

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

2024
Signature Confirmation

Request #: 236215

NOTICE OF DECISION

PARTY

PROCEDURAL BACKGROUND

On [REDACTED], 2024, the Department of Social Services (the "Department") sent [REDACTED] [REDACTED] (the "Appellant") a Notice of Action ("NOA") discontinuing her Supplemental Nutritional Assistance Program ("SNAP") benefits effective [REDACTED] 2024, for failure to provide information needed to establish ongoing eligibility.

On [REDACTED] 2024, the Appellant requested an administrative hearing to contest the Department's decision to close her SNAP benefits.

On [REDACTED], 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for [REDACTED], 2024.

On [REDACTED], 2024, 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:

[REDACTED], Appellant

[REDACTED] AREP [REDACTED]

Willie Roundtree, Department's Representative

Amy MacDonough, Hearing Officer

The hearing record remained open for the submission of additional information from the Department and the Appellant. On [REDACTED], 2024, the Department provided the following information: cash and SNAP interview notice, NOA [REDACTED] 2024, document search by name, client ID, and case number, and case notes. On [REDACTED] 2024, the Appellant's AREP provided the following information: support letter from Attorney, affidavit from Appellant's friend [REDACTED], and a screen print from Appellant's MyAccount. On [REDACTED] 2024, the hearing record closed.

The second issue regarding the denial of Temporary Family Assistance will be addressed in a separate decision.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly discontinued the Appellant's SNAP for failure to provide information required for ongoing eligibility.

FINDINGS OF FACT

1. On [REDACTED], 2024, the Department received the Appellant's online application. The Appellant requested SNAP and cash assistance for a household of six (6); the Appellant [Date of Birth: [REDACTED]], her [REDACTED]-year old son, [REDACTED] [Date of Birth: [REDACTED]], her [REDACTED] year old son, [REDACTED] [Date of Birth: [REDACTED]], her [REDACTED] year old son, [REDACTED] [Date of Birth: [REDACTED]] her [REDACTED] year old niece, [REDACTED] [Date of Birth: [REDACTED]], and her [REDACTED] year old daughter, [REDACTED] [Date of Birth: [REDACTED]]. (*Department's Testimony; Exhibit 3: Online Application*)
2. The household received SNAP benefits in [REDACTED] until [REDACTED] 2023. (*Exhibit 3*)
3. The Appellant's daughter's income from Supplemental Security Income ("SSI") of \$943.00 monthly is the only income for the household. The Appellant is a disabled veteran; however, she is not receiving income from Veterans benefits. (*Appellant's Testimony; AREP's Testimony; Exhibit 3*)
4. The Appellant pays rent of \$703.00 monthly and receives Section 8 housing assistance. She pays for heat and utilities separate from her rent. (*Appellant's Testimony; Exhibit 3*)
5. On [REDACTED] 2024, the Department reviewed the Appellant's application and granted expedited SNAP benefits for the months of [REDACTED] 2024 and [REDACTED] 2024. The Department issued a Proofs We Need form requesting the following information for the SNAP program: proof of school attendance for [REDACTED], proof of residency, and proof of Social Security income. The notice had a due date of

██████████ 2024. (*Department's Testimony; Exhibit 4: Proofs We Need; Exhibit 9: NOA; Exhibit 11: Case Notes*)

