

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

A [REDACTED] W [REDACTED],
Petitioner,

v.

**DHS, DIVISION OF FAMILY AND
CHILDREN SERVICES,
Respondent.**

Docket No.: [REDACTED]
[REDACTED]-OSAH-DFCS-FSP-60-Teate

Agency Reference No.: [REDACTED]

FINAL DECISION

I. Introduction



The Petitioner requested a hearing June 19, 2023, in response to the closure of her food stamp case per notice issued on June 6, 2023. A hearing was held on July 19, 2023. The Petitioner represented herself. Lawrence Carroll, a caseworker supervisor, represented Respondent. For the reasons indicated, Respondent's action is **REVERSED and REMANDED**.

II. Findings of Fact

1. The Petitioner's assistance unit (AU) consists of seven individuals: the Petitioner and six children. The AU was previously certified for food stamp benefits through April 28, 2023. (Testimony of Lawrence Carroll; Respondent Exhibit 5).

2. On April 27, 2023, the Petitioner submitted a late renewal application. On May 9, 2023, a caseworker issued a verification checklist requesting the Petitioner's earned income information. The checklist indicates the need for "letter, pay stubs, tax return or wage form" for Southern Home Care Services, Inc. and Always.¹ In a highlighted section following these requests entitled "Special Notes," there is a note stating: "please provide proof of income (pay stubs) and proof of child support." Petitioner was required to provide this information to Respondent by May 19,

¹ Respondent later determined that Southern Home Care Services, Inc. and Always were the same entity.

2023. (Testimony of Lawrence Carroll; Respondent Exhibit 1).

3. Although the Petitioner provided a Department of Labor printout on May 8, and child support information was otherwise verified through STARS, the Petitioner did not provide a separation notice from Southern Home Care Services, Inc. dated April 20, 2023, until June 8, 2023.

4. On June 6, 2023, two days prior to the receipt of the separation notice, Respondent issued a notice of decision for the benefit period “5/01/2023 – .” According to the notice, the SNAP case was terminated in accordance with Policy 3035 because “a mandatory member refused or failed to verify required information.” The notice indicated: “Your SNAP case *will* (emphasis added) be terminated on 4/28/2023.” The notice further provided:

We have closed your SNAP case. If you return all required proof within 30 days of the date of termination, you may be eligible to receive benefits without submitting a new application. Benefits will be based on the date we receive your information. If your verification is not returned, then you must reapply for SNAP benefits.

(Respondent Exhibit 5).

5. Petitioner acknowledges that her separation notice was provided after the verification checklist deadline, but she opines that the verification list did not request a separation notice and that income information was otherwise provided within the deadline.² (Testimony of Petitioner).

III. Conclusions of Law

1. A renewal application is an application to continue Food Stamp benefits. Ga. Division of Family and Children Servs., Food Stamp (SNAP) Policy Manual [hereinafter Food Stamp Manual] Section 3710, p. 3710-1. “All points of eligibility are reestablished, and all discrepancies are resolved.” Id. Benefits are not continued beyond the end of the certification period without reestablishing the AU’s eligibility. Id. An untimely review must be approved in sufficient time

² The Petitioner reapplied for SNAP benefits on June 23.

for the AU to receive benefits by the 30th day from the date of the review application. Id. Denials must be completed by the 30th day from the date of the review application. Food Stamp Manual, Section 3710, p. 3710-2, 3710-7 through 3710-9. An AU must complete the review process in the last month of the current period of eligibility in order to receive uninterrupted benefits. The date of the review application is the date the form is received by the local county office. Id.

2. States are required to notify households that their food stamp benefits are due to expire. 7 C.F.R. § 273.14(b). They must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying households prior to the expiration of certification periods. 7 C.F.R. § 273.14(a). Written notice upon termination of a public assistance case must minimally include such items as: the proposed action; the reason for the action; the effective month of the action; for denials, the action the AU must take to reopen the application. Food Stamp Manual, Section 3705, p. 3705-1.

3. Households must apply for recertification and comply with interview and verification requirements. Id. If a recipient refuses to cooperate, the Food Stamp case may be closed.³ 7 C.F.R. § 273.2(d); Food Stamp Manual Section 3105, p. 3105-4.

4. From the record, the Court is unable to conclude that Respondent provided Petitioner with sufficient notice her food stamp benefits were due to expire. See 7 C.F.R. § 273.14(b). The earliest communication on record is the verification request, which was provided to Petitioner on May 9, 2023. Petitioner was notified that her benefits would expire on April 28, 2023 in a notice sent to her on June 6, 2023.

³ Under 7 U.S.C. § 2015(c), “no household shall be eligible to participate in the supplemental nutrition assistance program if it refuses to cooperate in providing information to the State agency that is necessary for making a determination of its eligibility.” See 7 C.F.R. § 273.2(d)(1), Food Stamp Manual § 3105-4. To be denied benefits on this basis, the applicant must refuse to be interviewed and/or refuse to provide information that is required to make an eligibility determination. Id. (“A refusal to cooperate occurs when the [applicant] is able to cooperate, but clearly demonstrates that it will not take actions that it can take and that are required to complete the application process”).


5. Further, even if the Court assumes that Petitioner was provided with sufficient notice of expiration, Respondent presented insufficient evidence to establish that she failed to cooperate with the verification process. With the exception of the separation notice, all information necessary to approve the application appears to have been available to the agency on or before the verification checklist deadline of May 19, 2023. Notably, the separation notice was not included in the verification request.

6. In the closure of a public assistance case, the agency has the initial burden of proof and going forward. Ga. Comp. R. & Regs. 616-1-2-.07(1). Respondent has failed to support its termination of Petitioner's foods stamp benefits by a preponderance of the evidence.

IV. Decision

Based on the foregoing findings of fact and conclusions of law, the Respondent's closure of the Petitioner's food stamp case per notice issued on June 6, 2023, is **REVERSED and REMANDED** to DFCS to calculate the date all information other than the separation notice had been received and to prorate benefits accordingly for the month of May, 2023.

SO ORDERED, this 25th day of July, 2023.



Steven W. Teate
Administrative Law Judge

