

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 # 210246

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (“the Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) advising her that it was denying her application for benefits under the Supplemental Nutrition Assistance Program (“SNAP”) for failure to provide requested verifications and failure to complete the required interview.

On ██████████ 2023, the Appellant requested an administrative hearing because she disagrees with the denial of her application for SNAP benefits.

On ██████████ 2023, 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 participated in the hearing:

██████████, Appellant
Chris Filek, Department’s Representative
Kristin Haggan, Fair Hearing Officer

The record remained open for submission of additional documents from the Department. The Department submitted documents, and on [REDACTED], 2023, the record closed.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's application for SNAP benefits because she failed to provide the requested verifications and failed to complete the required interview.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old [REDACTED]. (*Appellant's Testimony*)
2. On [REDACTED] 2022, the Appellant submitted an Online Application ("ONAP") to the Department requesting SNAP benefits for a household of two (2) members, herself and her daughter. (*Exhibit 5: ONAP [REDACTED]*)
3. On [REDACTED] 2022, the Appellant submitted copies of her two (2) most recent bi-weekly wage stubs from her job at [REDACTED] to the Department. (*Department's Testimony, Exhibit 11: Wage Stubs dated [REDACTED] and [REDACTED]*)
4. On [REDACTED], 2022, the Department processed the Appellant's ONAP and updated her income. The Department could not reach the Appellant for the phone interview. The Department issued an Interview Notice and a letter requesting proof of child support income and daycare expenses. (*Exhibit 1: W1348 Proofs We Need [REDACTED], Exhibit 2: Case Note [REDACTED], Exhibit 6: Interview Notice [REDACTED]*)
5. On [REDACTED] 2022, the Department issued the Appellant a Notice of Missed Interview ("NOMI"). (*Exhibit 7: NOMI [REDACTED]*)
6. On [REDACTED] 2023, the Department issued the Appellant an NOA explaining that her ONAP for SNAP benefits was being denied for failure to provide the requested verifications and failure to complete the required interview. (*Exhibit 3: NOA [REDACTED]*)
7. The Appellant suffers from [REDACTED]. (*Appellant's Testimony*)
8. The Appellant suffered from the [REDACTED] in [REDACTED] 2022, which exacerbated her [REDACTED]. Her illness prevented her from completing the SNAP interview or providing the requested verifications. (*Appellant's Testimony*)
9. Sometime in [REDACTED], the Appellant contacted the Department's Benefit Center with her mother's assistance. They waited on hold for hours and were not able speak to the Department. (*Appellant's Testimony*)

10. On [REDACTED] 2023, the Appellant was admitted to [REDACTED] and was discharged that same day. (*Appellant's Testimony*)
11. On [REDACTED] 2023, the Appellant's brother contacted the Department's Benefit Center to inquire about the status of the Appellant's SNAP application. The Department could not speak with her brother because he was not listed as her Authorized Representative. (*Appellant's Testimony, Case Note [REDACTED]*)
12. On [REDACTED], 2023, the Appellant was seen at the [REDACTED] Emergency Room, and on [REDACTED], 2023, she was admitted there as an inpatient. (*Appellant's Testimony*)
13. On [REDACTED] 2023, the Appellant was transferred from [REDACTED] to [REDACTED]. At the time of the hearing, the Appellant was still an inpatient at [REDACTED]. (*Appellant's Testimony*)
14. On [REDACTED], 2023, the Department updated the Appellant's facility page status in its computer system to reflect that she had been admitted to [REDACTED]. (*Exhibit 8: Case Note [REDACTED]*)
15. On [REDACTED], 2023, the Appellant's brother submitted verification of her child support income and daycare expenses to the Department. (*Exhibit 9: Letter of Direct Child Support, Exhibit 10: [REDACTED] invoice*)
16. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R") § 273.15 (c) (1) which provides that the agency shall issue a decision within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED], 2023. OLCRAH held an administrative hearing on [REDACTED], 2023. The record was held open for one (1) extra day to allow the Department to provide additional documents. The record closed on [REDACTED] 2023. This decision is due no later than [REDACTED] 2023. (*Hearing Record*)

CONCLUSIONS OF LAW

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

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

2. 7 C.F.R. § 273.2(e)(1) provides in part that 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 to report for an in-office interview during their certification period, though they may request households to do so.

The Department correctly issued the Appellant an Interview Notice requesting that she complete the required SNAP interview.

3. 7 C.F.R. § 273.14(b)(4) provides that 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 verifications 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 the 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. § 273.2(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 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.

7 C.F.R. § 273.2(f)(4)(i) provides that 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 through a collateral contact, without a requirement being imposed that documentary evidence must be the primary source of verification. Documentary evidence consists of a 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 which do not represent an accurate picture of the household's income (such as out-dated pay stubs) or identification papers that appear to be falsified.

7 C.F.R. § 273.2(h)(i)(C) provides for cases where verifications are incomplete, the State

agency must have provided the household with a statement of required verification and offered to assist the household with 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 issued the Appellant a W1348 Proofs We Need form which stated the verifications that she needed to provide to determine her eligibility and allowed her 10 days to provide the information.

4. "The household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information."
7 C.F.R. § 273.2(f)(5)(i)

7 C.F.R. 273.2 (g)(3) provides for denying the application and state 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 Appellant did not return the requested verifications to the Department by the 30th day following the date of application.

The Department correctly denied the Appellant's application for SNAP benefits on [REDACTED] 2023, because the Appellant did not submit the required information by the due date.

DISCUSSION

Although the Appellant was hospitalized for part of the application period, the Department informed her of what she needed to do to complete her application. She did not submit the information timely, and the Department correctly denied her application.

DECISION

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

Kristin Haggan

Kristin Haggan
Fair Hearing Officer

CC: Brian Sexton, SSOM, Middletown Regional Office
Chris Filek, Fair Hearing Liaison, DSS, Middletown 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, 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 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 the Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105.

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 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 her designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and 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.