

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVE
HARTFORD, CT 06105-3725

██████████
Signature Confirmation

Client ID # ██████████
Case ID # ██████████
Request # 198159

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") denying her benefits under the Supplemental Nutritional Assistance Program ("SNAP").

On ██████████ the Appellant requested an administrative hearing to contest the Department's decision to deny such benefits.

On ██████████, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████
██████████

On ██████████, 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 via video connection to the Middletown regional office.

The following individuals were present at the hearing:

██████████, Appellant
Meochie Rhodes, Department's Representative
Sara Hart, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department's decision to deny the Appellant's SNAP application was correct.

FINDINGS OF FACT

1. On ██████████ at 11:46 PM, the Appellant submitted an online application for SNAP benefits. (*Exhibit 1: Online Application*)
2. The Appellant's household consists of the Appellant (DOB ██████████), her children ██████████ (DOB ██████████) and ██████████ (DOB ██████████). (*Appellant's Testimony, Exhibit 1*)
3. No member of the Appellant's household is 60 or older or disabled. (*Exhibit 1*)
4. On ██████████ the Department reviewed the application and completed an interview with the Appellant. The Department sent the Appellant a Proofs We Need form ("W1348") requesting the following information: proof of child support income and proof of residency. The notice stated, "Please provide a written statement from ██████████ stating how much and frequency he pays direct child support. Please provide a copy of your full lease to verify household composition OR have your landlord fill out, sign and list contact information on form W1408. You will need to provide proof ██████████ lives in the state of CT and provide proof of all household members living in your home." The notice provided examples of acceptable documentation and gave a due date of ██████████. The notice further advised the Appellant to contact the Department if she needed help or additional time to obtain the requested information. (*Exhibit 1, Exhibit 2: W1348 ██████████*)
5. The Appellant did not provide all the requested information by the due date and did not contact the Department to request an extension of time, nor did she inform the Department that she was having difficulty obtaining the documentation. (*Appellant's Testimony*)
6. On ██████████, the Appellant provided verification of ██████████ residency to the Department. (*Exhibit 3: Case Notes, Department's Testimony*)

7. The Appellant has not provided verification of child support income to the Department. (*Appellant's Testimony, Exhibit 3*)
8. The Appellant received direct child support payments from [REDACTED] through cash deposits into the Appellant and [REDACTED] shared bank account. (*Appellant's Testimony*)
9. On [REDACTED], the Department sent the Appellant a Notice of Action denying her application for SNAP benefits because she failed to return all the required proofs by the due date. (*Exhibit 4: Notice of Action [REDACTED]*)
10. The Appellant ceased receiving direct child support payments from [REDACTED] in [REDACTED]. [REDACTED] currently pays the Appellant's rent and utilities directly rather than providing direct child support payments. The Appellant had not informed the Department of the change in her income prior to the administrative hearing on [REDACTED]. (*Appellant's Testimony*)
11. The Appellant received verification of direct child support from [REDACTED] in [REDACTED] and has not yet submitted the documentation to the Department. (*Appellant's Testimony*)
12. The issuance of this decision is timely under the Title 7 of Code of Federal Regulations ("C.F.R.") § 273.15, which provides 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 local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED]; therefore, this decision is due no later than [REDACTED].

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Title 7 of C.F.R. § 273.2(c)(1)(iv) provides for recording the filing date. The date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours.

The Department correctly determined a SNAP application date of [REDACTED].

3. 7 C.F.R. § 273.1(a) defines general households and states that a household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (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(b)(1)(ii) provides for required household composition. 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.

- ii. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

The Department correctly determined the Appellant's SNAP household included three members: the Appellant and her two minor children.

4. 7 C.F.R. § 273.9(a) provides that participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households, which contain an elderly or disabled member, shall meet the net income eligibility standards for the Food Stamp Program. Households, which do not contain an elderly or disabled member, shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households that are categorically eligible as defined in §273.2 (j) (2) or 273.2 (j) (4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

The Department correctly determined the Appellant's household does not contain an elderly or disabled household member; therefore, the household must meet both the net and gross income eligibility standard.

5. 7 C.F.R. § 273.2(f)(1) provides for mandatory verification of income. State agencies shall verify the following information prior to certification for households initially applying:
 - i. *Gross nonexempt income.* Gross nonexempt income shall be verified for all households prior to certification.

7 C.F.R. § 273.9 (b)(2)(iii) provides in part that unearned income shall include, but not limited to: support or alimony payments made directly to the household from non-household members.

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 of the application and to resolve any questionable information. 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.

The Department correctly determined that the Appellant was required to provide verification of her direct child support income.

6. 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.

7 C.F.R. § 273.2(h)(1)(i)(C) provides for in 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 particular verification that was missing.

The Department correctly sent the Appellant the W1348 *Proofs We Need* form requesting verifications needed to determine eligibility and allowed 10 days for completion.

7. 7 C.F.R. § 273.2(g)(1) provides for the normal processing standard. The State agency shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but no later than 30 calendar days following the date the application was filed.

7 C.F.R. § 273.2(g)(3) provides for denying the application and states 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 Department correctly denied the Appellant's SNAP application on [REDACTED], because the Appellant failed to provide the Department with the documentation requested by the 30th day processing standard, specifically, income verification of direct child support.

DECISION

The Appellant's appeal is **DENIED**.



Sara Hart
Hearing Officer

CC: Jamel Hilliard, Operations Manager Waterbury Regional Office
Randalynn Muzzi, Operations Manager Waterbury Regional Office
Meochie Rhodes, Department Representative Waterbury 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.