

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

██████████ 2019  
Signature Confirmation

Client ID # ██████████  
Request # 146674

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2019, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA) discontinuing his benefits under the Supplemental Nutritional Assistance Program ("SNAP", also known as Food Stamps) effective ██████████ 2019.

On ██████████ 2019, the Appellant requested an administrative hearing to contest the Department's decision to discontinue such benefits.

On ██████████ ██████████, 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████, 2019.

On ██████████ 2019, in accordance with sections 17b-60, 17-61 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,  
Javier Rivera, Fair Hearing Liaison, DSS, Hartford  
Maureen Foley-Roy, Fair 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 has received at least 3 months of SNAP benefits. (Department representative's and Appellant's testimony)
2. The Appellant resides in Bolton, Connecticut. He is forty one years old and he has no minor children living with him. He receives medical assistance from the Department. (Hearing record and Appellant's testimony)
3. On [REDACTED] 2019, the Department issued a notice of action discontinuing the Appellant's SNAP benefits effective [REDACTED] 2019. The notice stated the reason for discontinuance was that the Appellant had reached the three month time limit for receiving SNAP benefits by able bodied adults without children. (Exhibit 1: Notice of Discontinuance)
4. On [REDACTED] 2019, the Appellant signed a W1460-Request for Exemption from Time Limit form. He did not mark off any of the exemption reasons as applying to him. (Exhibit 4: Form 1460 Request for Exemption from the SNAP Time Limit)
5. The Appellant has applied for and been denied Social Security disability benefits due to a medical condition. There are times that he cannot work and he continues to pursue disability benefits. The Appellant has not informed the Department of his medical condition. (Appellant's testimony)
6. The issuance of this decision is timely under 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 fair hearing. The Appellant requested an administrative hearing on [REDACTED], 2019. Thus this decision was due not later than [REDACTED], 2019 and is therefore timely.

## **CONCLUSIONS OF LAW**

1. Connecticut General Statute § 17b-2(7) 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.

2. Title 7 of the Code of Federal Regulations (“CFR”) § 273.7 provides for the food stamp work requirements. This section outlines the Food Stamp Program work requirements at length. Certain individuals are required to register and participate in employment and/or training as a condition of eligibility.
3. Title 7 CFR § 273.24(b) provides in part that individuals are not eligible to participate in the Food Stamp Program as a member of any household if the individual received food stamps for more than three countable months during any three-year period.
4. “The Department’s Uniform Policy Manual (“UPM”) is the equivalent of a state regulation and, as such, carries the force of law.” *Bucchere v Rowe*, 43 Conn Supp. 175 178 (194) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d712(1990)).
5. UPM § 3512.15 (B) (1) provides that any individual who is not exempt and who fails to comply with the work requirements can only receive Food Stamp benefits for three full months in each 36 month period.
6. Title 7 CFR § 273.24(c) provides for exceptions and states that the time limit does not apply to an individual if he or she is: **(1)** Under 18 or 50 years of age or older; **(2)** Determined by the State agency to be medically certified as physically or mentally unfit for employment. An individual is medically certified as physically or mentally unfit for employment if he or she: (i) Is receiving temporary or permanent disability benefits issued by governmental or private sources;(ii) is obviously mentally or physically unfit for employment as determined by the State agency; or(iii) If the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the State agency determines appropriate, that he or she is physically or mentally unfit for employment. **(3)** a parent (natural, adoptive, or step) of a household member under age 18, even if the household member who is under 18 is not himself eligible for food stamps; **(4)** residing in a household where a household member is under age 18, even if the household member who is under 18 is not himself eligible for food stamps; **(5)** otherwise exempt from work requirements under section 6(d)(2) of the Food Stamp Act, as implemented in regulations at § 273.7(b); or **(6)** pregnant.
7. Title 7 CFR § 273.7(b)(1) provides that the following persons are exempt from Food Stamp Program work requirements: **(i)** A person younger than 16 years of age or a person 60 years of age or older. A person age 16 or 17 who is not the head of a household or who is attending school, or is

