

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

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

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████, 2022, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) stating that his Supplemental Nutrition Assistance Program (“SNAP”) benefits were discontinued because he did not provide information or meet the requirements necessary to determine eligibility.

On ██████████, 2022, the Appellant requested an administrative hearing because he disagreed with the discontinuance of his SNAP benefits.

On ██████████, 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a Notice scheduling the administrative hearing for ██████████, 2022.

On December 21, 2022, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals were present at the hearing:

██████████, the Appellant
Lindsay Vallee, Department’s Representative
Joseph Davey, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly discontinued the Appellant's SNAP application for failure to provide information.

FINDINGS OF FACT

1. On [REDACTED], 2022, the Appellant applied for SNAP benefits for himself. The Appellant did not report any other household members on the application. (Exhibit 1: Online Application dated [REDACTED])
2. The Appellant was [REDACTED] ([REDACTED]) years old at the time of Application [DOB [REDACTED]]. (Exhibit 1, Appellant's testimony)
3. A prior investigation by the Department determined the Appellant resides at the same address as his spouse, [REDACTED]. (Department's testimony)
4. The Appellant is legally married and lives with his spouse, [REDACTED] (the Appellant's "spouse"). (Appellant's testimony)
5. The Appellant reported no rental expense on his [REDACTED], 2022, Online Application. (Exhibit 1)
6. The Appellant did not report any earned or unearned income on the [REDACTED], 2022, Online Application. The Appellant listed that he borrows money from his adult daughter to pay his bills. (Exhibit 1)
7. The Appellant reported on his [REDACTED], 2022, Online Application that he used to work odd jobs and was last paid on [REDACTED], 2020. (Exhibit 1)
8. The Appellant is self-employed. His business is buying and selling vehicles and is not registered with the State of Connecticut. He has no current income from his business. (Appellant's testimony)
9. The Appellant currently borrows money from his daughter, [REDACTED]. (Appellant's testimony)
10. The database, The Work Number, displayed that the Appellant's spouse is employed with [REDACTED]. (Department's testimony)
11. The Department of Labor archive displayed that the Appellant's spouse had earnings in the most recent quarter from [REDACTED]. (Department's testimony)
12. On [REDACTED], 2022, the Department attempted to contact the Appellant via telephone for a SNAP interview. The Appellant did not answer the calls. (Department's testimony, Appellant's testimony)

13. On [REDACTED], 2022, the Department issued a W-1348 “Proofs We Need” form requesting that the Appellant provide proof of residency, a letter from his daughter stating how much money he borrows from her each month, proof that he is no longer working odd jobs, proof of his spouse’s residency, proof of his spouse’s checking account balance, proof of his spouse’s savings account balance, proof of his spouse’s last day of work from [REDACTED] and paystub dated [REDACTED], 2022, from his spouse’s job at [REDACTED]. Proofs were due on [REDACTED], 2022. (Exhibit 2: W-1348 Proofs We Need form dated [REDACTED].)
14. On or about [REDACTED], 2022, The Department granted expedited SNAP benefits for the Appellant and his spouse for [REDACTED] and [REDACTED] 2022 only. (Department’s testimony, Appellant’s testimony)
15. On [REDACTED], 2022, the Department sent the Appellant a W-3015N Interview Notice form, notifying him that he must complete an interview by [REDACTED], 2022, or his application for SNAP would be denied on [REDACTED], 2022. (Exhibit 4: W-3015N Interview Notice form dated [REDACTED])
16. On [REDACTED], 2022, the Appellant submitted one (1) page of a 2021 IRS tax return, a piece of mail from the Social Security Administration, and a bank statement that was illegible. (Exhibit 5: Documents submitted by Appellant on [REDACTED])
17. The Appellant never completed a SNAP interview. (Department’s testimony, Appellant’s testimony.)
18. The Appellant did not request assistance from the Department in obtaining the required verifications. (Appellant’s testimony, Department’s testimony)
19. The Appellant failed to return the following mandatory verifications: proof of residency for himself and his spouse, proof that he was no longer working odd jobs, a letter from his daughter verifying how much money he borrows from her each month, a paystub from his spouse’s employer, [REDACTED], dated [REDACTED] and his spouse’s last day of work from [REDACTED]. (Department’s testimony, Hearing Record)
20. On [REDACTED], 2022, the Department issued a NOA denying the Appellant’s application for SNAP benefits because he did not provide the information necessary to determine eligibility. (Exhibit 3: NOA dated [REDACTED], Department’s testimony)
21. The issuance of this decision is timely under the Code of Federal Regulations (“C.F.R.”) 273.15 (c)(1) which provides in part that “[w]ithin [REDACTED] 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....” The Appellant requested an administrative hearing on [REDACTED], 2022. Therefore, this decision is due not later than [REDACTED], 2023. (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 administer the SNAP in Connecticut.

