

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 # 239001

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2024, the Department of Social Services (“the Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) closing her benefits under the Supplemental Nutrition Assistance Program (“SNAP”) effective ██████████ 2024, for failure to provide information.

On ██████████ 2024, the Appellant requested an administrative hearing to contest the closure of the SNAP benefits.

On ██████████ 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling a telephonic 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. The following individuals participated in the hearing:

████████████████████, Appellant
Kirsten Bellisle, Department’s Representative
Carla Hardy, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly closed the Appellant's SNAP benefits for failure to provide information.

FINDINGS OF FACT

1. Before [REDACTED] 2024, the Appellant received SNAP assistance as a household of three persons that included the Appellant and her two minor children, [REDACTED] and [REDACTED] (the "children"). (Hearing Record).
2. On [REDACTED] 2024, the Fraud Investigator completed an investigation where they determined that the Appellant misrepresented her household composition by not reporting that [REDACTED] resided in the home since 2022. (Hearing Record)
3. [REDACTED] (the "father") is the father of the Appellant's two minor children. (Exhibit C: [REDACTED] Acknowledgment of Parentage; Exhibit D: [REDACTED] Acknowledgment of Parentage)
4. The investigation concluded that the father resides in the Appellant's home based on the fact that his address with his employer, [REDACTED] is listed as [REDACTED] [REDACTED], Connecticut which is the same address as the Appellant's. (Exhibit E: The Work Number Query)
5. The father also signed the children's Acknowledgements of Parentage on [REDACTED] 2022, and [REDACTED] 2024, where he acknowledged that the information contained in the documents was true and correct. He listed his address as [REDACTED] [REDACTED] Connecticut which is the same address as the Appellants. (Exhibit C, Exhibit D, Exhibit K: Case Notes, Hearing Record)
6. The father's job with [REDACTED]. terminated on [REDACTED], 2024, but he received his last paycheck on [REDACTED] 2024. (Exhibit E)
7. The Fraud Investigator learned through researching Facebook that the father is currently employed with [REDACTED]. (Exhibit K: Case Notes)
8. Further investigation concludes that the father resides in the home based on the notification from the Appellant's landlord that she is violating her lease agreement by allowing John Doe (AKA [REDACTED]) to reside with her. The letter is addressed to the Appellant at [REDACTED], Connecticut. (Exhibit G: Letter from [REDACTED] 24)
9. On [REDACTED] 2024, the Fraud Investigator recommended adding the father to the Appellant's SNAP and Medical benefits. (Exhibit K: Case Notes)

10. On ██████████ 2024, the Department requested a month's worth of the father's paystubs from the Appellant. The requested information was due ██████████. (Exhibit H: We Need More Information, ██████████/24)
11. The Appellant did not submit proof of the father's wages. (Appellant's Testimony)
12. On ██████████ 2024, the Department closed the SNAP benefits effective ██████████ 2024, because the Appellant did not provide the information required to continue her benefits. (Exhibit I: Notice of Action ██████████/24)
13. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a hearing. The Appellant requested an administrative hearing on ██████████, 2024. Therefore, this decision is due no later than ██████████ 2024. (Hearing Record)

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 the Appellant's eligibility for SNAP benefits and determine whether she meets the program's eligibility requirements.

2. Title 7 C.F.R. § 273.2(f)(8)(ii) provides for verification subsequent to initial certification. 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.
3. Title 7 C.F.R. § 273.2(f)(1) provides for verification. 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. (1)State agencies shall verify the following information prior to certification for households initially applying:

Title 7 C.F.R. § 273.2(f)(1)(x) provides for **household composition**. State agencies shall verify factors affecting the composition of a household, if questionable. Individuals who claim to be a separate household from those with whom they reside

shall be responsible for proving that they are a separate household to the satisfaction of the State agency. Individuals who claim to be a separate household from those with whom they reside based on the various age and disability factors for determining separateness shall be responsible for proving a claim of separateness (at the State agency's request) in accordance with the provisions of § 273.2(f)(1)(viii).

Title 7 C.F.R. § 273.1(b)(1) provides for 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. (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

Title 7 C.F.R. § 273.2(d)(1) provides for household cooperation. 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. If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed not merely failing to appear for the interview. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied, and the agency shall provide assistance required by paragraph (c)(5) of this section. The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates with the State agency. The State agency shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification. The State agency shall not consider individuals identified as nonhousehold members under § 273.1(b)(2) as individuals outside the household.

The Department correctly determined that the children's father resides in the home and must be included in the household composition for the SNAP benefit.

The Department correctly gave the Appellant 10 days to supply the requested information when it issued the notice requesting additional information on [REDACTED] 2024.

4. Title 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.

Title 7 C.F.R. § 273.2(f)(4)(i) provides that 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.

Title 7 C.F.R. § 273.2(F)(5)(i) provides in part for responsibility of obtaining verification. 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.

Title 7 C.F.R. § 273.2(h)(i)(C) provides for cases where verifications are incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household with obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the verification that was missing.

The Department requested proof of the father's income and properly gave the Appellant 10 days to provide the required documentation for the SNAP program.

5. "The household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information."
Title 7 C.F.R. § 273.2(f)(5)(i)

Title 7 C.F.R. 273.2 (g)(3) provides for 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. 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.

The Appellant did not return the requested verifications to the Department by the 10th day following the date of request.

The Department correctly closed the Appellant's SNAP effective [REDACTED] 2024, because the Appellant did not submit the required information by [REDACTED] 2024.

DISCUSSION

The Appellant stated that the children's father does not live with her and only lived with her for two weeks. This statement is not credible. The evidence presented by the Department clearly and convincingly shows that the children's father has resided with the Appellant since [REDACTED] 2022. The Department was correct to request additional information to determine her eligibility for the SNAP program. The Appellant did not submit the required documentation by the due date.

DECISION

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

Carla Hardy

Carla Hardy
Hearing Officer

PC: Tonya Beckford, Operations Manager; Kirsten Bellisle, Fair Hearing Liaison,
Department of Social Services

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, law, and 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 the Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to the 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 if 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 her designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and 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.

