

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105

██████████ 2023
Signature confirmation

Case: ██████████
Client: ██████████
Request: 213940

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued ██████████ ██████████ (the “Appellant”) a *Notice of Action* denying her ██████████, 2022 Supplemental Nutrition Assistance Program (“SNAP”) application.

On ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the Appellant’s online hearing request, submitted on ██████████ 2023 during non-business hours.

On ██████████ 2023, the OLCRAH scheduled 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, and Section 273.15 (a) of Title 7 of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held an administrative hearing by telephone conferencing. The following individuals participated:

██████████, Appellant
Garfield White, Department Representative
Eva Tar, Hearing Officer

The hearing record closed ██████████, 2023.

STATEMENT OF ISSUE

The issue is whether the Department's denial of the Appellant's [REDACTED], 2022 SNAP application was in accordance with Federal regulations governing the SNAP.

FINDINGS OF FACT

1. The Appellant's mother owns the following properties: [REDACTED], Connecticut ("[REDACTED]") and [REDACTED], Connecticut (the "cabin"). (Exhibit 1)
2. The Appellant's parents live at [REDACTED]. (Exhibit 1) (Appellant Testimony)
3. In [REDACTED] 2022, the Appellant reported to the Department that she had moved from [REDACTED] to the cabin. (Exhibit 1)
4. The Appellant no longer lives at the cabin due to a chimney fire. (Appellant Testimony)
5. On [REDACTED], 2022 and [REDACTED], 2023, the Department received the Appellant's online SNAP applications. On the applications, the Appellant claimed to be living at [REDACTED] with her two minor children. (Exhibit 2)
6. On [REDACTED], 2022, [REDACTED] 2023, and [REDACTED] 2023, the Department issued a *Proofs We Need* to the Appellant, requesting as a condition of eligibility current proof that the Appellant and her children were residing at [REDACTED]. The Department's examples of proof of residency included: a rent receipt, current lease, mortgage bill, Section 8 contract, letter from landlord, recent mail sent to her address, post office records, letter from non-relative disinterested third party, or completed Department Form W-1408: Landlord Verification Request. (Exhibit 4)
7. The three *Proofs We Need* mailings included a Form W-1408 asking the landlord to sign the form and describe the Appellant's household composition, rent, and heating expenses. (Exhibit 4)
8. On [REDACTED] 2023, the Appellant submitted to the Department an undated piece of mail addressed to her at [REDACTED]. (Exhibit 1)
9. The undated piece of mail did not verify the Appellant's address in [REDACTED] 2022 or [REDACTED] 2023 and did not verify that the address of the Appellant's children in those months. (Exhibit 1)
10. The Department's final *Proofs We Need* gave a deadline of [REDACTED] 2023 for the Appellant's submission of proof of residency. (Exhibit 4)

11. On [REDACTED] 2023, a Department employee advised the Appellant during a telephone call that the undated piece of mail was not adequate verification of her address. The employee instructed the Appellant to have the property owner verify the Appellant's address, household composition, and rent. (Exhibits 1 and 4c)
12. On or around [REDACTED], 2023, a Fraud Early Detection System/FRED investigator visited [REDACTED] and identified the Appellant's minor children as present and in the care of the Appellant's mother. (Exhibit 1)
13. The Appellant's father informed the FRED investigator that the Appellant did not live at [REDACTED] but stayed for weeks at a time at a farm in upstate New York. (Exhibit 1)
14. The Appellant works at [REDACTED] in [REDACTED] New York. (Appellant Testimony) (Exhibit 2a)
15. Following her [REDACTED] 2023 submission, the Appellant did not provide the Department with acceptable verification of her Connecticut residency. (Exhibit 1)
16. On [REDACTED], 2023, the Department issued a *Notice of Action* denying the Appellant's [REDACTED] 2022 SNAP application, citing as the reason for denial "You did not return all the required proofs by the date we asked." (Exhibit 5)
17. The hearing record is silent as to whether the Department also denied the Appellant's [REDACTED], 2023 SNAP application on [REDACTED], 2023, denied that application on a different date, or if that application remains pending.
18. Title 7, Section 273.15 (c)(1) of the Code of Federal Regulations ("C.F.R.") provides: "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 local agency are notified of the decision...."

On [REDACTED] 2023, the OLCRAH received the Appellant's online hearing request, filed during non-business hours on [REDACTED] 2023. This hearing decision would have become due by no later than [REDACTED] 2023. This decision is timely.

CONCLUSIONS OF LAW

1. The Department is the state agency for the administration of the SNAP pursuant to the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

The Department has the authority under State statute to administer the SNAP in Connecticut.

2. "A household shall live in the State in which it files an application for participation...."
7 C.F.R. § 273.3 (a).

As a condition of SNAP eligibility, the Appellant and her household members had to live in Connecticut, the State in which she applied for SNAP benefits.

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

"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...." 7 C.F.R. § 273.2 (f)(2)(i).

The Appellant had the primary responsibility to provide evidence to the Department to support her statements on the [REDACTED], 2022 and [REDACTED], 2023 SNAP applications that she resided with her minor children in Connecticut.

4. "**Discrepancies.** 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...." 7 C.F.R. § 273.2 (f)(4)(iv).

Upon receiving unverified information that the Appellant lived in upstate New York from the Appellant's father, a resident of [REDACTED], the Department correctly gave the Appellant a reasonable opportunity to resolve the discrepancy.

5. "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...." 7 C.F.R. § 273.2 (f).

The Department's [REDACTED] 2023 *Proofs We Need* correctly gave the Appellant at least 10 days to submit the requested verification.

The Department's [REDACTED] 2023 denial of the Appellant's [REDACTED], 2022 SNAP application was in accordance with Federal regulations governing the SNAP as the Appellant failed to resolve discrepancies in her Connecticut residency to the Department by its [REDACTED], 2023 deadline.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Garfield White, DSS-Hartford
Wilfredo Medina, DSS-Hartford
Josephine Savastra, DSS-Hartford
Lindsey Collins, DSS-Hartford
Mathew Kalarickal, DSS-Hartford
David Mazzone, DSS-Hartford

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.