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. § 273.1 (a) provides the following: *General household definition*. 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 CFR § 273.1(b) (1) (i) *Special household requirements - (1) Required household combinations*. 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.

The Department correctly determined the Appellant's household is composed of two members: himself and his spouse.

4. 7 CFR § 273.2 (f) (1) *Mandatory verification*. 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 CFR § 273.2 (f) (1) (vi) *Residency*. The residency requirements of § 273.3 shall be verified except in unusual cases (such as homeless households, some migrant farmworker households, or households newly arrived in a project area) where verification of residency cannot reasonably be accomplished.

7 C.F.R. § 273.2 (f) (2) (i) 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 CFR § 273.9 (b) (1) (i) & (ii) Earned income shall include: (i) All wages and salaries of an employee. (ii) The gross income from a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the costs of doing business as provided in paragraph (c) of this section. Ownership of rental property shall be considered a self-employment enterprise; however, income derived from the rental property shall be considered earned income only if a member of the household is actively engaged in the management of the property at least an average of 20 hours a week. Payments from a roomer or boarder, except foster care boarders, shall also be considered self-employment income.

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.

The Department correctly determined that the Appellant was required to verify residency for himself and his spouse.

The Department correctly determined that the Appellant was required to verify his self-employment income and/or last day of work and the income he receives from his daughter.

The Department correctly determined that the Appellant's spouse was required to verify her wages and/or last day of work from the [REDACTED] and [REDACTED].

5. 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 verifications required to establish eligibility and afforded the Appellant ten (10) days to provide the verifications.

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 sent on [REDACTED], 2022.

7. 7 CFR § 273.2 (i) (4) (iii) Households that are certified on an expedited basis and have provided all necessary verification required in paragraph (f) of this section prior to certification shall be assigned normal certification periods. If verification was postponed, the State agency may certify these households for the month of application (the month of application and the subsequent month for those households applying after the 15th of the month) or, at the State agency's option, may assign normal certification periods to those households whose circumstances would otherwise warrant longer certification periods. State agencies, at their option, may request any household eligible for expedited service which applies after the 15th of the month and is certified for the month of application and the subsequent month only to submit a second application (at the time of the initial certification) if the household's verification is postponed.

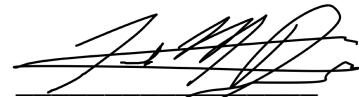
7 CFR § 273.2 (i) (4) (iii) (C) For households applying after the 15th of the month, the State agency may assign a 2-month certification period or a normal certification period of no more than 12 months. Verification may be postponed until the third month of participation, if necessary, to meet the expedited timeframe.

The Department correctly postponed verification until the third month of participation and correctly assigned a two-month expedited certification period for the Appellant's household of two.

The Department correctly denied the Appellant's SNAP application on the third month of participation as the Appellant did not return the mandatory requested verifications.

DECISION

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

A handwritten signature in black ink, appearing to read 'J. Davey', written over a horizontal line.

Joseph Davey
Administrative Hearing Officer

Cc: Shahar Thadal, Operations Manager, DSS, Stamford Office
Lindsay Vallee, Fair Hearing Liaison, DSS, Stamford 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, 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.