

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

██████████ 2024
Signature Confirmation

Client ID ██████████
Case ID ██████████
Request # 231435

NOTICE OF DECISION

PARTY

██████████
██████████
████████████████████

PROCEDURAL BACKGROUND

On ██████████ 2024, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) notifying her of an increase in her benefits under the Supplemental Nutrition Assistance Program (“SNAP”) from \$245.00 to \$535.00 effective ██████████ 2024.

On ██████████ 2024, the Appellant requested an administrative hearing to contest the ██████████ 2024 effective date of an increase in her SNAP benefits as determined by the Department.

On ██████████ 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the 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, OLCRAH held an administrative hearing via teleconference at the Appellant’s request.

The following individuals called in for the hearing:

██████████ Appellant
Javier Rivera, Department Representative
Lisa Nyren, Fair Hearing Officer

The record remained open through [REDACTED] 2024 for the submission of additional evidence by the Appellant. No new evidence was received. On [REDACTED] 2024, the record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to increase the Appellant's benefits under the SNAP effective [REDACTED] 2024 was correct.

FINDINGS OF FACT

1. The Appellant receives benefits under the SNAP for a household of two: the Appellant and her daughter [REDACTED] [REDACTED] ("daughter"). (Stipulated)
2. On [REDACTED] 2023, the Department certified the Appellant's household of two under the SNAP for 12 months, [REDACTED] 2023 through [REDACTED] 2024. (Department Representative Testimony and Exhibit 4: Federal SNAP – Income Test)
3. The daughter worked for [REDACTED] (the "employer") from [REDACTED] 2023 through [REDACTED] 2023 and received her last pay on [REDACTED] 2023 earning \$411.95 per week or \$1,771.39 monthly average. (Stipulated)
4. On [REDACTED] 2024, the Appellant received \$297.00 under the SNAP for a household of two: herself and her daughter. (Exhibit 6: Benefit Issuance Search)
5. On [REDACTED] 2024, the Appellant telephoned the Department and reported her daughter's employment with the employer ended on [REDACTED] 2023. (Stipulated)
6. On [REDACTED] 2024, the Department issued a letter to the Appellant requesting proof of the daughter's last date of employment with the employer which the Appellant received and viewed online. (Stipulated)
7. On [REDACTED] 2024, the Appellant submitted an online change report form to the Department reporting the daughter's last date of employment with the employer as [REDACTED] 2023, and a copy of the daughter's schedule for [REDACTED] 2023 through [REDACTED] 2023. (Exhibit 1: Online Change Report and Exhibit 2: Work Schedule)
8. On [REDACTED] 2024, the Department received proof of the daughter's termination of employment from [REDACTED] [REDACTED] [REDACTED] and adjusted the

Appellant's benefits from \$297.00 to \$535.00 beginning [REDACTED] 2024.
(Hearing Record)

9. The Appellant disagrees with the Department's effective date for increased benefits. The Appellant seeks an increase in SNAP effective [REDACTED] 2024 because her daughter did not work in [REDACTED] 2024, and she reported and verified the termination of employment timely. (Appellant Testimony)
10. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] 2024. However the close of the hearing record, which had been anticipated to close on [REDACTED] 2024, did not close for the admission of evidence until [REDACTED] 2024 at the Appellant's request. No new evidence was received. Because this [REDACTED]-day delay in the close of the hearing record arose from the Appellant's request, this final decision is not due until [REDACTED] 2024 and therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes 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.

2. Title 7 Section 273.12(a)(5) of the Code of Federal Regulations ("C.F.R.") provides in pertinent part:

The State agency may establish a simplified reporting system in lieu of the change reporting requirement specified under paragraph (a)(1) of this section.

"A State agency that chooses to use simplified reporting procedures in accordance with this section must state in its State plan of operation that it has implemented simplified reporting and specify the types of households to whom the reporting requirement applies."¹ 7 C.F.R. § 273.12(a)(5)(vii)

3. Federal regulation provides as follows:

¹ Connecticut's State Plan of Operation provides that all SNAP EDGs follow simplified reporting policy. EDG: Eligibility Determination Groups are groups of individuals in a case who are included when determining eligibility and benefits for each requested program. CT SNAP Policy Manual

The State agency must act when the household reports that its gross monthly income exceeds the gross monthly income limit for its household size. For other changes, the State agency need not act if the household reports a change for another public assistance program in which it is participating and the change does not trigger action in that other program but results in a decrease in the household's SNAP benefit. The State agency must act on all other changes reported by a household outside of a periodic report in accordance with one of the following two methods: The State agency must act on any change in household circumstances in accordance with paragraph (c) of this section.