enrolled in an employment training program, on at least a half-time basis, is also exempt. If the person turns 16 (or 18 under the preceding sentence) during a certification period, the State agency must register the person as part of the next scheduled recertification process, unless the person qualifies for another exemption. **(ii)** A person physically or mentally unfit for employment. For the purposes of this paragraph (b), a State agency will define physical and mental fitness; establish procedures for verifying; and will verify claimed physical or mental unfitness when necessary. However, the State agency must not use a definition, procedure for verification, or verification that is less restrictive on food stamp recipients than a comparable meaning, procedure, or determination under the State agency's program funded under title IV-A of the Social Security Act. **(iii)** A person subject to and complying with any work requirement under title IV of the Social Security Act. If the exemption claimed is questionable, the State agency is responsible for verifying the exemption. **(iv)** A parent or other household member responsible for the care of a dependent child under 6 or an incapacitated person. If the child has his or her 6th birthday during a certification period, the State agency must work register the individual responsible for the care of the child as part of the next scheduled recertification process, unless the individual qualifies for another exemption. **(v)** A person receiving unemployment compensation. A person who has applied for, but is not yet receiving, unemployment compensation is also exempt if that person is complying with work requirements that are part of the Federal-State unemployment compensation application process. If the exemption claimed is questionable, the State agency is responsible for verifying the exemption with the appropriate office of the State employment services agency. **(vi)** A regular participant in a drug addiction or alcoholic treatment and rehabilitation program. **(vii)** An employed or self-employed person working a minimum of 30 hours weekly or earning weekly wages at least equal to the Federal minimum wage multiplied by 30 hours. This includes migrant and seasonal farm workers under contract or similar agreement with an employer or crew chief to begin employment within 30 days (although this will not prevent individuals from seeking additional services from the State employment services agency). For work registration purposes, a person residing in areas of Alaska designated in § 274.10(a)(4)(iv) of this chapter, who subsistence hunts and/or fishes a minimum of 30 hours weekly (averaged over the certification period) is considered exempt as self-employed. An employed or self-employed person who voluntarily and without good cause reduces his or her work effort and, after the reduction, is working less than 30 hours per week, is ineligible to participate in the Food Stamp Program under paragraph (j) of this section. **(viii)** A student enrolled at least half-time in any recognized school, training program, or institution of higher education. Students enrolled at least half-time in an institution of higher education must meet the student eligibility requirements listed in § 273.5. A student will remain exempt during normal

periods of class attendance, vacation, and recess. If the student graduates, enrolls less than half-time, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer), the State agency must work register the individual, unless the individual qualifies for another exemption.

**The Department correctly determined that the Appellant was not exempt from the work requirement based upon the information that the Appellant had provided to the Department.**

8. UPM § 3512.15 defines the 36-month time limits for Food Stamp recipients who do not meet the work requirements. It provides in part:
  - A. Determining the 36 Month Period
    1. The 36 month time limit is determined by looking at a fixed 36 month period, as defined by the Department.
    2. Under no circumstances can the Department look back prior to December 1, 1996.
    3. The Department uses the same 36 month period for all individuals subject to the time limit.
    4. An individual begins a new 36 month period when the old period ends.
  - B. Three Month Time Limit
    1. Any individual who is not exempt and who fails to comply with the work requirements can only receive Food Stamp benefits for three full months in each 36 month period.
    2. The three full months of Food Stamp assistance received by an individual failing to comply with the work requirements do not have to be consecutive.
9. Title 7 of the CFR § 273.24(b)(3) provides that the state agency may measure and track the three-year period as it deems appropriate. The State agency may use either a “fixed” or “rolling” clock. If the State agency chooses to switch tracking methods it must inform FNS in writing. With respect to a State, the three year period:
  - i. Shall be measured and tracked consistently so that individual who are similarly situated are treated the same; and

- ii. Shall not include any period before the earlier of November 22, 1996, or the date the State notified food stamp recipient of the application of Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193).
10. UPM § 3512.15(A)(1) provides that the 36-month time limit is determined by looking at a fixed 36 month period, as defined by the Department.
  11. UPM § 3512.15(A)(3) provides that the Department uses the same 36-month period for all individuals subject to the time limit.

**The Department was correct when it discontinued the Appellant's SNAP benefits because he was subject to work requirements and had received three full months of benefits.**

### **DISCUSSION**

The Appellant testified that he has medical conditions that sometimes prevent him from working and that he has applied for disability benefits. He stated that had not provided this information to the Department. The Department sent a form regarding the exemptions from the time limits but the Appellant returned that form without indicating that he has medical conditions. Based upon the information that the Appellant had provided to the Department, the Department was correct when it discontinued his SNAP benefits because he did not meet the work requirements.

### **DECISION**

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



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Maureen Foley-Roy  
Fair Hearing Officer

CC: Tricia Morelli, Social Services Operations Managers, DSS, Manchester  
Javier Rivera, Fair Hearing Liaison, DSS, Hartford

### **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.

### **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.