

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE
HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3725

██████████ 2024
SIGNATURE CONFIRMATION

██████████
██████████
REQUEST# 227337

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) discontinued the issuance of benefits under the Supplemental Nutritional Assistance (“SNAP”) for ██████████ (the “Appellant”) and her household.

On ██████████ 2023, the Appellant requested an Administrative Hearing to appeal the Department’s decision to discontinue the benefits under the SNAP.

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

On ██████████ 2023, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Hearing telephonically at the Appellant’s request.

The following individuals participated in the hearing by telephone:

██████████ Appellant
Bradley Wheeler, Department’s Representative
Jessica Gulianello, Hearing Officer

The hearing record remained open until the close of business on [REDACTED] 2023, for the Department to submit additional information. Additional documents were received from the Department and the hearing record was closed accordingly.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's action to discontinue the Appellant's benefits under the SNAP effective [REDACTED] 2023, was correct.

FINDINGS OF FACT

1. The Department determined the Appellant (DOB: [REDACTED]) and her minor daughter (DOB: [REDACTED]) to be eligible for benefits under the SNAP for the certification period beginning [REDACTED] 2022, ending [REDACTED] 2023. (*Exhibit 7: Renewal Packet dated [REDACTED] 2023, Department's Testimony*)
2. On [REDACTED] 2023, the Department mailed the Appellant a renewal packet comprised of a Notice of Renewal of Eligibility ("W-1ERL") form and a Notice of Renewal of Eligibility ("W-1ER") form enclosed. The W-1ERL notice advised the Appellant of the following, "We must get the complete and signed electronic or paper renewal form. If we do not get the signed form by [REDACTED] 2023, the renewal process may be delayed. You must submit the renewal by [REDACTED] 2023 to receive uninterrupted benefits. You must complete your form and submit all required proofs by [REDACTED] 2023 or your benefits may stop." (*Exhibit 7: Renewal Packet dated [REDACTED] 2023*)
3. On [REDACTED] 2023, the Department received a completed online renewal form ("ONRE") electronically signed by the Appellant requesting continued benefits under the SNAP. The Appellant reported that her address remained [REDACTED]. (*Exhibit 1: ONRE dated [REDACTED] 2023*)
4. On [REDACTED] 2023, the above-noted ONRE was auto-reviewed, and it was determined that a secondary review was required. The ONRE task was auto-returned to the work pool awaiting review by a worker. (*Exhibit 6: Case Notes dated [REDACTED] 2023, Hearing Summary, Department's Testimony*)
5. On [REDACTED] 2023, the Department reviewed the above-noted ONRE. The Department unsuccessfully attempted to reach the Appellant by telephone to conduct the required interview. The Department determined that additional verification was required to complete the renewal and accurately determine the Appellant's ongoing eligibility for benefits under the SNAP. (*Exhibit 6: Case Notes dated [REDACTED] 2023, Hearing Summary, Department's testimony*)

6. On [REDACTED] 2023, the Department mailed the Appellant an interview notice to the following address: [REDACTED]. The Interview notice stated, "Your interview may be done by telephone or in person at a DSS office. Please call the Benefit Center at [REDACTED]..." "Your benefits will end if you do not have your interview and send us all of the required proofs we asked for by the benefit closure date(s)." (*Exhibit 2: Interview Notice dated [REDACTED] 2023, Hearing Summary, Department's Testimony*)
7. On [REDACTED] 2023, the Department mailed the Appellant a Notice of Missed Interview ("NOMI") to the following address: [REDACTED]. (*Exhibit 3: Notice of Missed Interview dated [REDACTED] 2023, Hearing Summary, Department's Testimony*)
8. On [REDACTED] 2023, the Department issued the Appellant a Proofs We Need ("W-1348") form requesting the following due by [REDACTED] 2023:

Household Member	Proofs Needed:	Acceptable Proofs:
[REDACTED]	Proof of your gross earnings	Most recent four weeks paystubs, letter signed by employer showing most recent four weeks of gross earnings and hours worked, DSS form W-35
[REDACTED]	Proof of child support income	Copy of current check, court order, divorce decree, written statement from family court, written statement from the person who is paying support

