

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# ██████████

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

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

On ██████████ 2022, the Appellant requested an administrative hearing to appeal the SNAP discontinuance.

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 4-189 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
Kristin Haggan, Department’s representative
Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the SNAP benefits effective [REDACTED] 2022, for failure to complete a redetermination.

FINDINGS OF FACT

1. On [REDACTED], 2022, the Department received the Appellant's W-1ER Renewal of Eligibility form. The household's SNAP certification period began on [REDACTED], 2021, and ended on [REDACTED], 2022. (Hearing Record, Dept. Ex.1: W-1ER)
2. On [REDACTED], 2022, the Department reviewed the renewal form and determined that an interview would need to be conducted and additional information would need to be requested/provided to establish the Appellant's ongoing SNAP eligibility. (Dept. Ex. 8: ImpaCT Case Notes)
3. On [REDACTED] 2022, the Department sent a W-3015N Interview Notice to the Appellant instructing her to contact the Department's Benefit Center by [REDACTED] 2022. (Dept. Ex. 3: Interview Notice)
4. On [REDACTED], 2022, the Department sent a W-1348 Proofs We Need form to the Appellant requesting proof of [REDACTED] (Appellant's spouse) gross earnings. The requested information was due to be returned to the Department by [REDACTED] 2022. (Dept. Ex. 2: Proofs We Need)
5. On [REDACTED], 2022, the Department sent the Appellant a Notice of Action informing her that the household's SNAP would be discontinued effective [REDACTED] 2022, as the renewal process had not been completed. (Dept. Ex. 4: NOA)
6. On [REDACTED] 2022, the Appellant contacted the Department's Benefit Center, and the SNAP interview was conducted. During the interview the Appellant informed the Department that [REDACTED] was no longer employed. The Department informed the Appellant she would need to provide proof of [REDACTED] employment termination within thirty (30) days from the date of SNAP discontinuance. (Dept. Ex. 8: ImpaCT Case Notes)
7. The Department did not send a W-1348 Proofs We Need form or a W-3016 Notification from the Department form requesting verification of [REDACTED] employment termination. The Appellant information was only requested verbally following completion of the interview. (Department Testimony)
8. On [REDACTED], 2022, the Appellant contacted the Department's Benefit Center to report [REDACTED] had submitted a self-declared statement regarding the end of his employment. SNAP remained closed as the Department did not accept a self-declared statement; The Appellant was informed verbally that [REDACTED] former

employer would need to provide documentation pertaining to his employment status. (Dept. Ex. 8: ImpaCT Case Notes)

9. On [REDACTED], 2022, the Department reinstated the household's SNAP effective [REDACTED] 2022, the date [REDACTED] submitted the self-declared employment letter. (Dept. Ex. 8: ImpaCT Case Notes)
10. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within [REDACTED] days of the request for an administrative hearing. The hearing request was received on [REDACTED] 2022 therefore, this decision is due no later than [REDACTED] 2022.

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.
2. Title 7 of the Code of Federal Regulations ("C.F.R") § 273.10(f) provides the following: Certification periods. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

The Department correctly determined the Appellant was eligible for a 12-month SNAP certification period with a begin date of [REDACTED] 2021, and an end date of [REDACTED], 2022.

3. 7 C.F.R § 273.14(a) provides the following: 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.

4. 7 C.F.R § 273.14(b)(1)(i) provides the following: 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.

The Department correctly issued a Notice of Expiration to the Appellant on [REDACTED] 2022, as the SNAP certification period was scheduled to expire on [REDACTED] 2022.

5. 7 C.F.R § 273.14(b)(2) provides the following: 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).
6. 7 C.F.R § 273.2(c)(7) provides the following: Signing an application or reapplication form. In this paragraph, the word “form” refers to applications and reapplications.
7. 7 C.F.R § 273.2(c)(7)(i) provides the following: Requirement for a signature. A form must be signed to establish a filing date and to determine the State agency's deadline for acting on the form. The State agency shall not certify a household without a signed form.

The Appellant submitted a signed and dated renewal form.

8. 7 C.F.R § 273.2(f)(8)(i)(A) provides the following: 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 non-household member. The State agency shall verify reportedly unchanged child support information only if the information is incomplete, inaccurate, inconsistent or outdated.

9. 7 C.F.R § 273.14(b)(4) provides the following: 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.

The Department correctly issued a W-1348 Proofs We Need form on [REDACTED] 2022, after reviewing the PRF. The due date of [REDACTED] 2022 afforded the Appellant a minimum of ten days to provide the requested information.

The Department failed to issue a W-1348 Proofs We Need form following the interview on [REDACTED] 2022. The Department notified the Appellant verbally as to what outstanding information needed to be provided for ongoing eligibility. However, Federal regulation clearly states, “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.”

10.7 C.F.R § 273.14(b)(3) provides the following: 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).

The Department correctly issued an Interview Notice to the Appellant on [REDACTED] 2022, after reviewing the PRF.

11.7 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.

12.7 C.F.R § 273.14(e)(2) provides the following: 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).

The Department needed proof of [REDACTED] employment status to complete the SNAP renewal and establish eligibility for a new certification period. The Department failed to provide notice of what outstanding information was needed. The household's SNAP was discontinued effective [REDACTED] 2022, as the SNAP certification period had expired, and the renewal had not been completed.

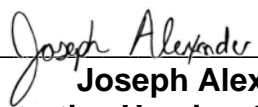
DECISION

The Appellant's appeal is **REMANDED** to the Department.

ORDER

The Department shall comply with the following:

1. The Department shall issue a W-1348 Proofs We Need or W-3016 Notification from the Department of Social Services informing the Appellant as to what information is needed to establish a new SNAP certification period and allow the Appellant ten (10) days to submit the requested information.
2. Following receipt of the information, or expiration of the time period allowed to provide the information, the Department shall take the appropriate action of SNAP reinstatement effective [REDACTED] 2022 (if information is received timely) or the creation of a SNAP underpayment for the period of [REDACTED] 2022, through [REDACTED], 2022 (if unable to reinstate back to [REDACTED] 2022). If the information is not received timely, the Department shall discontinue the household's SNAP.
3. The Department shall provide the household with a Notice of Action once the appropriate actions have been taken.
4. Proof of compliance with these orders is due to the undersigned hearing officer by [REDACTED] 2022, and shall consist of a copy of the Notice of Action that was sent to the Appellant.



Joseph Alexander
Administrative Hearing Officer

CC: Jessica Carroll, Operations Manager, DSS, Norwich Regional Office
Kristin Haggan, Administrative Hearing Liaison, DSS, Norwich 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.