

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to close the Appellant's benefits under the SNAP effective [REDACTED] 2023 was correct.

FINDINGS OF FACT

1. The Appellant received benefits under the SNAP for herself. (Hearing Record)
2. The Department certified the Appellant's SNAP eligibility for a twelve month period beginning [REDACTED] 2022 and ending on [REDACTED] 2023. (Exhibit 1: Notice of Renewal of Eligibility)
3. On [REDACTED] 2022, the Department issued the Appellant a notice of renewal of eligibility under the SNAP which included a renewal of eligibility document ("form W-1ER") to be completed by the Appellant. The notice instructed the Appellant to complete the enclosed renewal form or complete a renewal online at www.connect.ct.gov. The notice informed the Appellant an interview with the Department must be completed as part of the renewal process. The Department listed the due date for the renewal as [REDACTED] 2023 to receive uninterrupted benefits and the due date for the renewal form along with all required proofs by [REDACTED] 2023 or benefits may stop. (Exhibit 1: Renewal of Eligibility)
4. On [REDACTED] 2023, the Department issued the Appellant a Warning Notice informing her that the Department has not received a completed renewal form. The Department writes, "To keep getting your benefits without interruption, you must return the form to us by [REDACTED]/[REDACTED]/2023. If you do not return the form, complete an interview if required and send in all proofs, we will discontinue your benefits effective [REDACTED]/[REDACTED]/2023 because you did not complete the renewal on time." (Exhibit 2: Warning Notice)
5. The Appellant failed to submit an application for renewal via mail or online prior to [REDACTED] 2023. (Stipulated)
6. The Appellant failed to complete a renewal interview with the Department by [REDACTED] 2023. (Stipulated)
7. On [REDACTED] 2023, the Department discontinued the Appellant's benefits under the SNAP effective [REDACTED] 2023 because the Appellant failed to complete the SNAP renewal process before her certification period expired on [REDACTED] 2023. (Exhibit 3: Notice of Action and Department Representative's Testimony)

8. On [REDACTED] [REDACTED] 2023, the Department issued the Appellant a notice of action. The notice stated the Department closed the Appellant's benefits under the SNAP effective [REDACTED] [REDACTED] 2023 for the following reasons: "Renewal form was not submitted; renewal process not completed, no household members are eligible for this program, [and] does not meet program requirements." (Exhibit 3: Notice of Action)
9. On [REDACTED] [REDACTED] 2023, the Appellant submitted an online application for renewal of SNAP benefits to the Department. The Appellant reported employment at [REDACTED] [REDACTED] (the "employer") but failed to include any wage information or additional employer information. (Exhibit 4: Online Renewal)
10. On [REDACTED] [REDACTED] 2023, the Department reviewed the Appellant's online application for renewal of SNAP benefits and telephoned the Appellant twice to complete the renewal interview. The Department failed to reach the Appellant. (Department Representative's Testimony)
11. On [REDACTED] [REDACTED] 2023, the Department issued the Appellant two notices. The Department issued the Appellant a Proofs We Need notice requesting proof of gross earnings and listed the due date for such proof as [REDACTED] [REDACTED] 2023. The Department issued the Appellant an Interview Notice that confirmed receipt of the Appellant's online renewal application and instructed the Appellant to call the Department Benefit Center by [REDACTED] [REDACTED] 2023 to complete the interview. The notice stated, "If we need any proofs from you, we will tell you during the interview. ... Your benefits will end if you do not have your interview by [REDACTED] [REDACTED] 2023 and send us all the required proofs, your benefits will remain closed." (Exhibit 6: Interview Notice and Department Representative's Testimony)
12. The Appellant received the [REDACTED] [REDACTED] 2023 Proofs We Need notice. The Appellant received the [REDACTED] [REDACTED] 2023 Interview notice. (Appellant's Testimony)
13. On [REDACTED] [REDACTED] 2023, the Appellant electronically submitted the following paystubs to the Department: Pay dates [REDACTED] [REDACTED] 2023 gross \$725.38, [REDACTED] [REDACTED] 2023 gross \$511.98, [REDACTED] [REDACTED] 2023 gross \$514.36, and [REDACTED] [REDACTED] 2023 gross \$669.16. The Department received the Appellant's paystubs. (Appellant's Testimony and Department Representative's Testimony)
14. On [REDACTED] [REDACTED] 2023, the Department reviewed the Appellant's wage information and telephoned the Appellant twice to complete the renewal interview. The Department failed to reach the Appellant. (Department Representative's Testimony)

15. The Appellant's SNAP remained closed with no further action taken by the Department because the renewal interview remained outstanding. (Department Representative's Testimony)
16. The Appellant did not contact the Department to complete the renewal interview. The Appellant works third shift and may have been asleep each time the Department telephoned the Appellant. (Appellant's Testimony)
17. The Appellant did not complete the recertification interview with the Department by the end of [REDACTED] 2023 therefore the recertification process remained incomplete and SNAP benefits remained closed without a new determination of eligibility made by the Department. (Department Representative's Testimony)
18. The SNAP gross income limit for a household of one equals \$2,265.00. (Department Representative Testimony)
19. 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] 2023. 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 of the Code of Federal Regulations ("C.F.R.") § 273.10(f) provides as follows:

Certification periods. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

The Department correctly determined the Appellant's 12-month certification period expired on [REDACTED] [REDACTED] 2023.

3. Federal regulation provides as follows:

No household may participate beyond the expiration of the certification period assigned in accordance with § 273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Household must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14(a)

The Department correctly closed the Appellant's SNAP benefits effective [REDACTED] 2023 for failure to complete the renewal process because the Appellant failed to submit an application for renewal prior to [REDACTED] 2023, the date her SNAP certification expired.

