

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 *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 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:

██████████, Appellant  
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

1. On [REDACTED], 2023, the Appellant filed an online SNAP application. (Exhibit 1)
2. On [REDACTED], 2023, the Department issued an *Interview Notice* to the Appellant scheduling a SNAP interview for [REDACTED] 2023. The *Interview Notice* advised that the Appellant's SNAP application would be denied if she failed to complete a SNAP interview and failed to provide all requested proofs by [REDACTED] 2023. (Exhibit 3)
3. The Department's [REDACTED] 2023 *Interview Notice* advised the Appellant to complete the SNAP interview by telephone to its Benefit Center or in person at a Department office. The *Interview Notice* did not advise the Appellant that a Department employee would contact her by telephone to complete the SNAP interview. (Exhibit 3)
4. On [REDACTED], 2023, a Department employee twice attempted to contact the Appellant by telephone to complete the SNAP interview; the Department's attempts were unsuccessful. (Exhibit 2)
5. On [REDACTED] 2023, the Appellant called the Benefit Center and requested a SNAP interview. (Appellant Testimony)
6. On [REDACTED] 2023, a female Benefit Center representative spoke briefly with the Appellant and informed the Appellant that her call would be transferred to a representative who could complete the SNAP interview. (Appellant Testimony)
7. After remaining on hold for more than an hour, the Appellant spoke with a male Benefit Center representative. (Appellant Testimony)
8. The male Benefit Center representative took a few minutes to look up the Appellant's case, asked the Appellant about her household circumstances, and requested verification of the following: the identity of the Appellant's daughter, her daughter's new address, the Appellant's income, and a few more documents. (Appellant Testimony)
9. First Touch employees answer Benefit Center calls, and, if the First Touch employee cannot complete an interview, will transfer the calls to Department workers who have the training to conduct application interviews. (Department Representative Testimony)
10. The [REDACTED] 2023 conversation as related by the Appellant is typical of the conversation an experienced Department worker would have with a client during an application or review. (Department Representative Testimony)
11. The verification verbally requested on [REDACTED] 2023 are documents that an experienced worker would request from an applicant during an application interview. (Department Representative Testimony)
12. There is no record in the Department's Case Notes of the Appellant's [REDACTED] 2023 telephone call to the Benefit Center. (Department Representative Testimony) (Exhibit 2)

13. From [REDACTED], 2023 through [REDACTED], 2023, the Department did not issue the Appellant a W-1348: *Proofs We Need* form identifying the verification that the Department required. (Department Representative Testimony)
14. On [REDACTED] 2023, the Department mailed the Appellant a *Notice of Missed Interview*. The *Notice of Missed Interview* advised the Appellant to contact the agency's Benefit Center by telephone by [REDACTED] 2023 to complete an interview or her application would be denied. (Exhibit 4)
15. On [REDACTED] 2023, the Appellant uploaded to the Department's internet portal the following: her daughter's state identification card, her daughter's paystub showing the daughter's new address, the Appellant's electric bill, verification of the Appellant's income, and a mortgage statement. (Appellant Testimony) (Exhibit 2)
16. The [REDACTED] 2023 uploaded documents included a display showing the Benefit Center telephone number, the time of 4:24 p.m., and 01:24:28 as the duration of the call. The display did not include a date. (Department Representative Testimony)
17. The Appellant's [REDACTED] 2023 submission of documents verifying her household composition and income to the Department supports her testimony as to the particulars of the [REDACTED] 2023 telephone contact with the two Benefit Center representatives, as she had submitted required necessary documents to determine her household's SNAP eligibility without having received a W-1348: *Proofs We Need* form or other written request for necessary documents.
18. On [REDACTED], 2023, the Department reviewed the Appellant's [REDACTED] 2023 uploaded documents. (Exhibit 2)
19. The Appellant confirmed on her MyAccount page that the Department had received the [REDACTED] 2023 uploaded documents and had marked the items as "Reviewed" in green. (Appellant Testimony)
20. On [REDACTED], 2023, the Department issued a *Notice of Action* denying the Appellant's [REDACTED] 2023 SNAP application, identifying the reason for denial as a failure to complete a required SNAP interview. (Exhibit 5)
21. The Appellant's testimony as to her [REDACTED] 2023 telephone contact with the two Benefit Center representatives and the content of the conversations with those representatives was credible; the testimony was plausible, consistent, and detailed.
22. Title 7, Code of Federal Regulations ("C.F.R.") 273.15 (c)(1) provides in part that "[w]ithin 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...." As the OLCRAH received the Appellant's hearing request on [REDACTED] 2023, this final decision was not due until [REDACTED] 2024. 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 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 [REDACTED], 2023, the Department correctly scheduled an interview for the Appellant when it instructed her to contact the Benefit Center by telephone prior to [REDACTED] 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 [REDACTED] 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 the Appellant to submit verification of her household composition and income.

The male Benefit Center representative's [REDACTED] 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 [REDACTED] 2023, the date of the Department's denial of her [REDACTED] 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 [REDACTED] 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 [REDACTED] 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 [REDACTED], 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 [REDACTED], 2023 SNAP application.
2. Within 14 calendar days of the date of this Decision, or [REDACTED] 2024, documentation of compliance with this Order is due to the undersigned.

*Eva Tar-electronic signature*  
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 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.