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

2024 Signature confirmation

Case: Client: Request: 228621

NOTICE OF DECISION

PARTY



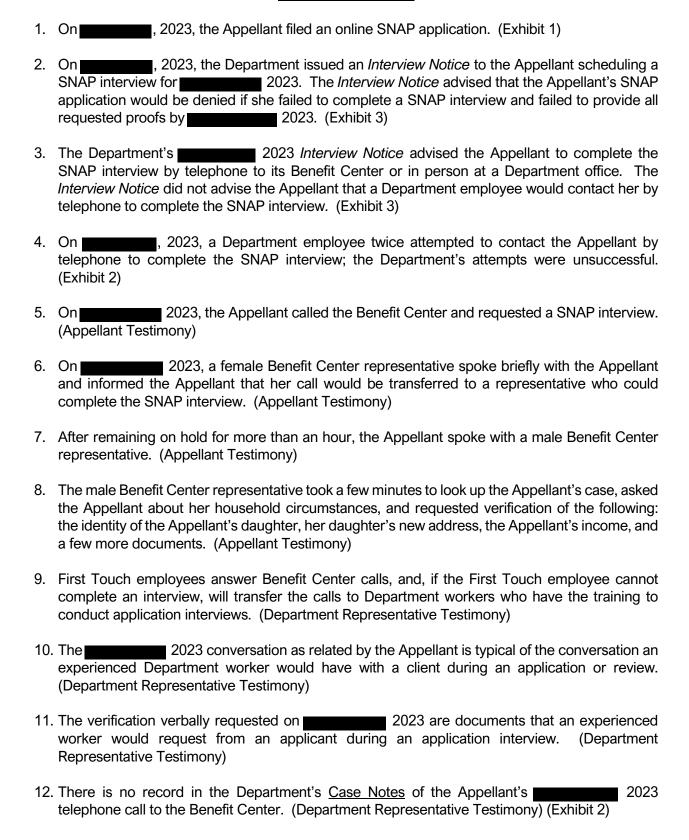
PROCEDURAL BACKGROUND

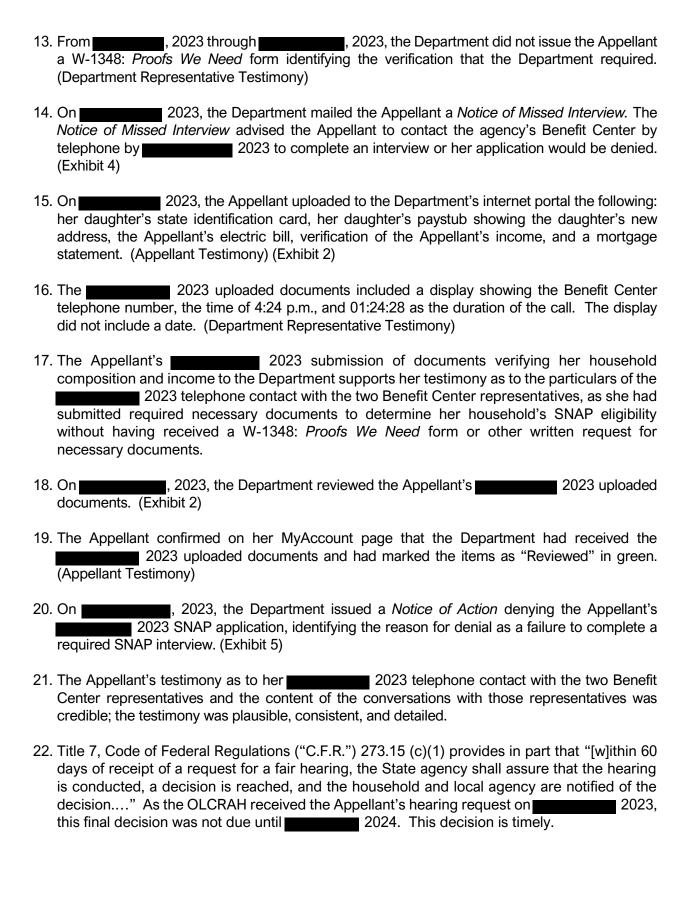
On, 2023, the Department of Social Services (the "Department") issued, (the "Appellant") a <i>Notice of Action</i> denying her, 2023 Supplemental Nutrition Assistance Program ("SNAP") application.
On 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's hearing request.
On 2023, the OLCRAH scheduled an administrative hearing for 2024.
On 2024, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing by telephone conferencing. The following individuals participated:
Brad Wheeler, Department Representative Eva Tar, Hearing Officer
The hearing record closed 2024.

