

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

Case ID # ██████████
Client ID # ██████████
Request # 230197

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (“the Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) advising him that it was discontinuing his benefits under the Supplemental Nutrition Assistance Program (“SNAP”) for failure to provide requested verifications.

On ██████████, 2023, the Appellant requested an administrative hearing because he disagrees with the discontinuance of his SNAP benefits.

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 by phone. The following individuals participated in the hearing:

██████████, Appellant
Christopher Filek, Department’s Representative
Kristin Haggan, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly discontinued the Appellant's SNAP benefits because he failed to provide the requested verifications.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old (DOB: [REDACTED]). The Appellant received SNAP benefits for a household of one person, himself, for the period of [REDACTED] 2022, through [REDACTED] 2023. (*Exhibit 5: Online Redetermination Form [REDACTED]/23, Department's Testimony*)
2. On [REDACTED] 2023, the Appellant submitted an Online Renewal ("ONRE") to the Department requesting to renew his SNAP benefits. The Appellant reported on his ONRE that he is employed as an [REDACTED] earning a gross of \$130.00 per week, and that has a rent expense of \$600.00 per month. (*Exhibit 5*)
3. On [REDACTED] 2023, the Department processed the Appellant's ONRE and completed a phone interview with him. The Appellant provided an earnings summary from [REDACTED] for the month of [REDACTED] 2023 showing that he grossed a total of \$1269.60. The Appellant reported during his interview that he pays rent of \$400.00 per week, which the Department calculated as \$1720.00 per month ($\$400 \times 4.3 = \1720.00). The Department granted the Appellant a SNAP benefit of \$281.00 per month. (*Hearing Summary, Exhibit 1: Case Notes*)
4. On [REDACTED], 2023, the Department's Quality Control ("QC") Reviewer referred the Appellant's case back to the worker who processed the ONRE on [REDACTED] 2023. The QC Reviewer inquired as to how the Appellant pays his monthly rent of \$1720.00 when his monthly income of \$1269.60 is less than his rent expense. The Department issued the Appellant a W-3018 "We Need More Information" letter requesting that he provide verification of how he is paying his rent and utilities when his monthly income is less than his monthly expenses. (*Exhibit 1, Exhibit 2: W-3018*)
5. On [REDACTED] 2023, the Department reviewed the Impact system and found that the requested verification had not been received from the Appellant. The Department issued the Appellant an NOA informing him that it was discontinuing his SNAP benefits for failure to provide the requested verifications that were needed to continue his benefits. (*Exhibit 3: NOA*)
6. The Appellant received the Department's W-3018 letter in the mail and acknowledges that he did not return the requested verification to the Department by the due date. (*Appellant's Testimony*)
7. The Appellant reported during the hearing that his rent is not \$400.00 per week. His current rent expense is \$200.00 per week. Because his income fluctuates, he

sometimes pays less rent to his father and then reimburses him when he can.
(Appellant's Testimony)

8. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R") § 273.15 (c) (1) which provides that the agency shall issue a decision within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED], 2023. OLCRAH held an administrative hearing on [REDACTED] 2024. This decision is due no later than [REDACTED] 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 application for SNAP benefits and determine whether he meets the program's eligibility requirements.

2. Title 7 of the Code of Federal Regulations ("C.F.R") § 273.10(f) provides the following: Certification periods. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

The Department correctly determined the household eligible for a twelve (12) month SNAP certification period beginning [REDACTED] 2022, and ending [REDACTED] 2023.

3. 7 C.F.R. § 273.14(a) provides the following: General. No household may participate beyond the expiration of the certification period assigned in accordance with § 273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligibility households prior to the expiration of certification periods. Household must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14(b)(2) provides that the State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of

§273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in §273.2(b)(2) and provide the household with a notice of required verification as specified in §273.2(c)(5).

The Department correctly sent the Appellant an application for recertification of SNAP benefits, and he submitted it to the Department on [REDACTED] 2023.

4. 7 C.F.R. § 273.2(e)(1) provides in 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 to report for an in-office interview during their certification period, though they may request households to do so.

The Department correctly issued the Appellant an Interview Notice requesting that he complete the required SNAP interview and then completed the SNAP interview with the Appellant on [REDACTED] 2023.

5. 7 C.F.R. § 273.14(b)(4) provides that information provided by the household shall be verified in accordance with §273.2(f)(8)(i). The State agency shall provide the household a notice of required verifications provided in §273.2(c)(5) and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 days to provide the required verification information. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within 5 working days after the household submits the missing verification and benefits cannot be prorated.

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)(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.

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.

When the Department received a QC Review for the Appellant's SNAP, the Department correctly issued the Appellant a W-3018 "We Need More Information" form which stated the verification that he needed to provide to continue his eligibility and allowed him 10 days to provide the information.

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

7 C.F.R. 273.2 (g)(3) provides for denying the application and state 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 Appellant did not return all the requested verifications to the Department by the due date of [REDACTED], 2023.

The Department correctly discontinued the Appellant's SNAP benefits on [REDACTED] 2023, because he did not submit the required information by the due date.

DISCUSSION

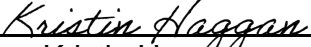
The Appellant could not remember exactly what was discussed during the phone interview but believes there may have been a misunderstanding regarding the rent expense he reported. It is possible that the Appellant unintentionally reported the incorrect rent expense to the Department, or that the Department misunderstood what the Appellant reported.

On [REDACTED], 2023, the Department issued a W-3018 letter to the Appellant requesting clarification of how he is paying his rent expense. The Appellant acknowledged that he received the W-3018 letter from the Department, but that he did not return the requested verification to the Department.

Ultimately it is the Appellant's responsibility to provide verifications to the Department when they are requested to resolve any questionable information (refer to Conclusions of Law #6).

DECISION

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



Kristin Haggan
Fair Hearing Officer

CC: Brian Sexton, SSOM, DSS Middletown
Christopher Filek, FH Liaison, DSS Middletown

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.