

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

██████████, 2020
Signature Confirmation

CL ID # ██████████
Request ID #151732

NOTICE OF DECISION

PARTY

██████████

PROCEDURAL BACKGROUND

On ██████████, 2020, the Department of Social Services (the “Department”) issued a Notice of Denial to ██████████ the (“Appellant”) denying her application for Supplemental Nutrition Assistance Program (“SNAP”) benefits.

On ██████████, 2020, the Appellant requested an administrative hearing because she disagrees with the Department’s decision.

On ██████████, 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a Notice scheduling the administrative hearing for ██████████, 2020.

On ██████████, 2020, 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:

██████████, Appellant
Jennifer Miller, Department Representative
Miklos Mencseli, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department was correct to deny the Appellant's application for SNAP benefits based on the Appellant's student status makes her ineligible for the SNAP program.

FINDING OF FACTS

1. On [REDACTED] 2020, the Appellant applied for SNAP benefits for a household of one person. (Summary, Exhibit 3: Department's application form)
2. The Appellant is [REDACTED] years old (DOB: [REDACTED]). (Exhibit 3)
3. The Appellant reported she is a student at Stone Academy. (Exhibit 3)
4. The Appellant attends Stone Academy full-time. (Exhibit 3, Appellant's Testimony)
5. The Appellant is not participating in a federally financed work study program. (Hearing Record, Appellant's Testimony)
6. At the time of application the Appellant was not employed. (Exhibit 3, Appellant's Testimony)
7. The Appellant receives \$150.00 a month as a loan for expenses. (Appellant's Testimony)
8. The Appellant lives with her grandparents. (Appellant's Testimony)
9. On [REDACTED], 2020, the Department sent the Appellant a Notice regarding her application for SNAP benefits. The notice states there are no eligible members in the household, does not meet program requirements, eligible student program requirements not met. (Summary, Exhibit 2: Notice of Action dated [REDACTED]-2020)
10. 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], 2020. Therefore, this decision is due not later than [REDACTED], 2020.

CONCLUSION OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of Social Services to administer the Food Stamp Program.

“The department’s uniform policy manual is the equivalent of a state regulation and, as such, carries the force of law.” *Bucchere v. Rowe*, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Maintenance*, 214 Conn. 601, 573 A.2d (1990)).

2. Uniform Policy Manual (UPM) 3020.05 (B) (1) Title 7 of the Code of Federal Regulations (CFR) § 273.5 (b) (1) Some students must meet specific qualifications in addition to all other eligibility requirements in order to be eligible for Food Stamps. Students in higher education are otherwise eligible if they are under 18 years of age or 50 years or older for SNAP benefits.
3. The Appellant is not under the age of 18 or at least the age of 50.
4. UPM 3020.05 (B) (5) (6) (a) provides that students who are enrolled less than half-time or more if they are participating in a federally financed work study program are eligible for SNAP benefits.
5. Title 7 CFR § 273.5(b) (a) (6) provides students exemptions. To be eligible for the program you must be participating in a State or federally financed work study program during the regular school year.
6. The Appellant is enrolled as a full-time student and is not participating in a work study program.
7. Title CFR § 273.5(b) (5) provides the eligibility requirements for a student enrolled at least half-time in institutions of higher education, including being employed a minimum of 20 hours per week.
8. UPM 3020.05 (6) (b) (c) provides students that are employed a minimum of 20 hours per week earning wages or self-employed a minimum of 20 hours per week with weekly earnings are eligible for SNAP benefits.
9. The Appellant was not employed at the time of application.
10. The Department correctly determined that the Appellant is not eligible for SNAP benefits due to her student and employment status.

DISCUSSION

The Department correctly determined the Appellant is not eligible for the SNAP program. In order to receive SNAP benefits as a full-time student in an institution of higher education, an individual must be working a minimum of 20 hours per week or participating in a federally financed work study program during the regular school year. If the individual does not meet the requirements, he or she is not eligible for SNAP benefits. The Appellant does not meet the requirements. The Appellant is not participating in a federally financed work study program. The Appellant at the time of application was not employed. The Appellant did begin employment on [REDACTED]-2020. The

Appellant is working per diem; her hours however do not meet the minimum of 20 hours per week.

DECISION

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


Miklos Mencseli
Hearing Officer

C: Pete Bucknall, Operations Manager, DSS R.O. # 60 Waterbury

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.