

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105

██████████ 2022
Signature confirmation

Case: ██████████
Client: ██████████
Request: 196716

NOTICE OF DECISION

PARTY

██████████
████████████████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2022, the Department of Social Services (the "Department") issued ██████████ (the "Appellant") a *Notice of Action* terminating his Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████ 2022.

On ██████████ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's ██████████ 2022 postmarked request for an administrative hearing.

On ██████████ 2022, the OLCRAH scheduled the administrative hearing for ██████████ 2022.

On ██████████ 2022, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, and Section 273.15 (a) of Title 7 of the Code of Federal Regulations ("C.F.R."), the OLCRAH held an administrative hearing by telephone conferencing. The following individuals participated:

██████████ Appellant
MaryBeth Mark, Department Representative
Eva Tar, Hearing Officer

The hearing record closed ██████████, 2022.

STATEMENT OF ISSUE

The issue is whether the Department's termination of the Appellant's SNAP benefits effective [REDACTED] 2022 was in accordance with Federal regulations governing the SNAP.

FINDINGS OF FACT

1. The Appellant and [REDACTED] (the "mother") are the parents of [REDACTED] (the "child"), a [REDACTED] year-old child. (Appellant Testimony)
2. The Appellant is [REDACTED] years old. (Appellant Testimony)
3. The mother is [REDACTED] years old. (Department Representative Testimony)
4. The Appellant, the mother, their child, and [REDACTED] the child's maternal grandmother (the "grandmother"), live on the second floor of [REDACTED] [REDACTED] (the "residence"). (Appellant Testimony)
5. The mother is living at the residence temporarily, until she completes a court appearance in Connecticut. (Appellant Testimony)
6. On [REDACTED], 2022, the Appellant applied for SNAP benefits for two people: the Appellant and his child; the Appellant did not sign the SNAP application form. (Department Exhibit A.1.a.)
7. On [REDACTED] 2022, the Department found that the child was active on a different program with the grandmother and mother at the residence. (Department Exhibit A.8)
8. On [REDACTED] 2022, the Department issued a *Missing Signature Notice* to the Appellant, requesting he sign and return an attached page to permit the Department to process his application. (Department Exhibit A.1.b.)
9. On [REDACTED] 2022, the Department received a completed signature page, signed by the Appellant on [REDACTED] 2022. (Department Representative Testimony)
10. On [REDACTED] 2022, the Appellant and the grandmother co-signed as tenants a two-year lease for the residence, retroactive to [REDACTED] 2022. The lease recognized the following occupants: the Appellant, the grandmother, the mother, and the child. (Department Exhibit A.3)
11. On [REDACTED] 2022, the Department issued a *Notice of Action* granting the Appellant SNAP benefits for a household of two; the Department assigned the Appellant a SNAP certification period ending [REDACTED] 2023. (Department Exhibit A.5.)

12. On ██████ 2022, the Department received a copy of the Appellant's lease for the residence. (Department Representative Testimony)
13. The Department found the information on the lease inconsistent with the information that the Appellant had reported on his SNAP application, as the SNAP application did not list his child's mother as a household member. (Department Representative Testimony)
14. On ██████ 2022, the Department notified the Appellant that it had received the lease and advised the Appellant that the mother would have to be added to the Appellant's SNAP case if she continued to live at the residence. (Department Exhibit A.4)
15. The Department's ██████ 2022 correspondence requested a copy of an updated lease if the mother was no longer living at the residence and stated that if verification was not provided by ██████ 2022, the Appellant's SNAP case would close. (Department Exhibit A.4.)
16. The Appellant did not respond to the Department's ██████, 2022 correspondence. (Appellant Testimony)
17. On ██████ 2022, the Department issued a *Notice of Action* terminating the Appellant's SNAP benefits effective ██████ 2022. (Department A.6)
18. Title 7, Code of Federal Regulations, Section 273.15 (c)(1) provides that "[w]ithin 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 are notified of the decision...." On ██████, 2022, the OLCRAH received the Appellant's ██████ 2022 postmarked hearing request. The issuance of this decision would have been due by ██████ 2022. This decision is timely.

CONCLUSIONS OF LAW

1. The Department is the state agency for the administration of the SNAP pursuant to the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

The Department has the authority under State statute to administer the SNAP in Connecticut.

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

"State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or through a collateral contact,

without a requirement being imposed that documentary evidence must be the primary source of verification....” 7 C.F.R. § 273.2 (f)(2)(i).

The Appellant had the primary responsibility to provide evidence to support his report that he and his child were the sole occupants of the residence on his SNAP.

3. **“Household composition.** State agencies shall verify factors affecting the composition of a household, if questionable. Individuals who claim to be a separate household from those with whom they reside shall be responsible for proving that they are a separate household to the satisfaction of the State agency. Individuals who claim to be a separate household from those with whom they reside based on the various age and disability factors for determining separateness shall be responsible for proving a claim of separateness (at the State agency's request) in accordance with the provisions of § 273.2(f)(1)(viii).” 7 C.F.R. 273.2(f)(1)(x).

“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....” 7 C.F.R. § 273.2 (f)(5)(i).

A current lease is reasonable documentary evidence for verifying the identity and number of individuals residing in the same apartment.

4. “A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in [paragraph \(b\)](#) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.” 7 C.F.R. § 273.1 (a).

“The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. (i) Spouses; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s);” 7 C.F.R. § 273.1 (b)(1).

In accordance with 7 C.F.R. § 273.1 (b)(1), the Appellant, the mother, and their natural child are mandatory members of the same SNAP household, as the child is under 22 years old and lives with his natural parents.

In accordance with 7 C.F.R. § 273.1 (b)(1), the grandmother also is a mandatory member of any SNAP household in which the mother is a mandatory member, as the mother is under 22 years old and lives with the grandmother, her natural parent.

With respect to the SNAP, the Appellant's SNAP household incorporates four mandatory members: the Appellant, the mother, the child, and the grandmother.

5. "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...." 7 C.F.R. § 273.2 (f).

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. ... 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).

Title 7, Code of Federal Regulations, Section 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).

As the Department's ██████ 2022 discovery of inconsistencies between the Appellant's reported household composition on his SNAP application and his lease occurred within 60 days of his first month of SNAP participation (█████ 2022), the Department is subject to the requirements of 7 C.F.R. § 273.12 (c)(3)(i) for pursuing clarification and verification of household circumstances.

6. "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)(A).

The Department's ██████ 2022 correspondence met the criteria for a written request for contact (RFC) as described at 7 C.F.R. § 273.12 (c)(3)(i)(A).

7. *“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;”* 7 C.F.R. § 273.12 (c)(3)(i)(B) (emphasis added).

The Department’s [REDACTED] 2022 Notice of Action terminating the Appellant’s SNAP benefits effective [REDACTED] 2022 arose from the Appellant’s failure to respond to the Department’s [REDACTED] 2022 request for clarification of his household composition.

The Department’s termination of the Appellant’s SNAP benefits effective [REDACTED] 2022 was in accordance with Federal regulations governing the SNAP.

DECISION

The Appellant’s appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: MaryBeth Mark, DSS-Norwich
Jessica Carroll, DSS-Norwich

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.