



Amy MacDonough, Fair Hearing Officer

### **STATEMENT OF THE ISSUE**

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

### **FINDINGS OF FACT**

1. On [REDACTED], 2022, the Appellant's spouse submitted a W-1E application requesting SNAP benefits for himself only. (*Department's Testimony; Exhibit 1: W-1E Application for Benefits; Exhibit 5: Case Notes*)
2. On [REDACTED] [REDACTED] 2022, the Appellant submitted a W-1ES application requesting SNAP benefits for herself and two children. (*Department's Testimony; Exhibit 2: W-1ES Spanish Application for Benefits*)
3. On [REDACTED], 2022, the Department reviewed the application and completed a phone interview with the Appellant. (*Department's Testimony; Exhibit 5*)
4. As of [REDACTED] 2022, the Appellant's household consisted of the Appellant, her spouse: [REDACTED], and her 2 children: [REDACTED], and [REDACTED] [REDACTED]. (*Department's Testimony; Appellant's Testimony; Exhibit 2; Exhibit 5*)
5. The Appellant's spouse is not the father of the two children. (*Appellant's Testimony; Exhibit 5*)
6. On [REDACTED], 2022, the Department used the Appellant's spouse's application date of [REDACTED], 2022, for SNAP based on the [REDACTED] 2022, interview with the Appellant to determine the household composition. (*Department's Testimony; Exhibit 3: Proofs We Need; Exhibit 4: Notice of Action dated [REDACTED], 2022*)
7. The Appellant reported child support income in the amount of \$300.00 per week for both children from their biological father. (*Appellant's Testimony; Exhibit 5*)
8. The Appellant reported her spouse was receiving unemployment benefits that had ended. (*Department's Testimony; Appellant's Testimony; Exhibit 5*)

9. The Department was unable to access the unemployment interface, due to a system issue, to verify the Appellant's spouse's unemployment had ended. *(Department's Testimony)*
10. On [REDACTED] 2022, The Appellant reported rent of \$900.00, and the household pays for heat and cooling separate from the rent. *(Exhibit 4; Exhibit 5)*
11. The Appellant's citizenship status is undocumented. *(Exhibit 5)*
12. On [REDACTED], 2022, the Department issued the Appellant a NOA granting expedited SNAP benefits for the month of [REDACTED] in the amount of \$598 for a household size of three. The Appellant's citizenship status caused her to be ineligible for benefits. *(Department's Testimony; Exhibit 4)*
13. On [REDACTED] 2022, the Department sent the Appellant a W-1348, Proofs We Need, form requesting the following information: proof of unemployment for her spouse, and proof of child support income for her children. The notice provided a due date of [REDACTED] [REDACTED], 2022. *(Department's Testimony; Exhibit 3; Exhibit 5)*
14. On [REDACTED] 2022, the Department received documents reporting the Appellant's daughter, [REDACTED] was also in the home. *(Department's Testimony; Exhibit 5)*
15. The Appellant did not provide the requested documents to the Department by the due date of [REDACTED] [REDACTED], 2022. *(Department's Testimony; Appellant's Testimony; Exhibit 8: Document Search)*
16. On [REDACTED] 2022, the Department sent the Appellant a NOA closing the SNAP benefits as of [REDACTED], 2022, for not returning the required proofs by the thirtieth day from the application date. *(Department's Testimony; Exhibit 6: Notice of Action dated [REDACTED] 2022)*
17. 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 the receipt of a request for a fair hearing, the State agency shall issue a decision. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2022; therefore, this decision is due no later than [REDACTED], 2023.

### **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. 7 C.F.R. § 273.2(a)(2) provides that 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.

**Based on the Appellant's reported household composition at the interview, the Department correctly determined the Appellant's SNAP application date of [REDACTED] 2022, the date the Appellant's spouse applied for SNAP benefits.**

3. 7 C.F.R. § 273.2(e)(2) provides in part 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 Department correctly completed a phone interview with the Appellant.**

4. 7 C.F.R. § 273.2(i)(1)(iii) provides for expedited service and states households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage, and utilities (including entitlement to a SUA, as appropriate, in accordance with § 273.9(d)).

7 C.F.R. § 273.2(i)(4)(iii)(B) provides 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. If a two-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain that the household is obligated to satisfy the verification requirements that were postponed. For subsequent months, the household must reapply and satisfy the verification requirements which were postponed or be certified under normal processing standards. If the household does not satisfy the postponed verification requirements and does not attend the interview, the State agency

does not need to contact the household again. When a certification period of longer than 2 months is assigned and verification is postponed, households must be sent a notice of eligibility advising that no benefits for the third month will be issued until the postponed verification requirements are satisfied. The notice must also advise the household that if the verification process results in changes in the household's eligibility or level of benefits, the State agency will act on those changes without advance notice of adverse action.

**The Department correctly determined that the Appellant's household met the requirement for expedited SNAP benefits and granted the Appellant benefits for a two-month certification period for ██████████ 2022 and ██████████ 2022 based on the Appellant's application date.**

5. 7 C.F.R. § 273.2(f) provides for verification and states verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification. Paragraph (i)(4) of this section contains verification procedures for expedited service cases.

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 that 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 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 of time the documents should cover.

**The Department correctly issued the Appellant a W-1348 Proofs We Need requesting additional information to establish ongoing eligibility.**

6. 7 C.F.R. § 273.2(f)(5)(i) provides for responsibility of obtaining verification and states 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 other electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the SNAP 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). If a SNAP applicant's attestation regarding disqualified felon status described in § 273.2(o) is questionable, the State agency shall verify the attestation. Each element of a questionable attestation - that the individual has been convicted of a crime listed at § 273.11(s), and that the individual is not in compliance with the terms of their sentence - shall be verified by the State agency. The State agency shall determine whether an attestation is questionable based on the standards established under § 273.2(f)(2)(i). In conducting verifications of questionable attestations under this paragraph, the State agency shall establish reasonable, consistent standards, evaluate each case separately, and document the case file accordingly.

**The Appellant failed to provide the required verifications to establish eligibility for the SNAP program beyond the expedited certification period.**

7. 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 discontinued the SNAP benefits effective [REDACTED], 2022, the end of the expedited certification period for failure to provide requested documentation for continued eligibility.**

### **DECISION**

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

*Amy MacDonough*

Amy MacDonough  
Fair Hearing Officer

CC: Ralph Filek, SSOM, New Haven Regional Office  
Tim Latiffi, SSOM, New Haven Regional Office  
Sarah Chmielecki, SSOM, New Haven Regional Office  
Kostoula Karachristos, Hearing Liaison, 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.