

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 # 211978

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a notice of action denying her application for the Supplemental Nutrition Assistance Program (“SNAP”) for failure to provide the information needed to establish eligibility.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department’s denial of her SNAP application.

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

On ██████████ 2023, OLCRAH, at the Appellant’s request, issued a notice rescheduling the administrative hearing for ██████████ 2023.

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

On ██████████ 2023, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephonic conferencing.

The following individuals participated in the hearing:

██████████ Appellant
 Nadia Karachristos, Department's Representative
 Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's SNAP application for failure to provide the information needed to establish eligibility.

FINDINGS OF FACT

1. On ██████████ 2022, the Appellant submitted an online SNAP application. The household is comprised of only the Appellant. The Appellant is a full-time student at ██████████ University with a part-time job. (Exhibit 1: Application)
2. On ██████████ 2022, the Department completed a telephone interview with the Appellant. The Department did not explain the student status family contribution policy to the Appellant. (Record)
3. On ██████████ 2022, the Department sent the Appellant A Proofs We Need form ("W-1348") requesting: Four recent wage stubs from ██████████ University; financial aid documents; proof of school attendance; residency. A ██████████ 2023, due date was given for the return of requested verifications with a "date we will take action by" of ██████████ 2023. The Department noted on the hearing summary it (the Department) did not request the Appellant's expected family contribution score. (Exhibit 3: W-1348; Record; Department's testimony)
4. On ██████████ 2023, the Department received partial information from the Appellant. (Record)
5. On ██████████ 2023, a Department representative called the Appellant to discuss her SNAP application but was not able to reach her. Also, a W-1348 was sent to the Appellant requesting: ██████████ 2022 wage stub from ██████████ University and current class schedule. A ██████████ 2023, due date was given for the return of requested verifications with a "date we will take action by" of ██████████ 2023. The Department noted on the hearing summary it (the Department) did not request full financial aid disbursement to determine living arrangement, meal plan, and semester refunded income. (Exhibit 7: W-1348; Record; Department's testimony)
6. On ██████████ 2023, the Department received the Appellant's ██████████ 2022 paystub and the Appellant's Spring schedule. (Exhibit 8: Course schedule; Record)
7. On ██████████ 2023, the thirtieth day of processing was reached. (Record)

8. On [REDACTED] 2023, a Saturday, the second 30'th day ([REDACTED] 2023 – [REDACTED] 2023) of processing elapsed. (Record)
9. On [REDACTED] 2023, the Appellant's SNAP application was denied on the sixty-second day as all requested verifications were not returned. (Exhibit 9: Notice)
10. On [REDACTED] 2023, the Appellant requested an administrative hearing. (Record)
11. After the Department's denial notice and the Appellant's hearing request, the Department and the Appellant were exchanging documents and information. However, as of the hearing date, the Appellant is not active SNAP. (Department's testimony)
12. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which requires that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and the local agency are notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2023, with this decision due no later than [REDACTED] 2023. However, due to a [REDACTED] day extension granted to the Appellant (first reschedule) with the second reschedule charged to the Department, this decision is due no later than [REDACTED] 2023. (Hearing Record)

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.

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

2. 7 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 retroactively 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(d) (1) provides in relevant part 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.

7 C.F.R. § 273.2(e) (2) provides 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 the 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 place 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 instead of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

7 C.F.R. § 273.2(e) (3) provides that the State agency must schedule an interview for all applicant households who are not interviewed on the day they submit their applications. To the extent practicable, the State agency must schedule the interview to accommodate the needs of groups with special circumstances, including working households. The State agency must schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. The State agency must notify each household that misses its interview appointment that it missed the scheduled interview and that the household is responsible for rescheduling a missed interview. If the household contacts the State agency within the 30-day application processing period, the State agency must schedule a second interview. The State agency may not deny a household's application prior to the 30th day after application if the household fails to appear for the first scheduled interview. If the household requests a second interview during the 30-day application processing period and is determined eligible, the State agency must issue prorated benefits from the date of application.

The Department received the Appellant's application on [REDACTED] 2022 and completed a telephone interview on [REDACTED] 2022.

3. 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 explain the period the documents should cover.

7 C.F.R. § 273.2 (h) (1) (i) (C) provides for cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in 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 sent the Appellant a W-1348 requesting information needed to establish eligibility and afforded the Appellant 10 days to provide such information but failed to include all necessary documents to determine eligibility.

4. 7 C.F.R. § 273.2 (f) (2) provides for verification of questionable information. (i) 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.

