

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: 218438

NOTICE OF DECISION

PARTY

██████████
██████████
██████████
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PROCEDURAL BACKGROUND

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

On ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the Appellant’s telephoned hearing request.

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 videoconferencing. The following individuals participated:

██████████, Appellant
Kirsten Bellisle, Department Representative
Eva Tar, Hearing Officer

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

STATEMENT OF ISSUE

The issue is whether the Department's ██████ 2023 denial of the Appellant's ██████, 2023 SNAP application is supported by Federal regulations governing the SNAP.

FINDINGS OF FACT

1. The Appellant receives monthly Social Security Disability Income (SSDI). (Exhibits 1 and 8)
2. The Appellant's two children each receive monthly Social Security benefits. (Exhibit 8)
3. A court ordered the children's father to pay the Appellant \$100.00 per week. (Appellant Testimony)
4. The State of Massachusetts collects child support from the children's father by wage garnishment and periodically deposits that child support to the Appellant's Reliacard debit card. (Appellant Testimony) (Exhibit 6)
5. On ██████ 2023, the Department received the Appellant's online SNAP application. (Exhibit 1)
6. On the ██████, 2023 online SNAP application, the Appellant did not request reasonable accommodation or extra help getting benefits because of a disability or impairment. (Exhibit 1)
7. On ██████ 2023, the Department issued a *Proofs We Need* letter to the Appellant, asking her to submit proof of her child support income by ██████ 2023; the Department listed acceptable proofs, such as: a copy of a current check, court order, divorce decree, written statement from the family court, or a written statement from the person who was paying the support. (Exhibit 4)
8. The Appellant did not ask the Department for help in getting proof of her child support income collected by the State of Massachusetts. (Department Representative Testimony)
9. On ██████ 2023, the Department received from the Appellant a cellphone screen capture of her balance with usbankreliacard.com; the screen capture does not list deposits to the account. (Exhibit 6)
10. The ██████ 2023 screen capture shows accumulated child support the Appellant has received and not accessed; the \$922.26 figure is not a weekly support payment. (Appellant Testimony)
11. On ██████ 2023, the Department denied the Appellant's SNAP application, citing as the reason for denial "You did not return all the required proofs by the date we asked." (Exhibit 8)

12. As of [REDACTED], 2023, the Appellant had not submitted proof of her periodic child support income to the Department. (Department Representative Testimony)
13. 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 telephoned hearing request. 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. Title 7, Code of Federal Regulations (“C.F.R.”), Section 273.9 (a) addresses income and deductions with respect to the SNAP. This subsection notes in part that “[p]articipation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP ... The net and gross income eligibility standards shall be based on the Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act ([42 U.S.C. 9902\(2\)](#)).”

The Appellant’s household is required to meet the SNAP net income eligibility standards as a condition of its participation in the Program.

3. “Unearned income shall include, but not be limited to: (i) ..., (ii) Annuities; pensions; retirement, veteran’s, or disability benefits; worker’s or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in [§ 272.12](#); old-age, survivors, or social security benefits ... ; (iii) Support or alimony payments made directly to the household from nonhousehold members....” 7 C.F.R. § 273.9 (b)(2).

The Department correctly determined that the Appellant’s SSDI, her children’s Social Security benefits, and the child support she receives through the State of Massachusetts is unearned income for the purposes of the SNAP.

4. “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....” 7 C.F.R. § 273.2 (f)(2)(i).

The Appellant has the primary responsibility to provide evidence to the Department to substantiate her income.

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 correctly gave the Appellant at least 10 days to submit the requested proof, as memorialized by its [REDACTED], 2023 *Proofs We Need*.

The Department’s denial of the Appellant’s SNAP application arose from the Appellant’s failure to provide proof of her child support income to the Department by its [REDACTED] 2023 deadline.

The Department’s [REDACTED] 2023 denial of the Appellant’s [REDACTED] 2023 SNAP application is supported by Federal regulations governing the SNAP.

DECISION

The Appellant’s appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Kirsten Bellisle, DSS-Willimantic
Tonya Beckford, DSS-Willimantic

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.