

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 # 196842

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a notice of action indicating her application for the Supplemental Nutrition Assistance Program (“SNAP”) was denied due to failure to complete the interview process.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the Department’s ██████████ 2022, 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, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals participated in the hearing:

██████████ Appellant
Garfield White, Department’s Representative
Christopher Turner, Hearing Officer

The hearing record was extended seven days to allow the Appellant to comment on the Department's processing timeline and exhibits. On ██████████ 2022, the record closed without comment from the Appellant.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's SNAP application for failure to provide information and complete the interview process before the thirtieth day.

FINDINGS OF FACT

1. On ██████████ 2022, the Appellant applied for SNAP benefits for herself and two children. The Appellant noted her employment with ██████████. (Exhibit 1: Application; Exhibit 10: Case notes)
2. On March 21, 2022, the Department sent the Appellant A Proofs We Need form ("W-1348") requesting the following information: Four recent wage stubs from ██████████ for ██████████; Four recent wage stubs from ██████████ and ██████████ due date was given for the return of requested verifications with a "date we will take action by" of ██████████ 2022. (Exhibit 4: W-1348; Exhibit 10)
3. On ██████████ 2022, the Department sent the Appellant an interview notice for ██████████ 2022. The notice indicated the SNAP interview must be completed before the denial date of ██████████ 2022. (Exhibit 3: Notice)
4. On ██████████ 2022, a Department representative attempted to call the Appellant to complete a phone interview but was unable to reach the Appellant as the two numbers provided by the Appellant on her ██████████ SNAP application were not in service. Also, a W-1348 was sent to the Appellant requesting: Four recent wage stubs from ██████████. (Exhibit 5: W-1348; Exhibit 10)
5. On ██████████ 2022, the Department sent the Appellant a notice of missed interview. (Exhibit 6: Notice)
6. On ██████████ 2022, there is no indication in the case record that the Appellant spoke with a department representative this day. (Exhibit 10)
7. On ██████████ 2022, the Department received partial verifications from the Appellant. (Exhibit 7: Verifications; Exhibit 10)
8. On ██████████ 2022, a Department representative processed the information submitted by the Appellant on ██████████ 2022. (Exhibit 10)

9. On [REDACTED] 2022, the Appellant's SNAP application was denied on the thirtieth day as all requested verifications were not returned nor an interview completed. (Exhibit 8A; Record)
10. On [REDACTED] 2022, the Appellant submitted an employer statement from [REDACTED] [REDACTED] (Exhibit 7; Exhibit 10)
11. On [REDACTED] 2022, the Department processed the verifications submitted on [REDACTED] 2022. (Exhibit 10)
12. On [REDACTED] 2022, the Appellant spoke with a Department representative on the phone concerning the status of her SNAP application. (Exhibit 10)
13. On [REDACTED] 2022, the Appellant went to the [REDACTED] Regional Office and was seen by a Department representative. The Appellant was given another copy of the original 1348 listing all the employers that needed to be verified. There is no indication in the case record that a SNAP interview was completed this day. (Exhibit 10; Exhibit 11: SNAP Interview details)
14. On [REDACTED] 2022, the Appellant provided wage stubs from [REDACTED] [REDACTED]. Verification from [REDACTED] was still needed. (Exhibit 7; Exhibit 10)
15. On [REDACTED] 2022, the second 30'th day ([REDACTED] 2022 – [REDACTED] 2022) of processing elapsed. (Record)
16. There is no indication in the case record or case notes that the Appellant completed a phone interview with the Department before [REDACTED] 2022, or sent in requested verifications before [REDACTED] 2022, or [REDACTED] 2022. (Exhibit 11; Record)
17. As of the hearing date, the Appellant is not active SNAP. (Record; Appellant's testimony)
18. 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]. However, due to a 7-day extension granted to the Appellant, this decision is due no later than [REDACTED] 2022, since [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 SNAP application and determine whether her household meets the program's eligibility requirements.

2. 7 C.F.R. § 273.2 (a) (2) provides the application process includes filing and completing an application form, being interviewed, and having certain information verified. The State agency must act promptly on all applications and provide SNAP benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

The Department received the Appellant's application on [REDACTED] 2022.

3. 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. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining the 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 the documents should cover.

7 C.F.R. § 273.2 (h) (i) (C) provides for 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 verification that was missing.

The Department correctly sent the Appellant a W-1348 requesting information needed to establish eligibility and afforded the Appellant 10 days to provide such information.