7 C.F.R. § 273.2 (f) (4) provides for sources of verification. (i) Documentary evidence. 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.

7 C.F.R. § 273.2 (f) (4) (iv) provides that where unverified information from a source other than the household contradicts statements made by the household, the household shall be afforded a reasonable opportunity to resolve the discrepancy prior to a determination of eligibility or benefits. The State agency may, if it chooses, verify the information directly and contact the household only if such direct verification efforts are unsuccessful. If the unverified information is received through the IEVS, as specified in [§ 272.8](#), the State agency may obtain verification from a third party as specified in [paragraph \(f\)\(9\)\(v\)](#) of this section.

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).

The Department incorrectly determined that the Appellant did not submit all the requested verifications listed on the W-1348 sent on [REDACTED] 2022, and [REDACTED] 2023.

5. 7 C.F.R. § 273.2 (g) provides for the normal processing standard. (1) Thirty-day processing. 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 food stamp benefits prior to release from the institution in accordance with §273.1(e)(2). An application is filed the day the appropriate food stamp 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 food stamps prior to their release from the institution in accordance with §273.1(e)(2), the State agency shall provide an opportunity to participate as soon as possible, but no later than 30 calendar days from the date of release of the applicant from the institution.

7 C.F.R. § 273.2 (g) (3) provides for 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 household must file a new application if it wishes to participate in the program. In cases where the State agency was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the State agency may also deny the application on the 30th day if the State agency assisted the household in obtaining verification as specified in [paragraph \(f\)\(5\)](#) of this section, but the household failed to provide the requested verification.

The Department did not process the Appellant's SNAP application using the 30-day standard.

6. 7 C.F.R. § 273.2 (h) (2) (i) provides that if by the 30th day the State agency cannot take any further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. However, the State agency shall give the household an additional 30 days to take the required action, except that, if verification is lacking, the State agency has the option of holding the application pending for only 30 days following the date of the initial request for the verification that was missing.

7 C.F.R. § 273.2 (h) (2) (i) (A) provides that the State agency has the option of sending the household either a notice of denial or a notice of pending status on the 30th day. The option chosen may vary from one project area to another, provided the same procedures apply to all households within a project area. However, if a notice of denial is sent and the household takes the required action within 60 days following the date the application was filed, the State agency shall reopen the case without requiring a new application. No further action by the State agency is required after the notice of denial or pending status is sent if the household failed to take the required action within 60 days following the date the application was filed, or if the State agency chooses the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing, and the household fails to provide the necessary verification by this 30th day.

7 C.F.R. § 273.2 (h) (2) (ii) provides that if the household was at fault for the delay in the first 30-day period but is found to be eligible during the second 30-day period, the State agency shall provide benefits only from the month following the month of application. The household is not entitled to benefits for the month of the application when the delay was the fault of the household.

7 C.F.R. § 273.2 (h) (4) (ii) provides that if the State agency is at fault for not completing the application process by the end of the second 30-day period, but the case file is not complete enough to reach an eligibility determination, the State agency may continue to process the original application or deny the case and notify the household to file a new application. If the case is denied, the household shall also be advised of its possible entitlement to benefits lost as a result of State agency-caused delays in accordance with [§ 273.17](#). If the State agency was also at fault for the delay in the initial 30 days, the amount of benefits lost would be calculated from the month of application. If, however, the household was at fault for the initial delay, the amount of benefits lost would be calculated from the month following the month of application.

The Department incorrectly denied the Appellant's SNAP application on [REDACTED] 2023, for failure to provide information to establish eligibility.

DISCUSSION

Given that the Department acknowledged it failed to properly inform the Appellant on two occasions what verifications were needed to make an eligibility decision, the Department is at fault for not completing the application process in the initial 30 days and by the end of the second 30-day period.

DECISION

The Appellant's appeal is granted.

ORDER

The Department is instructed to reopen the Appellant's SNAP application effective [REDACTED] 2022, and provide assistance to the Appellant if needed in obtaining the documentation necessary to make an eligibility determination. This decision does not confer eligibility to the Appellant but does permit the application process to continue. Proof of compliance will consist of the Appellant's SNAP status screen and is due no later than [REDACTED] 2023.

The actions taken by the Department and Appellant after [REDACTED] 2023 are outside the scope of this decision.


Christopher Turner
Hearing Officer

Cc: Sarah Chmielecki, DSS Operations Manager New Haven
Tim Latifi, DSS Operations Manager New Haven
Ralph Filek, DSS Operations Manager New Haven
Nadia Karachristos, DSS New Haven

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 requested 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 Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

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 to 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 per §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.