7 C.F.R. § 273.12(a)(5)(vi)(A)

4. Federal regulation provides as follows:

The State agency shall take prompt action on all changes to determine if the change affects the household's eligibility or allotment. However, the State agency has the option to disregard a reported change to an established deduction in accordance with paragraph (c)(4) of this section. If a household reports a change in income, and the new circumstance is expected to continue for at least one month beyond the month in which the change is reported, the State agency may act on the change in accordance with paragraphs (c)(1) and (c)(2) of this section. The time frames in paragraphs (c)(1) and (c)(2) of this section apply to these actions. During the certification period, the State agency shall not act on changes in the medical expenses of households eligible for the medical expense deduction which it learns of from a source other than the household and which, in order to take action, require the State agency to contact the household for verification. The State agency shall only act on those changes in medical expenses that it learns about from a source other than the household if those changes are verified upon receipt and do not necessitate contact with the household. Even if there is no change in the allotment, the State agency shall document the reported change in the casefile, provide another change report form to the household, and notify the household of the receipt of the change report. If the reported change affects the household's eligibility or level of benefits, the adjustment shall also be reported to the household. The State agency shall also advise the household of additional verification requirements, if any, and state that failure to provide verification shall result in increased benefits reverting to the original allotment. The State agency shall document the date a change is reported, which shall be the date the State agency receives a report form or is advised of the change over the telephone or by a personal visit. Restoration of lost benefits shall be provided to any household if the State agency fails to take action on a change which increases benefits within the time limits specified in paragraph (c)(1) of this section.

7 C.F.R. § 273.12(c)

5. Federal regulation provides as follows:

For changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of \$50 or more in the household's gross monthly income, the State agency shall make the change effective not later than the first allotment issued 10 days after the date the change was reported. However, in no event shall these changes take effect any later than the month following the month in which the change is reported. Therefore, if the change is reported after the 20th of a month and it is too late for the State agency to adjust the following month's allotment, the State agency shall issue a supplementary ATP or otherwise provide an opportunity for the household to obtain the increase in benefits by the 10th day of the following month, or the household's normal issuance cycle in that month, whichever is later. For example, a household reporting a \$100 decrease in income at any time during May would have its June allotment increased. If the household reported the change after the 20th of May and it was too late for the State agency to adjust the ATP normally issued on June 1, the State agency would issue a supplementary ATP for the amount of the increase by June 10.

7 C.F.R. § 273.12(c)(1)(ii)

6. Federal regulation provides as follows:

The State agency may elect to verify changes which result in an increase in a household's benefits in accordance with the verification requirements of § 273.2(f)(8)(ii), prior to taking action on these changes. If the State agency elects this option, it must allow the household 10 days from the date the change is reported to provide verification required by § 273.2(f)(8)(ii). If the household provides verification within this period, the State shall take action on the changes within the timeframes specified in paragraphs (c)(1) (i) and (ii) of this section. The timeframes shall run from the date the change was reported, not from the date of verification. If, however, the household fails to provide the required verification within 10 days after the change is reported but does provide the verification at a later date, then the timeframes specified in paragraphs (c)(1) (i) and (ii) of this section for taking action on changes shall run from the date verification is provided rather than from the date the change is reported. If the State agency does not elect this option, verification required by § 273.2(f)(8)(ii) must be obtained prior to the issuance of the second normal monthly allotment after the change is reported. If in these circumstances the household does not provide verification, the household's benefits will revert to the original benefit level. Whenever a State agency increases a

household's benefits to reflect a reported change and subsequent verification shows that the household was actually eligible for fewer benefits, the State agency shall establish a claim for the overissuance in accordance with § 273.18. In cases where the State agency has determined that a household has refused to cooperate as defined in § 273.2(d), the State agency shall terminate the household's eligibility following the notice of adverse action.²

7 C.F.R. § 273.12(c)(1)(iii)

7. Federal regulation provides as follows:

Changes reported during the certification period shall be subject to the same verification procedures as apply at initial certification, except that the State agency shall not verify changes in income if the source has not changed and if the amount 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 which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated.

7 C.F.R. § 273.2(f)(8)(ii)

8. Federal regulation 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. 7 C.F.R. § 273.2(f)(2)(i)

9. Federal regulation provides as follows:

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. Paragraph (i)(4) of this section contains verification procedures for expedited service cases.

² CT State Plan of Operation provides as follows: EDGs must provide required verifications when the change increases benefits. Increase the benefit amount the month after the month the change becomes known if required verification was timely provided. Connecticut SNAP Policy Manual

7 C.F.R. § 273.2(f)

10. The Department correctly determined the Appellant advised the Department of a change in household income over the telephone on [REDACTED] ■ 2024 and again in writing on [REDACTED] ■ 2024 through an online change report form outside of the periodic report form.

On [REDACTED] ■ 2024, the Department acted promptly and correctly advised the household of the additional verification requirements needed in order to effect a change in the household's benefits by sending the Appellant written notification requesting proof of her daughter's last date of employment as this was a change in household income exceeding \$50.00.

On [REDACTED] ■ 2024, the Department received proof of the daughter's last date of employment with her employer and correctly recalculated the Appellant's eligibility under the SNAP effective [REDACTED] ■ 2024.

The Department correctly increased the Appellant's SNAP benefit beginning [REDACTED] ■ 2024, the first allotment issued 10 days after the change was reported. The Appellant reported the change on [REDACTED] ■ 2024, submitted proof of termination of employment on [REDACTED] ■ 2024; and the Department correctly applied the changes effective [REDACTED] ■ 2024, the first allotment following the reported change.

DECISION

The Appellant's appeal is denied.

Lisa A. Nyren

Lisa A. Nyren
Fair Hearing Officer

CC: Angelic Branfalt, SSOM RO #11
Nawaz Shaikh, FH Supervisor RO #11
Javier Rivera, FH Liaison RI+O #11

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.