

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

██████████ 2023
Signature Confirmation

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████████████████████
Request #: 221678

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”) denying her Supplemental Nutritional Assistance Program (“SNAP”) benefits for no eligible person(s) in the household.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department’s decision to deny her SNAP benefits.

On ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████, 2023.

On ██████████, 2023, the OLCRAH issued a notice rescheduling the administrative hearing for ██████████, 2023.

On ██████████ 2023, in accordance with sections 17b-60, 17-61 and 4-176e to 4-184 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing.

The following individuals participated in the hearing:

████████████████████, Appellant
Willie Roundtree, Department’s Representative

Amy MacDonough, Hearing Officer

The hearing record remained open for the submission of additional evidence by both the Department and the Appellant. On [REDACTED], 2023, the Department provide all requested information. As of [REDACTED] 2023, the Appellant had not submitted any additional evidence, and the hearing record closed accordingly.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's SNAP benefits for no eligible person(s) in the household.

FINDINGS OF FACT

1. On [REDACTED] 2023, the Appellant submitted an online application requesting SNAP benefits for a household of two, herself and one child. (*Appellant's Testimony; Department's Testimony; Exhibit 3: Application; Exhibit 8: Case Notes*)
2. The Appellant reported her spouse left the home initially to take a job in [REDACTED]; however, due to his addiction problem, did not get the job. He returned home for a short time before leaving for rehabilitation. He is currently staying in a sober living home. (*Appellant's Testimony*)
3. On [REDACTED] 2023, the Department reviewed the application and attempted to complete a phone interview with the Appellant unsuccessfully. (*Department's Testimony; Exhibit 8: Case Notes; Exhibit 9: Interview Notice*)
4. On [REDACTED] 2023, the Department issued an interview notice to the Appellant with an interview due date of [REDACTED], 2023. (*Exhibit 9: Interview Notice*)
5. The Department did not grant expedited SNAP benefits to the household as the Department had previously granted expedited benefits, and the Appellant did not return all the requested verifications. (*Exhibit 8*)
6. On [REDACTED] 2023, the Department issued the Appellant a Worker Generated Request for Proofs ("W-1348M"). The notice requested the Appellant provide verification of CT residency, household composition, proof of who lives with them, shelter expenses, monthly income for [REDACTED] from [REDACTED], income from self-employment and proof of self-employment expenses, and proof of cash contributions received. This notice had a due date of [REDACTED] 2023. (*Department's Testimony; Exhibit 4: W-1348M*)

7. On [REDACTED] 2023, the Department received a call from the Appellant for a phone interview; however, the Appellant did not complete the interview. (*Exhibit 8*)
8. On [REDACTED] 2023, the Department received another call from the Appellant for a phone interview. As the Department was conducting the interview the call dropped. The Department attempted to reach the Appellant back unsuccessfully. (*Exhibit 8*)
9. On [REDACTED] 2023, the Department received a call from the Appellant for a phone interview. The Department informed the Appellant of the information needed to process the SNAP application. The Appellant reported that her spouse was not in the home, and she disagreed with the information the Department was requesting. The Appellant requested to speak with a supervisor. (*Department's Testimony; Exhibit 8*)
10. On [REDACTED], 2023, a supervisor from the Department attempted to reach the Appellant two times unsuccessfully. (*Exhibit 8*)
11. On [REDACTED] 2023, the Department sent the Appellant a NOA denying the SNAP benefits for the following reasons: no household members are eligible for this program; the required interview was not completed; and does not meet program requirements. (*Exhibit 12: NOA*)
12. On [REDACTED] 2023, the Department's first touch worker received a call from the Appellant asking about the documents being requested of her. The Appellant requested a call back. (*Exhibit 8*)
13. On [REDACTED] 2023, the Appellant requested an administrative hearing. (*Exhibit 2: Hearing Request*)
14. On [REDACTED], 2023, the Department reviewed information submitted by the Appellant on [REDACTED] 2023. The Appellant provided the following information: a utility bill; a self-attested letter signed by her spouse stating he has not had income for the last four (4) weeks; W-38 Self-Employment Income Verification form, completed for [REDACTED] [REDACTED] for the period of [REDACTED] 2020 to [REDACTED] 2023 stating \$0.00 income; a self-attested letter from the Appellant stating she has not applied for any potential income sources; a self-attested letter from the Appellant stating she has not received money from other people. (*Department's Testimony; Exhibit 6: Document's received [REDACTED] 2023; Exhibit 8*)
15. The Appellant reported she has never received help from friends or family. The Appellant was using cash advances from her credit cards to pay her rent and bills. (*Appellant's Testimony*)
16. The Appellant reported the self-employment business owned by herself and her spouse has not had any income in the past few years as it was started right before COVID. Neither the Appellant or her spouse have filed taxes for this business since either 2019 or 2020. (*Appellant's Testimony*)

17. On [REDACTED] 2023, the Department determined the information the Appellant provided was not acceptable. The Department did not reopen the SNAP application; the SNAP benefits remained denied. (*Department's Testimony; Exhibit 8*)
18. The Appellant received different information depending on who she spoke with at the Department regarding what was needed for her SNAP application. She was unclear on what to provide for verifications. (*Appellant's Testimony*)
19. Issuance of this decision is timely under the Title 7 of Code of Federal Regulations ("C.F.R.") § 273.15, which provides that within 60 days of the receipt of a request for a fair hearing, the State agency shall issue a decision. The Appellant requested an administrative hearing on [REDACTED] 2023. With the 33 delay days, this decision is due no later than [REDACTED] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to administer the SNAP program.

