

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

██████████ 2023
Signature Confirmation

Client ID ██████████
Case ID ██████████
Request # 206930

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

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

On ██████████ 2022, the Appellant requested an administrative hearing to contest the Department’s decision to deny such benefits.

On ██████████ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2023.

On ██████████ 2023, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals were present at the hearing:

██████████ Appellant
Garfield White, Department Representative
Lisa Nyren, Fair Hearing Officer

The record remained open for the submission of additional evidence from the Appellant and the Department. On ██████████ 2023, the record closed.

STATEMENT OF THE ISSUE

The issue is whether the Department's [REDACTED] 2022 decision to deny the Appellant's [REDACTED] 2022 application for SNAP benefits was correct.

FINDINGS OF FACT

1. On [REDACTED] 2022, the Department discontinued the Appellant's SNAP benefits because the Appellant failed to complete the renewal process. (Department Representative Testimony)
2. On [REDACTED] 2022, the Department received the Appellant's online renewal application requesting continued benefits under the SNAP. On the application, the Appellant reported he attends [REDACTED] [REDACTED] [REDACTED] (the "college") full time listing his graduation date as [REDACTED] 2024 and works part time for [REDACTED] dba [REDACTED] [REDACTED] (the "employer"). The Appellant answered no to the question regarding work study on the application. The Appellant does not receive financial aid. (Exhibit 2: Online Application and Appellant Testimony)
3. The Department waived the SNAP renewal interview. (Department Representative Testimony)
4. On [REDACTED] 2022, the Department reviewed the Appellant's application as a new request for benefits and issued the Appellant a Proofs We Need letter requesting the following proofs:
 - Proof of gross earnings, specifically last day worked letter or last 4 paystubs from the employer
 - Proof of school enrollment, specifically tuition, school enrollment, and financial aid payment to the college.

The Department listed the due date for the information as [REDACTED] 2022. (Exhibit 1: Case Notes, Exhibit 3: Proofs We Need, and Department Representative Testimony)

5. On [REDACTED] 2022, the Department received proof of the Appellant's housing costs. (Exhibit 4: Impact Document Search and Exhibit 6: Appellant Documents)
6. On [REDACTED] 2022, the Department received the college [REDACTED] 2022 Account Activity statement ("college statement") for the Appellant for the period [REDACTED] 2022 through [REDACTED] 2022. Included in the college statement are the following charges: College Services, Student Activities, Transportation, In State Tuition, Fee Installment Payment Plan,

- and Late Tuition Penalty Fees and the following credits: credit card payments. (Exhibit 1: Case Notes, Exhibit 4: Impact Document Search and Exhibit 6: Appellant Documents)
7. On [REDACTED] [REDACTED] 2022, the Department reviewed the Appellant's housing cost documentation and college statement. The Department determined the college statement inadequate citing failure to verify the Appellant's college enrollment. Additionally, the Department accessed The Work Number and verified the Appellant's employment ended. The Work Number is an electronic data base used by the Department which provides employment and income data. (Exhibit 1: Case Notes and Department Representative Testimony)
 8. On [REDACTED] [REDACTED] 2022, the Department conducted a document search by name, case number, and client identification number. The document search did not locate proof of college enrollment. (Exhibit 1: Case Notes and Exhibit 4: Impact Document Search)
 9. The Department evaluates eligibility for the SNAP within 30 days of an application under the standard of promptness. Based on the Appellant's [REDACTED] [REDACTED] 2022 SNAP application, [REDACTED] [REDACTED] 2022 is the 30th day. (Department Representative Testimony)
 10. On [REDACTED] [REDACTED] 2022, the Department determined the Appellant ineligible for SNAP because he failed to provide the requested documentation necessary to determine eligibility, specifically proof of college enrollment. This is a requirement due to ABAWD rules. (Department Representative Testimony, Exhibit 1: Case Notes, and Exhibit 5: Notice of Action)
 11. On [REDACTED] [REDACTED] 2022, the Department issued the Appellant a Notice of Action. The notice stated the Department denied the Appellant [REDACTED] [REDACTED] 2022 application for SNAP for the reasons: "You did not return all of the required proofs by the date we asked [and] does not meet program requirements." (Exhibit 5: Notice of Action)
 12. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2022. However, the hearing record which was anticipated to close on [REDACTED] [REDACTED] 2023 did not close until [REDACTED] [REDACTED] 2023, resulting in a 3-day delay. Therefore, this decision is due not later than [REDACTED] [REDACTED] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides as follows:

The Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

2. Title 7 Section 273.14(b)(2) of the Code of Federal Regulation ("C.F.R.") provides as follows:

The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of [§ 273.2\(c\)\(7\)](#) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in [paragraph \(e\)\(3\)](#) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in [§ 273.2\(b\)\(2\)](#), and provide the household with a notice of required verification as specified in [§ 273.2\(c\)\(5\)](#).

Federal regulation provides as follows:

If a household files an application within 30 days after the end of the certification period, the application shall be considered an application for recertification; however, benefits must be prorated in accordance with [§ 273.10\(a\)](#). If a household's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the State agency, the household's benefits for the new certification period shall be prorated based on the date of the new application, and the State agency shall provide restored benefits to the household back to the date the household's certification period should have begun had the State agency not erred and the household been able to apply timely.

7 C.F.R. § 273.14(e)(3)

The Department incorrectly determined the Appellant's [REDACTED] 2022 application for benefits under the SNAP as a new application

rather than an application for recertification. On ██████████ 2022, the Appellant correctly submitted an application for recertification of his SNAP benefits within 30-days after the end of his certification period which expired on ██████████ 2022.

