

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

██████████ 2023
SIGNATURE CONFIRMATION

██████████
██████████
REQUEST# 204982

NOTICE OF DECISION

PARTY

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██████████

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”), a Notice of Action (“NOA”) denying her application for Supplemental Nutrition Assistance Program (“SNAP”) benefits.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the denial of SNAP benefits.

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 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals participated in the hearing:

██████████ Appellant
Patricia Martinez, Department’s Representative
Melissa Prisavage, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's application for SNAP benefits on [REDACTED] 2022.

FINDINGS OF FACT

1. On [REDACTED] 2022, the Appellant submitted a W-1E, Application for Benefits, for SNAP benefits for a household of four, including herself and 3 minor children. (Department's testimony, Exhibit 9: case notes, Exhibit 10: W-1E Application Task)
2. The Appellant is employed with [REDACTED], which is also known as [REDACTED]. (Exhibit 5, paystubs, Exhibit 9: Case Notes)
3. On [REDACTED] 2022, the Department issued the Appellant a W-1348 Proofs We Need Form ("W-1348") requesting the following required proofs for the SNAP: shelter expenses, gross earnings, and school attendance. Verifications were due by [REDACTED] 2022. (Exhibit 1: W-1348, Exhibit 9: Case Notes)
4. On [REDACTED] 2022, the Department placed 3 cold calls to the Appellant for the SNAP phone interview and was unsuccessful in reaching her. (Exhibit 9: Case Notes)
5. On [REDACTED] 2022, the Department issued a Notice of Missed Interview ("NOMI"), notifying the Appellant that she must call and complete an interview prior to the denial date of [REDACTED] 2022. (Exhibit 2: NOMI, dated [REDACTED] 2022)
6. The Appellant provided the following documents in response to the W-1348: note from Appellant stating she is temporarily out of work as of [REDACTED] 2022, note from Appellant stating she works per diem at [REDACTED], paystubs from [REDACTED] dated [REDACTED] 2022, [REDACTED] 2022, [REDACTED] 2022, and [REDACTED] 2022, rent receipt. (Exhibit 4: Note from Appellant, Exhibit 5, Exhibit 6: Note from Appellant, Exhibit 7: Rent Receipt)
7. The Appellant did not contact the Department for her mandatory interview prior to [REDACTED], 2022. (Appellant's Testimony)
8. On [REDACTED] 2022, the Department denied the Appellant's application for SNAP because the Appellant failed to provide proof of school attendance and failed to complete the mandatory SNAP interview. (Exhibit 8: Notice of Action, dated [REDACTED] 2022, Exhibit 11, Document Search)
9. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a hearing. The Appellant requested an

administrative hearing on [REDACTED], 2022. The hearing record was reopened for an additional seventeen (17) days to allow the Department to submit additional information; therefore, this decision is due no later than [REDACTED] 2023. (Hearing Record)

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.

The Department has the authority to review the Appellant's SNAP application and determine whether her household meets the program's eligibility requirements.

2. Title 7 of the Code of Federal Regulations ("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 are detailed below.

The Department correctly screened the Appellant's application as of [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 the period the documents should cover.

The Department correctly issued the Appellant a W-1348 Proofs We Need form on [REDACTED] 2022, 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.
5. 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.
6. 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.

7. 7 C.F.R. § 273.2(e)(1) provides that except for households certified longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the household's responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy confidentiality of the interview."
8. 7 C.F.R. § 273.2(e)(2) provides that "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 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 in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.”

The Department correctly notified the Appellant via a NOMI that the interview was due by [REDACTED] 2022. The Appellant failed to complete the interview.

9. 7 C.F.R. § 273.2(d)(1) provides 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. If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed, not merely failing to appear for the interview. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied, and the agency shall provide assistance required by paragraph (c)(5) of this section. The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates with the State agency. The State agency shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification. The State agency shall not consider individuals identified as non-household members under § 273.1(b)(2) as individuals outside the household.”
- 10.7 C.F.R. § 273.2(g) provides that 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 SNAP benefits prior to release from the institution in accordance with § 273.11(i). An application is filed the day the appropriate SNAP 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 SNAP benefits prior to their release from the institution in accordance with § 273.11(i), the State agency shall provide an opportunity to participate as soon as possible, but not later than 30 calendar days from the date of release of the applicant from the institution.”

The Department correctly denied the Appellant's application for SNAP benefits effective [REDACTED] 2022, thirty days after the date of application, for failure to submit verification of school attendance and failure to complete the mandatory SNAP interview.

DECISION

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

Melissa Prisavage

**Melissa Prisavage
Fair Hearing Officer**

CC: Rachel Anderson, Mathew Kalarickal, Lisa Wells, DSS Operations Manager New Haven Regional Office
Patricia Martinez, DSS Liaison, Department Representative New Haven 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.