STATEMENT OF ISSUE

The issue is whether Federal regulations governing the SNAP support the Department's denial of the Appellant's \$2023 SNAP application for failure to complete a SNAP interview.

FINDINGS OF FACT





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 authority under State statute to administer the SNAP in Connecticut.

2. Title 7, Code of Federal Regulations ("C.F.R."), Section 273.2 (a)(2) provides: "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."

"To determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified...." 7 C.F.R. § 273.2 (d)(1).

As a condition of eligibility to participate in the SNAP, the Appellant had to complete a SNAP interview.

3. "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...." 7 C.F.R. § 273.2 (e)(2).

"The State agency must schedule an interview for all applicant households who are not interviewed on the day they submit their applications. ... The State agency must schedule all interviews as promptly as possible to [e]nsure eligible households receive an opportunity to participate within 30 days after the application is filed...." 7 C.F.R. § 273.2 (e)(3).

On particle, 2023, the Department correctly scheduled an interview for the Appellant when it instructed her to contact the Benefit Center by telephone prior to 2023 to complete a SNAP interview.

4. "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...." 7 C.F.R. § 273.2 (e)(1).

The 2023 contact with the two Benefit Center representatives completed the Appellant's interview requirement based on the following: 1) the Appellant had identified the purpose of her call as an interview to two Benefit Center representatives, 2) the Appellant was told by the initial Benefit Center representative that she would be transferred to a different Benefit Center representative to complete the SNAP interview, 3) the second Benefit Center representative informed the Appellant that he was taking a few minutes to review her case; 4) the Appellant spoke in detail about her household circumstances with the second Benefit Center representative; and 5) the second Benefit

Center representative	required th	e Appellant	to submit	verification	of her	household
composition and incom	ıe.					

The male Benefit Center representative's 2023 conversation with the Appellant fulfilled the requirements of 7 C.F.R. § 273.2 (e)(1).

The Appellant fulfilled the SNAP interview requirement prior to 2023, the date of the Department's denial of her 2023 SNAP application.

5. Title 7, Code of Federal Regulations, Section 273.2 (g)(3) provides:

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....

7 C.F.R. § 273.2 (g)(3).

Federal regulations governing the SNAP do not support the Department's denial of the Appellant's 2023 SNAP application for failure to complete a SNAP interview.

DECISION

The Appellant's appeal is GRANTED.

ORDER

- 1. The Department will reopen the Appellant's 2023 SNAP application.
 - Should the Appellant's circumstances meet all financial (and non-financial) requirements of the SNAP, the Department will grant the Appellant's . 2023 SNAP application.
 - Should the Appellant's circumstances fail to meet all financial (and non-financial) requirements of the SNAP, the Department will deny the Appellant's 2023 SNAP application.
- 2. Within 14 calendar days of the date of this Decision, or 2024, documentation of compliance with this Order is due to the undersigned.

<u> Tva Tar-electronic signature</u> Eva Tar

Hearing Officer

Pc: Brad Wheeler, DSS-Norwich Matthew Kalarickal, DSS-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 <u>specific</u> grounds for the request: for example, indicate <u>what</u> error of fact or law, <u>what</u> new evidence, or <u>what</u> 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.