

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 # 218198

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”) discontinuing her Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2023, for failing to provide information.

On ██████████, 2023, the Appellant requested an administrative hearing to contest the discontinuance 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
- Michael Ober, Hearing Liaison, Department’s Representative
- Carla Hardy, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant’s SNAP benefits for failing to return the required verifications.

The issue regarding the discontinuance of the Temporary Family Assistance benefits will be addressed in a separate hearing decision.

FINDINGS OF FACT

1. On [REDACTED] 2023, the Department received the Appellant's renewal document. The Appellant's household consists of two people, the Appellant, and her minor child. (After Hearing Exhibit 10: Renewal Document; Hearing Record)
2. On [REDACTED] 2023, the Department reviewed the renewal document. They were unable to complete the renewal because additional documentation was required. The Department requested proof of the Appellant's income from [REDACTED], [REDACTED] and [REDACTED]. They also requested proof of the income that the Appellant received from the people who give her money or proof that they no longer provide her with financial assistance. The requested documentation was due [REDACTED] 2023. (Exhibit 3: Proofs We Need ("W-1348"), [REDACTED]/23; Hearing Record)
3. The Appellant previously received income from her grandmother and two sisters. (Department's Testimony)
4. The Department requested proof of income from the Appellant's family members because those incomes were on the Appellant's previous Renewal Document. (Department's Testimony)
5. The Department used The Work Number query system to verify the termination date of the Appellant's job with [REDACTED] (Department's Testimony)
6. By [REDACTED] 2023, the Department had not received the proofs that they requested. (Hearing Record)
7. On [REDACTED] 2023, the Department discontinued SNAP benefits effective [REDACTED] 2023, because they did not receive the required proofs by the requested date. (Exhibit 4: NOA, [REDACTED]/23)
8. On [REDACTED] 2023, the Appellant's grandmother signed a letter stating that she no longer provides the Appellant with financial assistance. (Appellant's Exhibit C: Letter from Appellant's Grandmother, [REDACTED] 23)
9. On [REDACTED] 2023, the Appellant's sister, [REDACTED] with no last name listed, wrote a letter stating she does not assist her sister with financial help. The letter is not signed. (Exhibit 8: Letter from Appellant's Sister)
10. On [REDACTED] 2023, the Department completed a telephone interview with the Appellant. (Exhibit 5: Case Notes)
11. On [REDACTED] 2023, the Department issued a duplicate copy of the W-1348 that was sent to the Appellant on [REDACTED] 2023, requesting the same information from the Appellant. The information was due [REDACTED] 2023. (Exhibit 5; Exhibit 9: Duplicate Copy of the [REDACTED]/23, W-1348; Department's Testimony)

12. On [REDACTED] 2023, the Department received a letter from the Appellant's grandmother stating that she no longer gives the Appellant money. (Department's Testimony)
13. On [REDACTED] [REDACTED] no year given, someone wrote a letter stating they no longer provide their sister with financial assistance. The letter is not properly dated or signed by anyone. (Exhibit 7: Letter dated [REDACTED] [REDACTED])
14. On [REDACTED] 2023, the Department received unsigned letters from [REDACTED] and the unknown person. (Department's Testimony)
15. [REDACTED] and the unknown person are the Appellant's sisters. (Hearing Record)
16. The Department called the phone numbers listed in the two letters. The phone number associated with [REDACTED] letter is out of service. The phone number associated with the letter with no name is the Appellant's aunt's phone number. (Department's Testimony)
17. Approximately one week before the date of this hearing, the Appellant verified that she did not start the job with [REDACTED]. (Appellant's Testimony)
18. The issuance of this decision is timely under the Code of Federal Regulations ("C.F.R.") § 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] [REDACTED] 2023. Therefore, this decision is due no later than [REDACTED] 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 her household meets the program's eligibility requirements.

2. Title 7 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.

The Department correctly completed a telephone interview with the Appellant.

3. Title 7 C.F.R. § 273.14(b)(4) provides that 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 verifications 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 the 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.

Title 7 of the 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 to 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 correctly notified the Appellant that additional verifications were required to determine her eligibility for the SNAP and properly gave her 10 days to do so.

The Department correctly used documentary evidence to verify the termination date of the Appellant's employment with [REDACTED]

4. Title 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 SNAP office. However, 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 correctly determined that the Appellant did not submit all the requested verification listed on the Proofs We Need forms sent on [REDACTED] 2023, and [REDACTED] 2023.

5. Title 7 C.F.R. § 273.14(a) provides that 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. Households must apply for recertification and comply with interview and verification requirements.

Title 7 C.F.R. § 273.14(e)(2) provides if a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days. Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have its application be treated as an application for recertification. If the household takes the required action before the end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period. If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of § 273.3(h)(1).

The Department correctly determined the Appellant's certification period terminated on [REDACTED] 2023.

The Department correctly determined that the Appellant did not provide the required verifications by the end of the [REDACTED] 2023, certification period.

On [REDACTED], 2023, the Department correctly discontinued the SNAP benefits effective [REDACTED], 2023, for failure to provide the required proofs by the date they requested.

DECISION

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

Carla Hardy

Carla Hardy
Hearing Officer

Pc: Jessica Carroll, Operations Manager, Department of Social Services, Norwich
Michael Ober, 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 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.