2. 7 C.F.R. § 273.2(a)(2) provides for application processing and states the application process includes filing and completing an application form, being interviewed, and having certain information verified. The State agency must act promptly on all applications and provide SNAP benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

7 C.F.R. § 273.2(c)(1)(iv) provides for recording the filing date and states the date of application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

The Appellant submitted an online application outside of work hours on [REDACTED] 2023; therefore, the Department correctly determined the application date to be the next business day of [REDACTED] 2023.

3. 7 C.F.R. § 273.1(b) provides in relevant part for household concept and required household combinations and states the following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified: (i) Spouses; (iii) a child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such person as an adult.

The Department correctly determined a SNAP household size of two, the Appellant and her minor child.

4. 7 C.F.R. § 273.2(e)(2) provides for interviews and states in relevant part that the state agency may use a telephone interview instead of a 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.

7 C.F.R. § 273.2(e)(3) provides for interviews and states that the State agency must schedule an interview for all applicant households who are not interviewed on the day they submit their applications. To the extent practicable, the State agency must schedule the interview to accommodate the needs of groups with special circumstances, including working households. The State agency must schedule all interviews as promptly as possible to insure eligible households receive an opportunity to participate within 30 days after the application is filed. 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. If the household contacts the State agency within the 30 day application processing period, the State agency must schedule a second interview. The State agency may not deny a household's application prior to the 30th day after application if the household fails to appear for the first scheduled interview. If the household requests a second interview during the 30-day application processing period and is determined eligible, the State agency must issue prorated benefits from the date of application.

The Department correctly issued an interview notice to the Appellant on [REDACTED] 2023, stating an interview was required by [REDACTED] 2023.

While the Appellant called multiple times, it was unclear if the Department ever completed a phone interview.

5. 7 C.F.R. § 273.2(1) provides for verification and states verification is the use of documentation or a contract 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.

7 C.F.R. § 273.2(c)(5) provides for notice of required verifications and states 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.

The Department correctly issued the Appellant a W-1348 Verifications We Need on [REDACTED] 2023, with a due date of [REDACTED], 2023.

6. 7 C.F.R. § 273.2(1)(i) provides for gross nonexempt income and states 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)(2)(i) provides for verification of questionable information and states the State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision.

7 C.F.R. § 273.2(f)(4)(i) provides for sources of verification and states in relevant part 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.

The Appellant provided a self-attested letter regarding her lack of income received from self-employment and from friends and family. The self-attested letters are acceptable forms of verification.

The Department incorrectly failed to accept the Appellant's self-attested letters.

7. 7 C.F.R. § 273.2(i)(4)(iv) provides for expedited service and states there is no limit to the number of times a household can be certified under expedited procedures, as long as prior to each expedited certification, the household either completes the verification requirements that were postponed at the last expedited certification or was certified under normal processing standards since the last expedited certification. The provisions of this section shall not apply at recertification if a household reapplies before the end of its current certification period.

The Department correctly left the Appellants application pending for outstanding verifications to determine SNAP eligibility.

8. 7 C.F.R. § 273.2(g)(1) provides for the normal processing standard and states the State agency shall provide eligible households that complete the initial application process an opportunity to participate (as defined in § 274.2(b)) as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and SNAP benefits prior to release from the institution in accordance with § 273.11(i). An application is filed the day the appropriate SNAP office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in paragraph (i) of this section. For residents of public institutions who apply for SNAP benefits prior to their release from the institution in accordance with § 273.11(i), the State agency shall provide an opportunity to participate as soon as possible, but not later than 30 calendar days from the date of release of the applicant from the institution.
9. 7 C.F.R. § 273.2(h)(1)(i)(C) provides for delays in processing and determining cause and states in cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in 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 particular verification that was missing.

The Department failed to inform the Appellant of the information needed to establish eligibility; therefore, the Department incorrectly denied the Appellant's application for SNAP benefits for no eligible members.

DISCUSSION

The record is unclear if the Department ever completed the phone interview; however, the Department did not deny the Appellant's application for failing to complete the interview, rather it denied the application for no eligible members which is a generic denial. The Department did not state an appropriate reason for the denial.

The record reflects that the Appellant had reached out to the Department multiple times regarding the phone interview and the information the Department requested to process her application. The Appellant submitted the information she thought the Department needed within the 30 days of her application date. The Department failed to clearly state what the Appellant needed to provide as acceptable verification regarding her husband's whereabouts, the lack of self-employment income and income misunderstood as help from friends and family. The Appellant's testimony was credible.

DECISION

The Appellant's appeal is GRANTED.

ORDER

1. The Department shall reopen the Appellant's SNAP application as of the application date of [REDACTED] 2023.
2. The Department should provide the Appellant with a complete phone interview, and a W-1348 Verifications We Need clearly stating the information needed and acceptable forms of verifications.
3. Compliance with this order is due to the undersigned no later than [REDACTED] 2023.


Amy MacDonough
Fair Hearing Officer

CC: Sarah Chmielecki, Operations Manager, DSS, New Haven Regional Office
Tim Latifi, Operations Manager, DSS, New Haven Regional Office
Ralph Filek, Operations Manager, DSS, New Haven Regional Office
Willie Roundtree, Hearing Liaison

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.