

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 # 195387

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) issued a notice of action to ██████████ (the “Appellant”) discontinuing her Supplemental Nutrition Assistance Program (“SNAP”) assistance.

On ██████████ 2022, the Appellant requested an administrative hearing by telephone to contest the Department’s closure of her SNAP assistance.

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, 17-61, and 4-176e to 4-184 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone.

The following individuals were present at the hearing:

██████████ Appellant
Christopher Filek, Department’s Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department properly discontinued the Appellant's SNAP assistance due to being over the gross income limit for her household size.

FINDINGS OF FACT

1. On [REDACTED] 2022, the Appellant received \$418.00 in SNAP benefits. The Appellant's household is comprised of one adult and four children. One child, [REDACTED] is not the Appellant's daughter. The Appellant's certification period is [REDACTED] 2021, through [REDACTED] 2022 (Exhibit 3: Notice; Appellant's testimony)
2. On [REDACTED] 2022, a Department resource employee opened an investigation into the Appellant's household composition after receiving a citizen complaint that the father of the Appellant's children is residing in the Appellant's apartment. (Exhibit 2: Case notes)
3. On [REDACTED] 2022, the Department resource employee spoke with the father of the Appellant's children, [REDACTED] ("LLR"). The investigator informed the LLR that the evidence shows he is residing with the Appellant and will be added to the Appellant's case. The LLR stated to the resource employee he understood. (Exhibit 2)
4. On [REDACTED] 2022, the Department added the LLR of the Appellant's children to the SNAP assistance unit. A notice sent to the Appellant indicated her SNAP assistance would close effective [REDACTED] 2022, due to income above the program limit. (Exhibit 3)
5. On [REDACTED] 2022, the Department received the school registration verification for [REDACTED] (not the Appellant's child) and [REDACTED] which showed they have a home address of [REDACTED]. Also, the Appellant and the LLR are listed as the adults with whom the children live. (Exhibit 4: School verification)
6. There is no indication in the case record that the Department issued a request for more information (W-1348) to the Appellant. (Record)
7. The Department of Motor Vehicles ("DMV") lists the LLR's address as the Appellant's. (Exhibit 7: DMV printouts)
8. The Appellant is currently on maternity leave from her job at the [REDACTED], LLC. (Appellant's testimony)
9. The LLR is employed by the [REDACTED]. The [REDACTED] has the LLR's address as the same as the Appellant's. (Exhibit 6: [REDACTED] wage verification)

10. The Appellant indicated the LLR and his child [REDACTED] do not live with her but reside with his mother at [REDACTED]. (Record; Appellant's testimony)
11. The LLR receives child support for his daughter. The support payments are sent to the Appellant's address. (Exhibit 7: Department's Support printout)
12. After the hearing, the Appellant submitted a copy of an insurance card from [REDACTED] and a DMV title that showed the LLR's address as his mother's. (Appellant's Exhibit A: Insurance card; Appellant's Exhibit B: DMV title)
13. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which requires 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 the local agency are notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2022, with this decision due no later than [REDACTED] 2022, as [REDACTED] 2022, is a [REDACTED]. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to review the Appellant's eligibility for SNAP and determine whether her household meets the program's eligibility requirements.

2. 7 C.F.R. § 273.12(c)(3) provides for Unclear Information. During the certification period, the State agency might obtain unclear information about a household's circumstances from which the State agency cannot readily determine the effect on the household's continued eligibility for SNAP, or in certain cases benefit amounts. The State agency may receive such unclear information from a third party. Unclear information is information that is not verified, or information that is verified but the State needs additional information to act on the change.

7 C.F.R. § 273.12(c)(3) (i) provides the State agency must pursue clarification and verification (if applicable) of household circumstances using the following procedure if unclear information received outside the periodic report is: Fewer than 60 days old relative to the current month of participation; and would, if accurate, have been required to be reported under the requirements that apply to the household under 273.12 based on the reporting system to which they have been assigned. Additionally, the State agency must pursue clarification and verification (if applicable) of household circumstances using the following procedure for any unclear information that appears to present significantly conflicting information from that used by the State agency at the time of certification. The procedures for unclear information regarding matches described in §272.13 or §272.14 are found in paragraph (iii) of this section.

7 C.F.R. § 273.12(c)(3)(i)(A) provides the State agency shall issue a written request for contact (RFC) which clearly advises the household of the verification it must provide or the actions it must take to clarify its circumstances, which affords the household at least 10 days to respond and to clarify its circumstances, either by telephone or by correspondence, as the State agency directs, and which states the consequences if the household fails to respond to the RFC.

7 C.F.R. § 273.12(c)(3) (i) (B) provides if the household does not respond to the RFC or does respond but refuses to provide sufficient information to clarify its circumstances, the State agency must issue a notice of adverse action as described in §273.13. The State has two options: 1. The State agency may elect to send a notice of adverse action that terminates the case, explains the reasons for the action, and advises the household of the need to submit a new application if it wishes to continue participating in the program; or 2. Alternatively, the State agency may elect to issue a notice of adverse action that suspends the household for one month before the termination becomes effective, explains the reasons for the action, and advises the household of the need to submit new information if it wishes to continue participating. If the household responds satisfactorily to the RFC during the period of suspension, the State agency must reinstate the household without requiring a new application, issue the allotment for the month of suspension, and if necessary, adjust the household's participation with a new notice of adverse action.

7 C.F.R. § 273.12(c)(3) (C) provides if the household responds to the RFC and provides sufficient information, the State agency must act on the new circumstances in accordance with paragraphs (c)(1) or (c)(2) of this section, as appropriate.

The Department failed to issue the Appellant an RFC or a notice of adverse action that suspends the household for one month before termination becomes effective.

The Department was incorrect when it discontinued the Appellant's SNAP assistance effective [REDACTED] 2022.

DISCUSSION

There is conflicting evidence concerning the composition of the Appellant's household. The Department provided reliable evidence that suggested the LLR and his daughter reside with the Appellant while the Appellant provided a car insurance card and DMV title that showed the LLR resides at his mother's address. Given the differing verification and unclear information, the Department is required to send a written request for contact to the Appellant and require that clarification be provided by telephone or by correspondence with the Appellant afforded a minimum of 10 days for compliance. This procedure was not followed thereby rendering the addition of the LLR to the Appellant's SNAP assistance and subsequent closure improper.

DECISION

The Appellant's appeal is granted.

ORDER

The Department is instructed to reinstate the Appellant's [REDACTED] SNAP assistance in suspended status and send the Appellant an RFC ("W-1348") to clarify to the Department's satisfaction, her current household composition. Proof of compliance will consist of a copy of the W-1348 or a suitable alternative and is due within 10 days from the date of this decision.

Christopher Turner

Christopher Turner
Hearing Officer

Cc: Brian Sexton, Operations Manager Middletown
Christopher Filek, Department's Representative

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, law, and 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 06105-3725.

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, if 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 to 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.