4. Federal regulation provides as follows:

The State agency shall complete the application process and approve or deny timely applications for recertification in accordance with § 273.14 of the SNAP regulations. A face-to-face interview shall be waived if requested by a household consisting entirely of SSI participants unable to appoint an authorized representative. The State agency shall provide SSI households with a notice of expiration in accordance with § 273.14(b), except that such notification shall inform households consisting entirely of SSI recipients that they are entitled to a waiver of a face-to-face interview if the household is unable to appoint an authorized representative.

7 C.F.R. § 273.2(k)(2)(i)

Federal regulation 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 application for 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 case file, 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).

7 C.F.R. § 273.14(b)(2)

Federal regulation provides as follows:

Application for recertification. Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. The level of benefits for recertifications shall be based on the same anticipated circumstances, except for retrospectively budgeted households which shall be recertified in accordance with §273.21(f)(2). If a household, other than a migrant or seasonal farmworker household, submits an application after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with paragraph (a)(1)(ii) of this section. If a household's failure to timely apply for recertification was due to an error of the State agency and therefore there was a break in participation, the State agency shall follow the procedures in §273.14(e). In addition, if the household submits an application for recertification prior to the end of its certification period but is found ineligible for the first month following the end of the certification period, then the first month of any subsequent participation shall be considered an initial month. Conversely, if the household submits an application for recertification prior to the end of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month.

7 C.F.R. § 273.10(a)(2)

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)

On [REDACTED] [REDACTED] 2023, the Department correctly considered the Appellant's [REDACTED] [REDACTED] 2023 online application for benefits under the SNAP as an application for recertification of her SNAP benefits. Although delayed, the Appellant submitted her online request within 30-days of the [REDACTED] [REDACTED] 2023 SNAP certification expiration date.

5. 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 in pertinent part as follows:

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.

Mandatory verification. State agencies shall verify the following information prior to certification for household initially applying: 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.

7 C.F.R. § 273.2(f)(1)(i)

Federal regulation provides as follows:

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(c)(5)

The Department correctly determined the Appellant's employment earnings as mandatory verification required to make a determination of eligibility under SNAP regulations.

On [REDACTED] 2023, the Department correctly notified the Appellant of the SNAP requirements and issued the Appellant a request for verification of earnings listing four weeks paystubs or employer letter as examples of the types of documents accepted. The Department listed the due date as [REDACTED] 2023 allowing a minimum of 10-days to provide the requested information.

6. Federal regulation provides as follows:

Recertification process - Interview. 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 provides in paragraph (e)(2) of this section, household's must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter.

7 C.F.R. § 273.2(e)(1)

Federal regulation provides as follows:

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.

7 C.F.R. § 273.2(e)(2)

Federal regulation provides as follows:

State agencies shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires. If a household misses its scheduled interview, the State agency shall send the household a Notice of Missed Interview that may be combined with the notice of denial. If a household misses its scheduled interview and requests another interview, the State agency shall schedule a second interview.

7 C.F.R. § 273.14(b)(3)(iii)

Federal regulation provides in pertinent part as follows:

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.

7 C.F.R. § 273.2(e)(3)

On [REDACTED] 2023, the Department correctly issued the Appellant an Interview Notice informing the Appellant she must complete an

interview by telephone or in person with the Department as part of the recertification process.

However, the Department failed to comply with federal SNAP regulation when the Appellant missed the required interview, the Department failed to issue a Notice of Missed Interview (“NOMI”) to the Appellant. FNS guidance provides that the NOMI allows for a final reminder to SNAP applicants that benefits will end unless the applicant completes the interview which may result in more eligible households recertifying rather than filing a brand new application.¹

Section 2302 of the Families First Coronavirus Response Act (P.L. 116-127), allows United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) to adjust application requirements. FNS State Guidance Document titled Active-COVID-Waivers-by-State-4-10-2023 confirms the recertification interview may be waived prior to approval under COVID waivers when ID is verified and mandatory verifications complete. Waiver start date July 1, 2021 ending June 30, 2023. (FNS-GD-2021-0119)

On [REDACTED] 2023, the Appellant correctly uploaded to the Department’s online portal copies of four recent consecutive paystubs as requested by the Department. With mandatory verifications received within 30 days of the application for recertification and identity not in question, the Department failed to evaluate whether the Appellant now qualified for waiving the recertification interview under the temporary administrative waiver to support unwinding from the Covid-19 public health emergency.²

The Department incorrectly processed the Appellant’s [REDACTED] 2023 application for recertification of SNAP benefits. The Department failed to issue the Appellant a NOMI, failed to evaluate the Appellant’s eligibility for the interview waiver, and failed to make a determination of eligibility upon receipt of the requested wage information. Additionally, the Department failed to send a notice of eligibility or ineligibility regarding the Appellant’s [REDACTED] 2023 application for recertification of benefits under the SNAP.

¹ USDA, FNS -GD-2008-0004 Policy Memo, Program Development Division, January 18, 2008.

² USDA, FNS-GD-2020-0082, SNAP-Adjusting Interview Requirements Due to Novel Coronavirus-Blanket Approval March 26, 2020 and DSS Program Oversight & Grant Administration Communication, January 4, 2023.

DECISION

The Appellant's appeal is granted.

ORDER

1. The Department must continue to process the Appellant's application for renewal received on [REDACTED] 2023.
2. The Department must determine whether the Appellant meets the Administrative waiver criteria in which the recertification interview is waived.
3. If the Department determines the Appellant ineligible for the interview waiver, the Department must issue a NOMI to the Appellant and allow a minimum of 10 days to complete the interview process to comply with the recertification process under federal regulations.
4. Compliance is due 14 days from the date of this decision.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Jill Sweeney, SSOM RO #62
Glenn Guerra, FHL RO #26

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.