4. 7 C.F.R. § 273.2(d) (1) provides in relevant part that to determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified.

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 hardship conditions must include but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household and that the household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview instead of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

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 ensure 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.

The Department correctly sent the Appellant a SNAP telephone interview notice on [REDACTED] 2022, scheduling a [REDACTED] 2022, interview.

The Department correctly sent the Appellant a notice of missed interview on [REDACTED] 2022.

The Department correctly determined the Appellant did not request a second interview during the 30-day application processing period.

5. 7 C.F.R. § 273.2 (f) (2) provides for verification of questionable information. (i) The State agency shall verify, before certification of the household, all other factors of eligibility that 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.

7 C.F.R. § 273.2 (f) (4) provides for sources of verification. (i) Documentary evidence. 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 a collateral contact, without a requirement being imposed that documentary evidence must be the primary source of verification. Documentary evidence consists of written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. Whenever documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits. For example, documentary evidence may be considered insufficient when the household presents pay stubs that do not represent an accurate picture of the household's income (such as outdated pay stubs) or identification papers that appear to be falsified.

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 on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under paragraph (d)(1) of this section. Households may supply documentary evidence in person, through the mail, by facsimile or another electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the food stamp office. 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. However, the State agency has primary responsibility for verifying fleeing felon and parole or probation violator status in accordance with §273.11(n).

The Department correctly determined that the Appellant did not submit all the requested verification listed on the W-1348 sent on [REDACTED] 2022.

6. 7 C.F.R. § 273.2 (g) provides for the normal processing standard. (1) Thirty-day processing. The State agency shall provide eligible households that complete the initial application process an opportunity to participate (as defined in §274.2(b)) as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and food stamp benefits prior to release from the institution in accordance with §273.1(e)(2). An application is filed the day the appropriate food stamp office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in paragraph (i) of this section. For residents of public institutions who apply for food stamps prior to their release from the institution in accordance with §273.1(e)(2), the State agency shall provide an opportunity to participate as soon as possible, but no later than 30 calendar days from the date of release of the applicant from the institution.

7 C.F.R. § 273.2 (g) (3) provides for households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed. If the household has failed to appear for a scheduled interview and has made no subsequent contact with the State agency to express interest in pursuing the application, the State agency shall send the household a notice of denial on the 30th day following the date of application. The household must file a new application if it wishes to participate in the program. In cases where the State agency was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the State agency may also deny the application on the 30th day if the State agency assisted the household in obtaining verification as specified in [paragraph \(f\)\(5\)](#) of this section, but the household failed to provide the requested verification.

The Department correctly determined the Appellant did not complete the telephone interview process within the 30-day processing standard.

The Department correctly processed the Appellant's SNAP application using the 30-day standard.

7. 7 C.F.R. § 273.2 (h) (2) provides that 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 verification that was missing.

7 C.F.R. § 273.2 (h) (2) (ii) provides that if the household was at fault for the delay in the first 30-day period but is found to be eligible during the second 30-day period, the State agency shall provide benefits only from the month following the month of application. The household is not entitled to benefits for the month of the application when the delay was the fault of the household.

7 C.F.R. § 273.2 (h) (4) (iii) provides if the household is at fault for not completing the application process by the end of the second 30-day period, the State agency shall deny the application and require the household to file a new application if it wishes to participate. If, however, the State agency has chosen the option of holding the application pending only until 30 days following the date of the initial request for the particular verification that was missing, and verification is not received by that 30th day, the State agency may immediately close the application. A notice of denial need not be sent if the notice of pending status informed the household that it would have to file a new application if verification were not received within 30 days of the initial request. The household shall not be entitled to any lost benefits, even if the delay in the initial 30 days was the fault of the State agency.

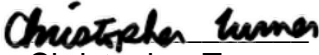
The Department correctly denied the Appellant's SNAP application on [REDACTED] 2022 and allowed her an extra 30 days to submit requested information.

DISCUSSION

Although the Department failed to complete a SNAP interview with the Appellant during her office visit on [REDACTED] 2022, which is the 45'th day of processing, the Appellant did not submit all the required wage verifications before the 60'th day.

DECISION

The Appellant's appeal is denied.


Christopher Turner
Hearing Officer

Cc: Josie Savastra, DSS Operations Manager Hartford
Garfield White, DSS Hartford

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 requested 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 the 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 the 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. 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 per §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.