6. The Department has the ability to request information regarding benefits received in another state; however, there is no documentation that the Department requested this information, and the Department did not request this information from the Appellant on the Proofs We Need form for SNAP. (*Department's Testimony*)
7. On ██████████ 2024, the Department issued an Interview Notice informing the Appellant that an interview was needed for the SNAP program by ██████████ 2024. (*Exhibit 5: Interview Notice*)
8. On ██████████ 2024, the Appellant dropped off a packet of information at the DSS office on ██████████. (*Appellant's Testimony; Exhibit C: Affidavit*)
9. On ██████████ 2024, the Department issued a Notice of Missed Interview. The notice stated the Department would deny the application on ██████████, 2024, if the Department did not complete the interview and did not receive the required proofs. (*Exhibit 6: Notice of Missed Interview*)
10. The Appellant received multiple calls from the Department between ██████████ 2024, and ██████████ 2024; however, due to connection issues, the Appellant was never able to speak with anyone and an interview was never completed. The Appellant attempted to call the Department, but she was unsuccessful. (*Appellant's Testimony*)
11. On ██████████ 2024, the Department issued a NOA closing the Appellant's SNAP benefits effective ██████████ 2024, 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 9*)
12. On ██████████ 2024, and ██████████ 2024, the Department received documents submitted by the Appellant. The Department did not receive any other documents after the application date of ██████████, 2024. (*Department's Testimony; Exhibit 10: Document search; Exhibit D: MyAccount*)
13. The issuance of this decision is timely under Title 7 of the 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 ██████████ 2024. With the 8 delay-days due to holding the record open, this decision is due no later than ██████████ 2024.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides that 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 review and determine eligibility for the SNAP program.

2. 7 C.F.R. § 273.2(c)(1)(iv) provides for recording the filing date and states the date of application is the date the 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 Department received the Appellant's online application on [REDACTED] 2024, at 6:42pm, after regular business hours; therefore, the Department correctly determined the Appellant's online application date as [REDACTED] 2024.

3. 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(i)(1) provides in relevant part for expedited service and entitlement to expedited service and states the following households are entitled to expedited service: (iii) households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage, and utilities (including entitlement to a SUA, as appropriate, in accordance with § 273.9(d)).

7 C.F.R. § 273.2(i)(4)(iii)(B) provides for special procedures for expediting service and states in relevant part for households applying after the 15th of the month, the State agency may assign a 2-month certification period or a normal certification period of no more than 12 months. Verification may be postponed until the third month of participation, if necessary, to meet the expedited timeframe. If a two-month certification period is assigned, the notice of eligibility may be combined with the notice of expiration or a separate notice may be sent. The notice of eligibility must explain

that the household is obligated to satisfy the verification requirements that were postponed. For subsequent months, the household must reapply and satisfy the verification requirements which were postponed or be certified under normal processing standards. If the household does not satisfy the postponed verification requirements and does not attend the interview, the State agency does not need to contact the household again. When a certification period of longer than 2 months is assigned and verification is postponed, households must be sent a notice of eligibility advising that no benefits for the third month will be issued until the postponed verification requirements are satisfied. The notice must also advise the household that if the verification process results in changes in the household's eligibility or level of benefits, the State agency will act on those changes without advance notice of adverse action.

The Department correctly granted the Appellant expedited SNAP benefits for the months of ██████████ 2024 and ██████████ 2024 because her monthly expenses are more than the household's monthly gross income.

The Department correctly determined that the Appellant applied after the 15th of the month; therefore, she received expedited SNAP for both ██████████ 2024 and ██████████ 2024.

4. 7 C.F.R. § 273.2(e)(1) provides for interviews and states in relevant part that 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.

7 C.F.R. § 273.2(e)(2) provides in relevant part that 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)(3) provides 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 the Appellant an Interview Notice on [REDACTED] 2024, requesting that she complete the required SNAP interview by [REDACTED], 2024.

The Department correctly issued the Appellant a Notice of Missed Interview on [REDACTED] 2024.

The Appellant did not complete the required SNAP interview within the 30-day application processing period.

5. 7 C.F.R. § 273.2(c)(5) provides that 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.

7 C.F.R. § 273.2(f) provides for verification and states 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.

The Department correctly issued the Appellant a Proofs We Need form on [REDACTED] 2024, with a due date of [REDACTED] 2024, requesting additional information to establish ongoing eligibility. The Department correctly afforded the Appellant 10 days to provide the requested information.

6. 7 C.F.R. § 273.2(f)(4)(i) provides for documentary evidence and states 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. Whenever

documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits. For example, documentary evidence may be considered insufficient when the household presents pay stubs which do not represent an accurate picture of the household's income (such as out-dated pay stubs) or identification papers that appear to be falsified.

