

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

██████████  
██████████  
REQUEST# 210933

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 in order to continue receiving Supplemental Nutrition Assistance Program ("SNAP") benefits after ██████████, 2022, the Appellant would need to interview and provide required proofs prior to that date.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the discontinuance of his 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, the Appellant requested to reschedule the administrative hearing.

On ██████████ 2023, OLCRAH issued a notice scheduling the administrative hearing for ██████████, 2023.

On ██████████ 2023, the Appellant requested to reschedule the administrative hearing.

On ██████████, 2023, OLCRAH issued a notice scheduling the administrative hearing for ██████████, 2023.

On [REDACTED], 2023, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals participated in the hearing:

[REDACTED], Appellant  
[REDACTED], Appellant's Representative  
Kostoula Karachristos, Department's Representative  
Melissa Prisavage, Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] 2023.

### **FINDINGS OF FACT**

1. On [REDACTED], 2022, the Appellant submitted an Online Application ("ONAP") for SNAP for a household of one person. (Exhibit 1: ONAP)
2. The Appellant is [REDACTED]-years-old [DOB [REDACTED]]. (Appellant's Testimony)
3. The Appellant is not disabled. (Appellant's Testimony)
4. The Appellant was self-employed, working with [REDACTED], but had stopped working prior to his SNAP application. (Exhibit 1, Appellant's Testimony)
5. On [REDACTED], 2022, the Department reviewed the Appellant's ONAP for SNAP and granted the Appellant Expedited SNAP benefits for [REDACTED] 2022 and [REDACTED] 2022. (Exhibit 5: Case Note dated [REDACTED], 2022)
6. On [REDACTED], 2022, the Department issued the Appellant a W-1348 Proofs We Need Form ("W-1348") requesting the following required proofs for the SNAP: checking account balance, shelter expenses, and self-employment income. Verifications were due by [REDACTED] 2022. (Exhibit 2: W-1348, Exhibit 5)
7. On [REDACTED], 2022, the Department issued a NOA to the Appellant informing him that in order to continue receiving SNAP beyond [REDACTED], 2022, he would need to have an interview and provide the requested proofs. (Exhibit 3: NOA dated [REDACTED], 2022)

8. On [REDACTED], 2022, the Appellant contacted the Department and an interview was conducted. The Department indicated that the only outstanding verification was proof that the Appellant was no longer self-employed. (Exhibit 5: Case Note dated [REDACTED] 2022)
9. On [REDACTED], 2022, the Appellant provided one page of the Self Employment Income Verification form, which indicated monthly self-employment income. (Exhibit 8: Document details page)
10. The Appellant did not provide proof that he was no longer self employed with [REDACTED] prior to [REDACTED], 2022. (Exhibit 6: Document Search, Department's Testimony)
11. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a hearing. The Appellant requested an administrative hearing on [REDACTED] 2023. This decision, therefore, was due no later than [REDACTED], 2023. However, the hearing which was originally scheduled for [REDACTED] 2023, was rescheduled to [REDACTED], 2023, at the request of the Appellant, which caused a 21-day delay. The hearing was then rescheduled, at the request of the Appellant, to [REDACTED], 2023, which caused an additional 27-day delay. Therefore, this decision is due by [REDACTED], 2023, and is timely.

### **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.

**The Department has the authority to review the Appellant's SNAP application and determine whether his household meets the program's eligibility requirements.**

2. Title 7 of the Code of Federal Regulations ("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 are detailed below.

**The Department correctly screened the Appellant's application as of [REDACTED], 2022.**

3. 7 C.F.R. § 273.2(d)(1) provides that to determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified. If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed, not merely failing to appear for the interview. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied, and the agency shall provide assistance required by paragraph (c)(5) of this section. The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates with the State agency. The State agency shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification. The State agency shall not consider individuals identified as non-household members under § 273.1(b)(2) as individuals outside the household.
4. 7 C.F.R. § 273.2(g)(1) provides that the State agency shall provide eligible households that complete the initial application process an opportunity to participate (as defined in § 274.2(b)) as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and SNAP benefits prior to release from the institution in accordance with § 273.11(i). An application is filed the day the appropriate SNAP office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in paragraph (i) of this section. For residents of public institutions who apply for SNAP benefits prior to their release from the institution in accordance with § 273.11(i), the State agency shall provide an opportunity to participate as soon as possible, but not later than 30 calendar days from the date of release of the applicant from the institution.
5. 7 CFR 273.2(i)(3)(i) provides that for households entitled to expedited service, the State agency shall post benefits to the household's EBT card and make them available to the household not later than the seventh calendar day following the date an application was filed. For a resident of a public institution who applies for benefits prior to his/her release from the institution in accordance with [§ 273.11\(i\)](#) and who is entitled to expedited service, the date of filing of his/her SNAP

application is the date of release of the applicant from the institution. Whatever systems a State agency uses to ensure meeting this delivery standard shall be designed to provide the household with an EBT card and PIN no later than the seventh calendar day following the day the application was filed.

**The Department correctly determined that the Appellant was eligible for Expedited SNAP benefits.**

6. 7 CFR 273.2(i)(4)(iii)(B) provides that 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 issued a NOA to the Appellant notifying him that in order to continue receiving SNAP after [REDACTED], 2022, the Appellant must interview and provide required proofs by [REDACTED], 2022.**

7. 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 the period the documents should cover.

**The Department correctly issued the Appellant a W-1348 Proofs We Need form on [REDACTED], 2022, requesting information needed to establish eligibility, and afforded the Appellant 10 days to provide such information.**

8. 7 C.F.R. § 273.2(f)(2)(i) provides that 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.
9. 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 a collateral contact, without a requirement being imposed that documentary evidence must be the primary source of verification. Documentary evidence consists of 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 that do not represent an accurate picture of the household's income (such as outdated pay stubs) or identification papers that appear to be falsified.
10. 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).

11.7 C.F.R. § 273.2(e)(1) provides that except for households certified 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 household's 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 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 confidentiality of the interview.

12.7 C.F.R. § 273.2(e)(2) provides 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 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 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 conducted a phone interview with the Appellant.**

**The Department correctly determined that the Appellant did not submit all the requested verifications listed on the W-1348 Proofs We Need form sent on [REDACTED], 2022.**

**The Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] 2023, for failure to provide verification that he was no longer employed.**

### **DECISION**

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



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**Melissa Prisavage  
Fair Hearing Officer**

**CC:** Tim Latifi, Ralph Filek, Sarah Chmielicki, DSS Operations Manager, New Haven Regional Office  
Kostoula Karachristos, DSS 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.