § 273.14(b)(2)

Timely application for recertification. Other households reporting required changes in circumstances that submit applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.” 7 C.F.R. § 273.14(c)(2)

On ██████ 2022, the Department correctly issued the Appellant a notice to renew her benefits under the SNAP.

On ██████ 2022, the Appellant correctly submitted an application for recertification of her SNAP benefits timely.

4. Federal regulation provides as follows:

Interview. As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of [§ 273.2\(e\)](#) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with [§ 273.2\(e\)\(2\)](#).

7 C.F.R. § 273.14(b)(3)

Federal regulation provides as follows:

State agencies shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires. If a household misses its scheduled interview, the State agency shall send the household a Notice of Missed Interview that may be combined with the notice of denial. If a household misses its scheduled interview and requests another interview, the State agency shall schedule a second interview.

7 C.F.R. § 273.14(b)(3)(iii)

On ██████ 2022, the Department correctly completed the recertification interview with the Appellant timely allowing the Appellant more than 10-days to provide verifications prior to the expiration of the certification period on ██████ 2022.

5. Federal regulation provides as follows:

Verification. Information provided by the household shall be verified in accordance with [§ 273.2\(f\)\(8\)\(i\)](#). The State agency shall provide the household a notice of required verification as provided in [§ 273.2\(c\)\(5\)](#) and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 days to provide required verification information. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall

receive an opportunity to participate, if eligible, within 5 working days after the household submits the missing verification and benefits cannot be prorated.

7 C.F.R. § 273.14(b)(4)

“Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification. [Paragraph \(i\)\(4\)](#) of this section contains verification procedures for expedited service cases.” 7 CFR 273.2(f)

Federal regulation provides as follows:

Verification subsequent to initial certification – Recertification. At recertification the State agency shall verify a change in income if the source has changed or the amount has changed by more than \$50. Previously unreported medical expenses, actual utility expenses and total recurring medical expenses which have changed by more than \$25 shall also be verified at recertification. The State agency shall not verify income if the source has not changed and if the amount is unchanged or has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses, or actual utility expenses claimed by households which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. For households eligible for the child support deduction or exclusion, the State agency may use information provided by the State CSE agency in determining the household's legal obligation to pay child support, the amount of its obligation and amounts the household has actually paid if the household pays its child support exclusively through its State CSE agency and has signed a statement authorizing release of its child support payment records to the State agency. A household would not have to provide any additional verification unless they disagreed with the information provided by the State CSE agency. State agencies that choose to use information provided by their State CSE agency in accordance with this [paragraph \(f\)\(8\)\(i\)\(A\)](#) must specify in their State plan of operation that they have selected this option. For all other households eligible for the child support deduction or exclusion, the State agency shall require the household to verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a nonhousehold member. The State agency shall verify reportedly unchanged child support information only if the information is incomplete, inaccurate, inconsistent or outdated.

7 C.F.R. § 273.2(f)(8)(i)(A)

“Other information which has changed may be verified at recertification. Unchanged information shall not be verified unless the information is incomplete, inaccurate, inconsistent or outdated. Verification under this paragraph shall be subject to the same verification procedures as apply during initial verification.” 7 C.F.R. § 273.2(f)(8)(i)(D)

Federal regulation provides as follows:

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(c)(5)

Per federal regulation the State agency shall verify a change in income if the source has changed. The State agency shall not verify income if the source has not changed and if the amount is unchanged or has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent, or outdated. Although the Appellant took medical leave from the employer, the employer outsources the administration of the medical leave to the firm. As this is a change and the information regarding leave is incomplete, the Department correctly determined proof of unpaid medical leave required under the SNAP recertification process.

On [REDACTED] [REDACTED] 2022, the Department correctly provided the Appellant a statement of required verification, W-1348, and allowed the Appellant until [REDACTED] [REDACTED] 2022, sufficient time, to provide proof of unpaid medical leave to the Department.

6. Federal regulation provides as follows:

Delayed processing. 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 period, 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 its 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 processing a recertification application in accordance with the provisions of [§ 273.3\(h\)\(1\)](#).

