

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

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Request # 218196

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (“the Department”) sent ██████████ ██████████ (the “Appellant”) a Notice of Action (“NOA”) advising him that his application for benefits under the Supplemental Nutrition Assistance Program (“SNAP”) was denied for failure to provide information.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the denial of the SNAP benefits.

On ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling a telephonic 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
Brad Wheeler, Department’s Representative
Carla Hardy, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's application for SNAP benefits because he failed to provide information.

The issue regarding the denial of Refugee Cash Assistance ("RCA") will be addressed in a separate decision.

FINDINGS OF FACT

1. On ██████ 2023, the Department received the Appellant's application for SNAP assistance. The Appellant is the only person in his household. He resides with a friend and is obligated to pay for utilities. His sister gives him money. He is a refugee. (Exhibit 2: Letter from the Appellant dated ██████/23; After Hearing Exhibit 8: Application, ██████/23)
2. On ██████ 2023, the Department reviewed the Appellant's application and completed his interview. The Department requested a letter from ████████████████████ ("the friend") verifying that the Appellant resides with him, and a letter from ██████████ (the "Appellant's sister") stating how much she gives the Appellant and how often. The Department also requested proof that the Appellant applied for a social security number. The information was due ██████ 2023. (Exhibit 3: Proofs We Need ("W1348"), ██████23; Hearing Record)
3. On ██████ 2023, the Department received a letter from the Appellant's sister stating she gives the Appellant \$250.00 or \$300.00. The letter does not specify how often. (After Hearing Exhibit 7: Letter from Sister Dated ██████/23; Department's Testimony)
4. The Appellant did not send the letter from his friend for proof of address because the friend only speaks ██████. The Appellant sent a copy of a letter that the Department sent to him as verification of his address. (Appellant's Testimony)
5. On ██████ 2023, the Department denied the SNAP application because the Appellant did not return all requested proofs by the date requested. (Exhibit 4: Notice of Action ██████/23)
6. The issuance of this decision is timely under Title 7 of 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 ██████ 2023. Therefore, this decision is due no later than ██████ 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 he meets the program's eligibility requirements.

2. Title 7 of the Code of Federal Regulations ("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 households to report for an in-office interview during their certification period, though they may request households to do so. (2) The State agency may use a telephone interview instead of the face-to-face interview required in paragraph 9e)(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 Department completed the Appellant's interview.

3. Title 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.

Title 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.

Title 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 issued the Appellant a W1348 which stated the verifications that the Appellant needed to provide to determine his eligibility and allowed him 10 days to provide the documentation.

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

Title 7 C.F.R. 273.2 (g)(3) provides for denying the application. 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. 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 provided assistance to the household in obtaining verification as specified in paragraph (f)(5) of this section, but the household failed to provide the requested verification.

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.

DECISION

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

Carla Hardy

Carla Hardy
Hearing Officer

PC: Jessica Carroll, SSOM, Department of Social Services, Norwich
Brad Wheeler, Fair Hearing Liaison, Department of Social Services, Norwich

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.