(*Exhibit 4: W-1348 dated [REDACTED]/2023, Hearing Summary, Department's Testimony*)

9. The Appellant's benefits under the SNAP auto discontinued at the end of the certification cycle effective [REDACTED] 2023, however, the case remained unauthorized in a pending status in the Department's electronic eligibility management system, ("ImpaCT"). (*Department's Testimony*)
10. On [REDACTED], 2023, the OLCRAH received the Appellant's request for an administrative hearing. (*Hearing Record*)

11. On [REDACTED], 2023, the Department reviewed the Appellant's case in response to her request for a hearing. (*Exhibit 6: Case Notes dated [REDACTED] 2023*)
12. On [REDACTED] 2023, the Department conducted Document Searches of the Appellant's electronic case file in the Department's eligibility management system, ImpaCT using her case number: [REDACTED], client ID number: [REDACTED], and her full name: [REDACTED] for the date range beginning [REDACTED] 2023, ending [REDACTED] 2023. The Document Searches confirm that the Department received an online renewal on [REDACTED] 2023, and an online hearing request on [REDACTED] 2023. (*Exhibit 3: Case Notes dated [REDACTED] 2023, Exhibit 5: ImpaCT Document Searches, Hearing Summary, Department's Testimony*)
13. The Department did not receive return mail from the USPS concerning the Appellant. (*Exhibit 5: ImpaCT Document Searches, Department's Testimony*)
14. The Department did not receive the documentation as requested from the Appellant. (*Exhibit 5: ImpaCT Document Searches, Exhibit 6: Case Notes dated [REDACTED] 2023, Hearing Summary, Department's Testimony*)
15. The Appellant did not contact the Department to conduct the required telephone interview. (*Hearing Record*)
16. On [REDACTED], 2023, the Department discovered that the Appellant's case remained unauthorized in a pending case status. The Department ran "wrap-up" and authorized the Appellant's case in ImpaCT. The Department issued the Appellant a Notice of Action ("NOA") advising that benefits under the SNAP closed effective [REDACTED] 2023, citing the following reasons, "You did not return all of the required proofs by the date we asked" and "Does not meet program requirements". The worker added the following text to the NOA, "We received your Online Renewal on [REDACTED]. On [REDACTED] we called you twice for a phone interview and, when we could not make contact, we sent an Interview Notice to you. Also, we needed proofs of your wage income and [REDACTED] Child Support so we sent a W-1348 Proofs We Need letter to you, also on [REDACTED]. You have not complete the interview or submitted the required verifications by the due date on the letter or since. Your SNAP closed for failure to provide the required information. It has not been closed for over 30 days so, according to DSS policy, you have to reapply. You can apply online via your My Account or, if you want a paper application, you can pick one up at any DSS Resource Center or call the Benefit Center toll-free at [REDACTED]. Thank you." (*Exhibit 6: Case Notes dated [REDACTED] 2023, Exhibit 8: NOA dated [REDACTED] 2023, Department's Testimony*)
17. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which requires that a decision must be reached, and the household notified within 60 days of receipt of a requested fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2023. This final decision was due no later than [REDACTED] 2024, and is therefore timely. (*Hearing Record*)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statute provides as follows: “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 administer the SNAP.

2. Title 7 of the Code of Federal Regulations (“C.F.R”) § 273.1(a) provides as follows: General household definition. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption. (b) Special household requirements - (1) Required household combinations. 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; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and (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 a person as an adult.

The Department complied with the Federal Regulations and correctly determined that the SNAP household comprised of two (2) individuals; the Appellant, and her minor child.

3. 7 C.F.R § 273.10(f) provides as follows: Certification periods. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

The Department complied with the Federal Regulations and correctly determined the Appellant to be eligible for a twelve (12) month certification cycle under the SNAP for the period beginning [REDACTED] 2022, ending [REDACTED] 2023.