3. Federal regulation provides as follows:

As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of [§ 273.2\(e\)](#) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with [§ 273.2\(e\)\(2\)](#).

7 C.F.R. § 273.14(b)(3)

Federal regulation provides in pertinent part as follows:

Except for households certified for 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.

7 C.F.R. § 273.2(e)(1)

Federal regulation provides in pertinent part as follows:

A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice 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.

7 C.F.R. § 273.2(e)(2)

The Continuing Appropriations Act 2021 (PL 116-159) allows States flexibilities as approved under the Families First Coronavirus Response Act which includes to adjust interview requirements by not requiring a household to complete an interview prior to approval, provided the applicant's identity has been verified and all other mandatory verifications in 7 C.F.R. § 273.2(f)(1) have been completed. This applies to initial applications and applications for recertifications.

The Department incorrectly determined that the Appellant's recertification interview could be waived. Under the Continuing Appropriations Act 2021 only when all mandatory verifications have been completed, can an interview be waived.¹

4. Federal regulation provides as follows:

Information provided by the household shall be verified in accordance with [§ 273.2\(f\)\(8\)\(i\)](#). The State agency shall provide the household a notice of required verification as provided in [§ 273.2\(c\)\(5\)](#) and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 days to provide required verification information. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within 5 working days after the household submits the missing verification and benefits cannot be prorated.

7 C.F.R. § 273.14(b)(4)

Federal regulation provides as follows:

At recertification the State agency shall verify a change in income if the source has changed or the amount has changed by more than \$50. Previously unreported medical expenses, actual utility expenses and total recurring medical expenses which have changed by more than \$25 shall also be verified at recertification. The State agency shall not verify income if the source has not changed and if the amount is unchanged or has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses, or actual utility expenses claimed by households which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. For households eligible for the child support deduction or exclusion, the State agency may use information provided by the State CSE agency in determining the household's legal obligation to pay child support, the amount of its obligation and amounts the household has actually paid if the household pays its child support exclusively through its State CSE agency and has signed a statement authorizing release of its child support payment records to the State agency. A household would not have to provide any additional verification unless they disagreed with the information provided by the State CSE agency. State agencies that choose to use information provided by their State CSE agency in accordance with this [paragraph \(f\)\(8\)\(i\)\(A\)](#) must specify in their State plan of operation that they have

¹ Department of Social Services, POGA Communication, [REDACTED] 2022, FNS Approved Interview Waivers For COVID-19-Reminder

selected this option. For all other households eligible for the child support deduction or exclusion, the State agency shall require the household to verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a non-household member. The State agency shall verify reportedly unchanged child support information only if the information is incomplete, inaccurate, inconsistent or outdated.

7 C.F.R. § 273.2(f)(8)(i)(A)

Federal regulation provides as follows:

Other information which has changed may be verified at recertification. Unchanged information shall not be verified unless the information is incomplete, inaccurate, inconsistent or outdated. Verification under this paragraph shall be subject to the same verification procedures as apply during initial verification.

7 CFR 273.2(f)(8)(i)(D)

Public Law 116-260, Division N, Title VII, Subtitle A, Section 702(e) (1) provides that notwithstanding any other provision of law, not later than 20 days after the date of the enactment of this Act, eligibility for supplemental nutrition assistance program benefits shall not be limited under section 6(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)) for an individual who—(A) is enrolled at least half-time in an institution of higher education; and (B)(i) is eligible to participate in a State or federally financed work study program during the regular school year as determined by the institution of higher education; or (ii) in the current academic year, has an expected family contribution of \$0 as determined in accordance with part F of title IV of the Higher Education Act of 195 (20 U.S.C. 1087kk et. seq.).

On [REDACTED] 2022, the Department correctly determined termination of employment and proof of continued school enrollment must be verified prior to a determination of eligibility. On [REDACTED] 2022, the Department correctly issued the Appellant a notice of required verification known as the Proofs We Need notice listing the due date as [REDACTED] 2022 allowing the Appellant 12-days, more than the minimum of 10-days, to submit the requested documents.

The Department incorrectly determined the Appellant failed to submit proof of school enrollment. The Department obtained proof of income via The Work Number, electronic data base access. However, the Appellant correctly submitted adequate documentation to the Department on [REDACTED] 2022, the Department's due date

for the information, confirming his enrollment at the college, college tuition charges, and credit card payments made during the ■ 2022 semester. The Appellant testified he does not receive financial aid and answered no to receipt of work study on the application. The Appellant's application is void of any report of financial aid. Had the Department conducted the required recertification interview, any information that remained unclear, could have been clarified then.

On ■ 2022, the Department incorrectly denied the Appellant's ■ 2022 application for SNAP benefits for the reason "you did not return all of the required proofs by the date we asked."

DECISION

The Appellant's appeal is GRANTED.

ORDER

1. The Department must reopen the Appellant application for recertification effective ■ 2022 and continue to process his eligibility for continued benefits under the SNAP.
2. The Department must conduct a recertification interview with the Appellant to review the Appellant's application for recertification and clarify any outstanding or questionable information such as income and student status.
3. The Department must issue a new request for verification for any outstanding information necessary to make an eligibility determination allowing the Appellant a minimum of 10-days to submit the required documentation.
4. Compliance with this order is due within 14 days of the date of this decision.

Lisa A. Nyren

Lisa A. Nyren
Fair Hearing Officer

CC: Josephine Savastra, SSOM RO #10
Lindsey Collins, SSOM RO #10
Wilfredo Medina, FHL Supervisor, RO #10
Garfield White, FHL, RO #10

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.