

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

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

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) issued ██████████ ██████████ (the “Appellant”) a notice of action (“NOA”) indicating her application for the Supplemental Nutritional Assistance Program (“SNAP”) was denied due to failure to submit required proofs.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the denial of her application.

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 requested the hearing be rescheduled as no representative from the Department was present to participate in the hearing.

On ██████████ 2022, the OLCRAH issued a notice scheduled the administrative hearing for ██████████ 2022.

On ██████████ 2022, the following individuals participated at the hearing telephonically per the Appellant’s request.

██████████, Appellant
Kirsten Powell, Department's representative
Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's SNAP application for failure to provide information before the thirtieth day.

FINDINGS OF FACT

1. On ██████████ 2022, the Appellant applied for SNAP benefits for herself and her adult son. (Department Exhibit 1: Application for Benefits)
2. On ██████████, 2022, the Department reviewed the application and conducted the required interview. Following the interview the Department sent the Appellant a W-1348 Proofs We Need form requesting the following information: Proof of sponsor's name, address, income, assets, and number of tax recipients; Proof of educational aid meant for living expenses (Appellant stated during interview she was attending ██████████ full time); Proof of entry into the United States of America; Proof of income from other reported sources; Proof of residency. (Department Exhibit 2: W-1348 Proofs We Need, Department Exhibit 8: Case Notes)
3. On ██████████ 2022, the Department sent the Appellant a NOA informing her that her application had been denied because she had not returned the requested proofs. (Department Exhibit 8: Case Notes, Department Exhibit 3: NOA)
4. On ██████████ 2022, the Department received the following information: Proof of entry into the United States of America and proof of residency. The Department determined that information pertaining to potential sponsor(s) was not necessary to determine eligibility. The Department determined proof of education aid meant for living expenses had not been received therefore the SNAP was left in denied status. (Department Exhibit 8: Case Notes)
5. On ██████████, 2022, in preparation for the scheduled administrative hearing, the Department contacted the Appellant to discuss the denial of the application she submitted on ██████████, 2022. The Appellant reported that she had enrolled in classes at ██████████ but was forced to withdraw due to illness. The Appellant stated she never attended during the summer semester. (Department Exhibit 8: Case Notes, Appellant Testimony)
6. There is no indication in the case record or case notes that the Appellant had contacted the Department prior to the denial of her application to explain the change in her student status. (Department Exhibit 8: Case Notes, Hearing Record)

7. As of the hearing date, the Appellant is not active on the SNAP. (Hearing Record)
8. 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 ■ 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 ■ 2022, with this decision due no later than ■, 2022. However, due to a ■-day extension granted to the Appellant, this decision is due no later than ■ 2022, since ■ 2022, is a Sunday. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides that the Department of Social Services be designated as the state agency for the administration of 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 ■, 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 Proofs We need form requesting information needed to establish eligibility and afforded the Appellant 10 days to provide such information.

4. 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 Proofs We Need form sent on [REDACTED] 2022.

5. 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 submit all of the information needed to determine her household's eligibility for SNAP.

The Department correctly processed the Appellant's SNAP application using the thirty-day standard of promptness

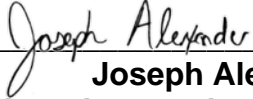
The Department correctly denied the Appellant's SNAP application due to failing to provide information.

DISCUSSION

When the Appellant spoke with the Department on [REDACTED], 2022, she stated she was enrolled as a full-time student at [REDACTED] and used her federally issued stimulus check to pay for part of her tuition; she owed money for the ongoing summer semester. On [REDACTED] 2022, following the denial of her application, the Appellant notified the Department that she did not attend classes during the summer semester due to illness therefore she did not receive any type of financial aid. At no time between the [REDACTED], 2022, and [REDACTED] 2022 (date of denial), did the Appellant inform the Department about the change in her student/enrollment status. 7 C.F.R. § 273.2 (f) (5) (i) makes it clear that the household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information.

DECISION

The Appellant's appeal is **DENIED**



Joseph Alexander
Administrative Hearing Officer

CC: Tim Latifi, Operations Manager, DSS, New Britain Regional Office
Kirsten Powell, Hearing Liaison, DSS, New Britain 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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 with 45 days of the mailing of this decision, or 45 days after the agency denies 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 06105-3725. 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 her 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.