7 C.F.R. § 273.14(e)(2)

Federal regulation provides as follows:

Determining cause. The State agency shall first determine the cause of the delay using the following criteria:

1. Determining cause. The state agency shall first determine the cause of the delay using the following criteria:
 - i. A delay shall be considered the fault of the household if the household has failed to complete the application process even though the State agency has taken all the action it is required to take to assist the household. The State agency must have taken the following actions before a delay can be considered the fault of the household:
 - A. For households that have failed to complete the application form, the State agency must have offered, or attempted to offer, assistance in its completion.
 - B. If one or more members of the household have failed to register for work, as required in § 273.7, the State agency must have informed the household of the need to register for work, determined if the household members are exempt from work registration, and given the household at least 10 days from the date of notification to register these members.
 - C. In cases where verification is incomplete, the State agency must have provided the household with a statement of 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 requires for the particular verification that was missing.
 - D. For households that have failed to appear for an interview, the State agency must notify the household 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 processing period, the State agency must schedule a second interview. If the household fails to schedule a second interview, or the subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day; otherwise, the delay shall be the fault of the household. If the household has failed to appear for the first interview, fails to schedule a second interview, and/or the subsequent interview is postponed at the household's request until after the 30th day following the date the application was filed, the delay shall be the fault of the household. If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

- ii. Delays that are the fault of the State agency include, but are not limited to, those cases where the State agency failed to take the actions described in paragraphs (h)(1)(i)(A) through (D) of this section.

7 CFR 273.2(h)(1)

7. Federal regulation provides as follows:

If by the 30th day the State agency cannot take any further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. However, the State agency shall give the household an additional 30 days to take the required action, except that, if verification is lacking, the State agency has the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing.

7 C.F.R. § 273.2(h)(2)(i)

On [REDACTED] [REDACTED] 2022, the Department correctly determined the Appellant ineligible for benefits under the SNAP effective [REDACTED] [REDACTED] 2022 because the recertification process remained incomplete, and her current certification period was scheduled to expire on [REDACTED] [REDACTED] 2022.

Although the Appellant provided proof of her last pay from the employer and proof she is on medical leave prior to the certification end date of [REDACTED] [REDACTED] 2022, the Appellant failed to provide the Department with proof that her medical leave is unpaid.

The Department correctly determined the Appellant failed to establish good cause for the failure to provide the requested documentation by the [REDACTED] [REDACTED] 2022 due date and/or by [REDACTED] [REDACTED] 2022 30 days after the closure of benefits under the SNAP on [REDACTED] [REDACTED] 2022. The Department correctly provided the household with a statement of required verification or W-1348 issued on [REDACTED] [REDACTED] 2022 with a due date for the documents listed as [REDACTED] [REDACTED] 2022, allowing the Appellant sufficient time, at least 10 days to submit the requested documents. Additionally, no documents were received from the Appellant within 30 days of the date of closure, [REDACTED] [REDACTED] 2022.

8. Federal regulation provides as follows:

State agency has the option of sending the household either a notice of denial or a notice of pending status on the 30th day. The option chosen may vary from one project area to another, provided the same procedures apply to all households within a project area. However, if a notice of denial is sent and the household takes the required action within 60 days following the date the application was filed, the State agency shall reopen the case without requiring a new application. No further action by the State agency is required after the notice of denial or pending status is sent if the household failed to take the required action within 60 days following the date the application was filed, or if the State agency chooses the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing, and the household fails to provide the necessary verification by this 30th day.

7 C.F.R. § 273.2(h)(2)(i)(A)

On [REDACTED] [REDACTED] 2022, the Department correctly issued a notice of action informing the Appellant that her benefits would close effective [REDACTED] [REDACTED] 2022 for the following reasons: “You did not return all of the required proofs by the date we asked, [and] does not meet program requirements.”

The Department correctly determined the Appellant failed to submit proof of income within 60 days after [REDACTED] [REDACTED] 2022, the date the application for recertification was filed by the Appellant. The Appellant’s SNAP benefits remain closed until a new application for benefits filed.

DECISION

The Appellant’s appeal is denied.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Brian Sexton, SSOM RO #50
Christopher Filek, RO #50

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.