7. 7 C.F.R. § 273.2(f)(5)(i) provides for responsibility of obtaining verifications and states the household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under paragraph (d)(1) of this section. Households may supply documentary evidence in person, through the mail, by facsimile or other electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the SNAP office. The State agency must accept any reasonable documentary evidence provided by the household and must be primarily concerned with how adequately the verification proves the statements on the application. However, the State agency has primary responsibility for verifying fleeing felon and parole or probation violator status in accordance with § 273.11(n). If a SNAP applicant's attestation regarding disqualified felon status described in § 273.2(o) is questionable, the State agency shall verify the attestation. Each element of a questionable attestation—that the individual has been convicted of a crime listed at § 273.11(s), and that the individual is not in compliance with the terms of their sentence—shall be verified by the State agency. The State agency shall determine whether an attestation is questionable based on the standards established under § 273.2(f)(2)(i). In conducting verifications of questionable attestations under this paragraph, the State agency shall establish reasonable, consistent standards, evaluate each case separately, and document the case file accordingly.

The Department correctly determined that the Appellant did not submit the requested verifications on the Proofs We Need form sent on [REDACTED] 2024, by the due date of [REDACTED] 2024.

8. 7 C.F.R. § 273.2(g)(3) provides for denying the application and states 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. The household must file a new application if it wishes to participate in the program. In cases where the State agency was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the State agency may also deny the application on the 30th day if the State agency provided assistance to the household

in obtaining verification as specified in paragraph (f)(5) of this section, but the household failed to provide the requested verification.

7 C.F.R. § 273.2(h)(2) provides for Delays caused by the household and states (i) If by the 30th day the State agency cannot take any further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. However, the State agency shall give the household an additional 30 days to take the required action, except that, if verification is lacking, the State agency has the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing. (A) The State agency has the option of sending the household either a notice of denial or a notice of pending status on the 30th day. The option chosen may vary from one project area to another, provided the same procedures apply to all households within a project area. However, if a notice of denial is sent and the household takes the required action within 60 days following the date the application was filed, the State agency shall reopen the case without requiring a new application. No further action by the State agency is required after the notice of denial or pending status is sent if the household failed to take the required action within 60 days following the date the application was filed, or if the State agency chooses the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing, and the household fails to provide the necessary verification by this 30th day. (B) State agencies may include in the notice a request that the household report all changes in circumstances since it filed its application. The information that must be contained on the notice of denial or pending status is explained in § 273.10(g)(1) (ii) and (iii).

On [REDACTED] 2024, the Department correctly discontinued the SNAP benefits effective [REDACTED] 2024, beyond the expedited months, for failure to complete the required interview.

DISCUSSION

The Appellant reported dropping documents off at the DSS office in [REDACTED] on [REDACTED] 2024; however, there is no concrete evidence to support that the Department received these documents on that date or prior to the due date. There is no evidence from the Departments document searches showing any documents received between when the application was submitted on [REDACTED], 2024, and when the documents were uploaded on [REDACTED] 2024, and [REDACTED] 2024. The Appellant reported uploading the documents multiple times; however, the document details provided from her MyAccount screen prints show only documents received on [REDACTED] 2024, and [REDACTED] 2024.

While the Department did not receive the requested verifications timely, the reason provided on the Notice of Action for the denial of the Appellant's SNAP was for not

completing the required interview. The Department correctly mailed the Appellant a notice of interview informing her of the need for an interview by [REDACTED] 2024. The Department correctly issued the Appellant a notice of missed interview on [REDACTED], 2024. At the time of the discontinuance on [REDACTED] 2024, the interview had not been completed.

Ultimately it is the Appellant's responsibility to provide verifications to the Department and to contact the Department for the required interview.

DECISION

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


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, Fair Hearing Liaison, DSS, New Haven Regional Office

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.