

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 # ██████████  
CLIENT ID # ██████████  
REQUEST # ██████████

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

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

On ██████████, 2023, the Appellant requested an administrative hearing due to not receiving SNAP benefits since ██████████2022.

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

On ██████████ 2023, the Appellant requested a reschedule of the ██████████ 2023, hearing.

On ██████████, 2023, the OLCRAH issued a notice scheduling an administrative hearing for ██████████, 2023, to be held via telephone.

On [REDACTED], 2023, 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. The hearing was held telephonically per the Appellant's request and the following individuals participated:

[REDACTED] Appellant  
Nicole Palmbach, Department's representative  
Joseph Alexander, Administrative Hearing Officer

The record remained open an additional [REDACTED] [REDACTED] days, to allow for submission of documentation from the Department. The record closed on [REDACTED], 2023.

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department correctly denied the SNAP benefits on [REDACTED], 2022, for failure to complete an interview.

### **FINDINGS OF FACT**

1. On [REDACTED], 2022, the Appellant applied for Cash and SNAP benefits for herself and her two minor children. (Exhibit L: Case Note dated [REDACTED])
2. On [REDACTED] 2022, the Department took the following actions; (1) Reviewed the application, (2) attempted to contact the Appellant via cold call to conduct the required interview, (3) checked the appropriate interface and collateral contact sources to verify information reported on the application, (4) issued an *Interview Notice* informing the Appellant she must contact the Department's Benefit Center by [REDACTED] 2022, and (5) issued a *Proofs We Need* letter requesting the Appellant submit proof of shelter expenses and gross earnings by [REDACTED], 2022. (Exhibit L: Case Note dated [REDACTED], Exhibit O: *Interview Notice*, Exhibit P: *Proofs We Need*)
3. On [REDACTED], 2022, the Appellant requested an Administrative Hearing due to not receiving SNAP benefits since [REDACTED] 2022. (Hearing Record)
4. On [REDACTED] 2022, the Appellant contacted the Department's Benefit Center to complete the required interview. The call was disconnected before the interview was completed. The Department attempted to reconnect with the Appellant by placing two cold calls, however both attempts were unsuccessful. The interview was left in "pending" status. (Exhibit L: Case Note dated [REDACTED])
5. On [REDACTED] 2022, the Department denied the Appellant's application for SNAP benefits for the following reasons: (1) No household members are eligible for this program, (2) the required interview was not completed, and (3) does not meet program requirements. A Notice of Action was sent to the Appellant informing her of the denial. (Exhibit G: NOA dated [REDACTED])

6. The Department received verification of the Appellant's gross earnings but not of her shelter expenses. (Department Representative Testimony)
7. The Department's Benefit Center was not contacted by the Appellant after the initial call was disconnected on [REDACTED], 2022. (Hearing Record)
8. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within [REDACTED] days of the request for an administrative hearing. The hearing request was received on [REDACTED], 2022 making this decision due by [REDACTED] 2023. However, due to the rescheduling and the extending of the closing of the hearing record, an additional [REDACTED] ([REDACTED] days have been added making this decision due by [REDACTED], 2023

### 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.
2. Title 7 of the Code of Federal Regulations ("C.F.R.") § Section 273.2(a)(2) provides the following: Application processing. 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.

7 C.F.R § 273.2(c)(1)(i) provides the following: "Households must file SNAP applications by submitting the forms to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission."

**The Department correctly determined the Appellant filed an application requesting SNAP benefits.**

3. 7 C.F.R § 273.2(c)(1)(iv) provides the *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. For telephonic applications, the date of application is the date on which the household member provides verbal assent. “

**The Department correctly determined the SNAP application filing date was [REDACTED], 2022.**

4. 7 C.F.R § 273.2(e)(1) provides for *Interviews*. “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. 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 households' 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 the receipt of 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 and confidentiality of the interview.”

7 CFR § 273.2(e)(2) provides the following: “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 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. The State agency must grant a face-to-face interview to any household that requests one.”

**The Department correctly determined the Appellant was required to complete an interview. The Department correctly issued an Interview Notice advising the Appellant of the interview requirement and the date by which the interview needed to be completed by. The Department correctly attempted to conduct/complete the interview on [REDACTED], 2022 when the Appellant contacted the Department’s Benefit Center. The Appellant failed to re-establish contact with the Department when the [REDACTED] 2022 telephone call was disconnected before the interview could be completed.**

5. 7 C.F.R § 273.2(f)(1)(i)-(xiv) and (2)(1)-(ii) and (3)(i)-(ii) provides for *Verifications*: “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. (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. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the State agency, and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information. (2) **Verification of questionable information.** (i) The State agency shall verify, prior to certification of the household, all other factors of eligibility which 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. (3) **State agency options.** In addition to the verification required in paragraphs (f)(1) and (f)(2) of



this section, the State agency may elect to mandate verification of any other factor which affects household eligibility or allotment level, including household size where not questionable. Such verification may be required Statewide or throughout a project area, but shall not be imposed on a selective, case-by-case basis on particular households.”

**The Department correctly issued a W-1348 Proofs We Need form on [REDACTED] 2022, after reviewing the application. The due date of [REDACTED], 2022 afforded the Appellant a minimum of [REDACTED] days to provide the requested information.**

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 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 did not provide verification of her shelter expenses as requested by the Department on [REDACTED] 2022.**

**The Department correctly determined the Appellant was not eligible for SNAP because (1) the required interview was not conducted/completed and (2) all the information requested by the Department, which was needed to establish the household's eligibility for SNAP benefits, had not been received.**

**The Department correctly denied the Appellant's [REDACTED], 2022 application for SNAP benefits on [REDACTED] 2022.**

**DECISION**

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

Joseph Alexander  
**Joseph Alexander**  
**Administrative Hearing Officer**

CC: Tonya Beckford, Operations Manager, DSS, Norwich Regional Office  
Nicole Palmbach, Administrative Hearing Liaison, DSS, Willimantic 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.