4. 7 C.F.R § 273.14(a) provides as follows: General. 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.
5. 7 C.F.R § 273.14(b)(1)(i) provides as follows: The State agency shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The State agency shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly processed PA and GA households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their PA or GA redetermination.

The Department complied with the Federal Regulations and correctly issued the Appellant a NOA (NOE) on [REDACTED] 2023, for the SNAP certification period that expired on [REDACTED] 2023.

6. 7 C.F.R § 273.14(b)(2) provides as follows: Application. The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of § 273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in § 273.2(b)(2), and provide the household with a notice of required verification as specified in § 273.2(c)(5).
7. 7 C.F.R § 273.2(c)(7) provides as follows: Signing an application or reapplication form. In this paragraph, the word “form” refers to applications and reapplications.
8. 7 C.F.R § 273.2(c)(7)(i) provides as follows: Requirement for a signature. A form must be signed to establish a filing date and to determine the State agency's deadline for acting on the form. The State agency shall not certify a household without a signed form.

The Appellant complied with the Federal Regulations and submitted the electronically signed ONRE received by the Department on [REDACTED] 2023.

9. 7 C.F.R § 273.2(e)(1) provides as follows: 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. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.
- 10.7 CFR § 273.2(e)(2) provides as follows: The State agency may use a telephone interview instead of 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. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that

prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

11.7 C.F.R § 273.14(b)(3) provides as follows: Interview. As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of § 273.2(e) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with § 273.2(e)(2).

The Department complied with the Federal Regulations and correctly informed the Appellant of interview requirements under the SNAP by the issuance of the Interview Notice followed by the issuance of the NOMI to the address of record.

The Appellant did not contact the Department to complete the required interview.

12.7 C.F.R. § 273.2(c)(5) provides as follows: Notice of Required Verification. 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.

13.7 C.F.R § 273.2(f)(8)(i)(A) provides as follows: At recertification the State agency shall verify a change in income if the source has changed or the amount has changed by more than \$50. Previously unreported medical expenses, actual utility expenses and total recurring medical expenses which have changed by more than

\$25 shall also be verified at recertification. The State agency shall not verify income if the source has not changed and if the amount is unchanged or has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses, or actual utility expenses claimed by households which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. For households eligible for the child support deduction or exclusion, the State agency may use information provided by the State CSE agency in determining the household's legal obligation to pay child support, the amount of its obligation and amounts the household has actually paid if the household pays its child support exclusively through its State CSE agency and has signed a statement authorizing release of its child support payment records to the State agency. A household would not have to provide any additional verification unless they disagreed with the information provided by the State CSE agency. State agencies that choose to use information provided by their State CSE agency in accordance with this paragraph (f)(8)(i)(A) must specify in their State plan of operation that they have selected this option. For all other households eligible for the child support deduction or exclusion, the State agency shall require the household to verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a nonhousehold member. The State agency shall verify reportedly unchanged child support information only if the information is incomplete, inaccurate, inconsistent or outdated.

14.7 C.F.R § 273.14(b)(4) provides as follows: Verification. 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 verification as 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 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.

The Department complied with the Federal Regulations and correctly issued the Appellant a W-1348 form on ██████████ 2023, that requested proof of her wages and ██████████ child support income. The verification due date of ██████████ ██████████ 2023, afforded the Appellant ten (10) days to provide the requested documentation.

15.7 C.F.R § 273.2(f)(2)(i) provides as follows: 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.

16.7 C.F.R § 273.14(e)(2) provides as follows: 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 did not receive the information required to complete the SNAP redetermination and establish the household's eligibility for benefits under the SNAP for a new certification cycle.

The Department correctly discontinued the benefits under the SNAP effective [REDACTED] 2023. However, due to a Departmental delay, the corresponding NOA was not issued until [REDACTED] 2023.

DECISION

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

Jessica Gulianello

Jessica Gulianello
Fair Hearing Officer

Cc: Bradley Wheeler & Matthew Kalarickal, SSOM DO [REDACTED]

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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court with 45 days of the mailing of this decision, or 45 days after the agency denies 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 06105-3725. 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 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.