

2.

The Department did not process the renewal application in a timely manner. On October 19, 2022, the Department sent the Petitioner a verification checklist (“checklist”) stating that required verification was due on October 31, 2022. The checklist requested as follows:

K■■■D■■■	Self-Employment Expense-OT	Last 2 months	10/31/20200	Business Records, Receipts
K■■■D■■■	Self-Employment Income-UBER TECHNOLOGIES	Last 2 months gross income	10/31/2022	Business Records, Receipts

Following these requests, the checklist included the following statement: “**Special Notes:** Self-employment earnings from Uber for this past July, August and September.” Additionally, the checklist directed the Petitioner that “[i]f you cannot get the requested information or need more time, call your worker, S. Taylor” (Testimony of Caseworker; Testimony of Petitioner; Exhibit R-1.)

3.

The Petitioner attempted to upload the requested documents via her Georgia Gateway account but was unable to do. On October 27, 2022, she called her caseworker and left her a message stating that she was having trouble uploading the documents. On October 28, 2022, the Petitioner went to Office Depot and faxed the documents to her caseworker. The fax cover page stated: “Online submission kept failing, so sending proof of Uber statements via fax – Proof of Income from mailing sent Sept-Oct 2022.” The fax included records from September and October 2022, but did not include July or August records. (Testimony of Petitioner; Exhibit J-1.)

4.

On October 30, 2022, one day before the deadline listed in the checklist, the caseworker returned the Petitioner’s phone call. The caseworker told the Petitioner that the faxed documents did not include all the dates requested in the checklist, and that she was closing the Petitioner’s SNAP case.

The Petitioner told her caseworker she had made a mistake and asked if she could send additional verification. The caseworker told her that the Petitioner that her case was already closed. (Testimony of the Petitioner.)

5.

Following this discussion, the Petitioner received a Notice of Decision, dated November 1, 2022, from the Department. The Notice of Decision indicated that the Department had terminated the Petitioner's SNAP case on September 30, 2022, because a "mandatory member refused or failed to verify required information." (Testimony of the Petitioner; Exhibit P-1.)

III. Conclusions of Law

1.

The Respondent bears the burden of proof. See Ga. Comp. R. & Regs. 616-1-2-.07(1)(e). The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21(4).

2.

Congress enacted the Supplemental Nutrition Assistance Program ("SNAP") to combat hunger and malnutrition by providing assistance to low-income households for purchasing food. See Food Stamp Act of 1964, Pub. L. No. 88-525, 78 Stat. 703 (codified at 7 U.S.C. §§ 2011 et seq.). SNAP is governed by the Food and Nutrition Act of 2008. 7 U.S.C. § 2011 et seq.; 7 C.F.R. § 271.1 et seq. States can elect to participate in SNAP and, if they do, are responsible for certifying household eligibility for benefits, issuing benefits, and otherwise administering the program on the state level. Id. §§ 2013(a), 2020(a)(1); 7 C.F.R. § 271.4. As a SNAP participant, Georgia has issued state guidelines in Respondent's Economic Support Services Manual, Volume III, of the Georgia Department of Human Services (hereinafter Food Stamp Manual.)

3.

In accordance with federal law, participating States must verify a household's eligibility to receive benefits. 7 U.S.C. § 2020(a)(1). Eligible households are certified to receive benefits for a

specific period of time, known as the "certification period." See 7 U.S.C. § 2020(e)(4). To continue receiving SNAP benefits after the certification period, a recipient must submit to a review process that includes filing an application, having an interview and providing requested verification. Food Stamp Manual 3710-1; see 7 U.S.C. § 273.14. The recertification must take place prior to the expiration of the certification periods. 7 U.S.C. § 273.14(a). Federal law mandates that “the State agency [administering SNAP] ... promptly determine the eligibility of each applicant household . . . so as to complete the certification of and provide an allotment retroactive to the period of application to any eligible household *not later than thirty days* following its filing of an application.” Garnett v. Zeilinger, 301 F. Supp. 3d 199, 207 (D.D.C. 2018) (emphasis in original).

4.

The Department made a series of errors in this case. First, the Department must provide a household at least 10 days to provide required verification. 7 C.F.R. § 273.14(b)(4) (also noting that “information provided by the household shall be verified in accordance with § 273.2(f)(8)(i)”). In this case the checklist sent to the Petitioner stated that the deadline to provide the verification was on October 31, 2022. **Prior to this date** the Petitioner, called her caseworker for help, attempted to fax the required documents, and after speaking with her caseworker, said she had made an error and asked to send in additional documents. Even though the deadline had not passed, on October 30, 2022, the caseworker told the Petitioner that it was too late to submit additional documents in violation of 7 C.F.R. § 273.14(b)(4).

5.

The checklist also stated that if the Petitioner “cannot get the requested information or need[s] more time” she should call her caseworker. Pursuant to the instructions in the checklist, the Petitioner called her caseworker before the checklist’s deadline; however, she was not provided any assistance. Instead, the caseworker told her that her case already had been closed. Federal regulations mandate that the Department must assist the household in obtaining this verification provided the household is

cooperating. 7 C.F.R. § 273.2(f)(5)(i). Moreover, the Department's regulations stated caseworker must assist a household in obtaining verification, and, if requested, allow the household additional time to obtain the verification. Food Stamp Manual 3105-22. The Department did not comply with either of the aforementioned provisions.

6.

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). To be denied benefits on this basis, the applicant must refuse to provide information that is required to make an eligibility determination. Food Stamp Manual 3105-5 ("A refusal to cooperate occurs when the AU 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").

7.

This is not a case where the household made **no** effort to contact the Department or provide the requested verification. To the contrary, the Petitioner's efforts to cooperate were extensive. Before the verification deadline had passed, the Petitioner called her caseworker, faxed in some, if not all, of the requested verification, and asked her caseworker for assistance and/or additional time. 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. 7 C.F.R. § 273.2(d)(1).³ In these circumstances it is clear that the Petitioner had not refused to cooperate. Accordingly, her case should not have been closed.

³ Under 7 C.F.R. § 273.2(c)(5) "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."

IV. Decision

The Department erred by failing to allow the Petitioner sufficient time to submit her verification, refusing to assist the Petitioner after she asked for help and closing her case even though she had not refused to cooperate. Where an individual has lost benefits as a result of agency error, “[t]he State agency shall restore to the household benefits which were lost whenever the loss was caused by an error by the State agency.” 7 C.F.R. § 273.17(a). For the reasons stated, this case is **REMANDED** for the Respondent’s determination as to whether Petitioner would have remained eligible for SNAP benefits beginning on October 1, 2022. The Petitioner shall be allowed ten days from the receipt of this Final Decision to provide the Department with all the verification listed in the checklist. If, after completing its determination, the Department finds that the Petitioner would have been eligible for benefits, it should restore all benefits that she would have received had her verification been received and application processed in accordance with federal law.

SO ORDERED, this 7th day of March 2023.

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RONIT WALKER
Administrative Law Judge

