

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3725

██████████ 2016
Signature Confirmation

CL ID # ██████████
Hearing Request # 783921

NOTICE OF DECISION

PARTY

██████████

PROCEDURAL BACKGROUND

On ██████████, 2016, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing benefits under the Supplemental Nutrition Assistance Program.

On ██████████ 2016, the Appellant requested an administrative hearing to contest the Departments' decision to discontinue such benefits.

On ██████████, 2016, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling an administrative hearing for ██████████ 2016.

On ██████████ 2016, 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 were present at the hearing:

██████████ the Appellant
Daphney Valbrun, Appellant's Interpreter
Lindsay Valle, Department's Representative
Thomas Monahan, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue the Appellant's SNAP benefits was correct.

FINDINGS OF FACT

1. The Appellant received SNAP benefits for a household of one. (Hearing record)
2. The Appellant's date of birth is [REDACTED] 1937. (Exhibit 6: Employment Authorization Card)
3. The Appellant entered the United States from Haiti on [REDACTED] 2008. (Appellant's testimony, Ex. 4: Department of Homeland Security Verification)
4. The Appellant was admitted to the United States under temporary protected Status, with employment authorized. (Ex. 4: Department of Homeland Security Verification)
5. The Appellant's status remains under temporary protected status with employment authorized. She is not a legal permanent resident. (Appellant's testimony, Ex. 6: Employment authorization card)
6. The Appellant has not applied for permanent residence. (Appellant's testimony)
7. The Appellant is not a Refugee. (Hearing record)
8. On [REDACTED] 2016, the department sent the Appellant a notice proposing to close her SNAP benefits [REDACTED], 2016. (Ex. 7: Notice of Discontinuance)
9. The Department reopened the Appellant's SNAP benefits for August and September and closed the SNAP benefits effective [REDACTED]/16. (Ex. 8: Case narrative)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes, authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Title 7 CFR § 273.4 provides for household members meeting citizenship or alien status requirements.

3. Title 7 CFR § 273.4 (a)(6) provides that no person is eligible to participate in the Program unless that person is: An individual who is both a qualified alien as defined in paragraph (a)(6)(i) and an eligible alien as defined in paragraph (a)(6)(ii) or (a)(6)(iii).
4. Title 7 CFR § 273.4 (a)(6) provides for individuals who are both qualified aliens and eligible aliens.
5. UPM § 3005.06 B(1) provides for eligible non-citizens.
 - a. An individual who is an American Indian born in Canada;
 - b. An individual born outside the United States who is a member of an Indian tribe under Section 405b(e) of the Indian Self-Determination and Education Assistance Act;
 - c. An individual who is a member of the Hmong or Highland Laotian tribes that helped the United States , and their spouses or surviving spouses and unmarried depended children;
 - d. An individual granted asylum under Section 208 of the Immigration and nationality Act;
 - e. An individual admitted as a refugee under Section 207 of the immigration and Nationality Act;
 - f. An individual whose deportation is withheld under Section 243(h) or 241 (b)(3) of the immigration and Nationality Act;
 - g. An individual who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
 - h. An individual who is an Amerasian immigrant under Section 584 of the Foreign Operation, Export Financing and Related Program Appropriation Act;
 - i. An individual who is a Lawful Permanent Resident with a military connection. The individual must be a veteran on active duty or a spouse or child of a veteran or active duty service number;
 - j. An individual who is a Lawful Permanent Resident who has earned, or can be credited with, forty quarters of work;
 - k. An individual lawfully admitted to the United States for permanent residence and currently under age eighteen;
 - l. An individual both lawfully admitted to the United states for permanent residence and age sixty-five or older on or before August 22, 1996;
 - m. An individual lawfully admitted to the United States for permanent residence who is disabled or blind and a recipient of disability or blindness benefits from Supplemental Security Income (SSI), Social Security Disability (SSD), a disability related Medicaid program, state supplement or a total disability benefit from the Veteran's Administration; or
 - n. An individual lawfully admitted to the United States for permanent residence age sixty-five or older in receipt of SSI who does not

have a disability established by the Social Security Administration, may qualify if determined by the Department.

6. The Department correctly determined that the Appellant does not meet any of the above criteria.
7. The Appellant failed to establish that she is an eligible non-citizen.
8. The Department correctly discontinued the Appellant's SNAP benefits because there is no evidence that she is an eligible non-citizen.

DECISION

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

Thomas Monahan

Thomas Monahan
Hearing Officer

C: Rachel Anderson, Operations Manager, Stamford Regional Office
Lindsay Valle, Hearing Liaison, Stamford 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 06105-3725.

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, 55 Elm Street, 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.