

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

██████████ 2020  
Signature confirmation

Case: ██████████  
Client: ██████████  
Request: 153962

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████, 2020, the Department of Social Services (the "Department") issued ██████████ (the "Appellant") a *Notice of Action* terminating her Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████, 2020.

On ██████████, 2020, the Appellant filed an on-line request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH").

On ██████████, 2020, the OLCRAH issued a notice scheduling the administrative hearing for ██████████, 2020.

On ██████████, 2020, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing by telephone conferencing. The following individuals participated:

██████████, Appellant  
Althea Forbes-Francis, Department's representative  
Eva Tar, Hearing Officer

The administrative hearing record closed ██████████, 2020.

**STATEMENT OF ISSUE**

The issue is whether the Department was correct to terminate the Appellant's SNAP benefits effective ██████████, 2020.

### **FINDINGS OF FACT**

1. From [REDACTED] 2018 through [REDACTED], 2020, the Appellant received SNAP benefits in Connecticut. (Department Exhibit 1)
2. On [REDACTED] 2019, the Department received a PARIS [public assistance reporting system] match identifying the Appellant as a fugitive felon with a parole violation in the state of Maine. The file date of the PARIS match was [REDACTED] 2019. (Department Exhibits 2 and 4)
3. The Appellant's name, date of birth, and Social Security number are the same as those demographic identifiers of the individual listed on the [REDACTED] 2019 PARIS match. (Department Exhibits 2 and 4)(Appellant testimony)
4. The PARIS match provides a Maine address for the identified individual. (Department Exhibit 2)
5. The Appellant denies that she has visited or resided in Maine.
6. The hearing record is silent as to the specifics of the Maine arrest, the charge, and the status of the warrant in 2020.
7. On [REDACTED], 2020, a Department employee discussed the PARIS match with the Appellant, requesting the Appellant provide documentation from the State of Maine that the Appellant does not have any active warrants. (Department Exhibit 4)
8. On [REDACTED] 2020, the Department issued the Appellant a *Notice of Action* terminating the Appellant's SNAP benefits effective [REDACTED], 2020, citing ineligibility to participate in the program due to fleeing felon status. (Department Exhibit 1)
9. The Appellant has not filed a police report with the State of Connecticut for identity theft. (Appellant testimony)
10. Title 7, Section 273.15 (c)(1) of the Code of Federal Regulations ("C.F.R.") provides that "[w]ithin 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision...." The OLCRAH received the Appellant's hearing request on [REDACTED] 2020, requiring the hearing to be held and a decision issued by [REDACTED] 2020. This decision is timely.

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes in part designates the Department of Social Services 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, Code of Federal Regulations ("C.F.R.") section 273.11 (n) provides: "Individuals who are fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony (or in the State of New Jersey, a high

misdemeanor) or who are violating a condition of probation or parole under a Federal or State law shall not be considered eligible household members....”

3. Title 7, Section 273.11 (n)(1)(i) of the Code of Federal Regulations provides:  
*Fleeing felon.* An individual determined to be a fleeing felon shall be an ineligible household member. To establish an individual as a fleeing felon, a State agency must verify that an individual is a fleeing felon as provided in paragraph (n)(1)(i) of this section, or a law enforcement official acting in his or her official capacity must have provided the State agency with a felony warrant as provided in paragraph (n)(1)(ii) of this section. The State shall specify in its State plan of operation which fleeing felon test it has adopted as required at §272.2(d)(1)(xvii) of this chapter.

(i) *Four-part test to establish fleeing felon status.* To establish that an individual is a fleeing felon, the State agency must verify that:

- (A) There is an outstanding felony warrant for the individual by a Federal, State, or local law enforcement agency, and the underlying cause for the warrant is for committing or attempting to commit a crime that is a felony under the law of the place from which the individual is fleeing or a high misdemeanor under the law of New Jersey;
- (B) The individual is aware of, or should reasonably have been able to expect that, the felony warrant has already or would have been issued;
- (C) The individual has taken some action to avoid being arrested or jailed; and
- (D) The Federal, State, or local law enforcement agency is actively seeking the individual as provided in paragraph (n)(3) of this section.

7 C.F.R. § 273.11 (n)(1)(i).

Title 7, Code of Federal Regulations section 273.11 (n)(3) defines, for the purpose of this paragraph, “actively seeking” as follows:

- (i) A Federal, State, or local law enforcement agency informs a State agency that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to the State agency;
- (ii) A Federal, State, or local law enforcement agency presents a felony arrest warrant as provided in paragraph (n)(1)(ii) of this section; or
- (iii) A Federal, State, or local law enforcement agency states that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 30 days of the date of a request from a State agency about a specific outstanding felony warrant or probation or parole violation.

7 C.F.R. § 273.11 (n)(3).

**The Department has not established that a Federal, State, or local law enforcement agency is “actively seeking”—as the term is defined at 7 C.F.R. § 273.11 (n)(3)—the Appellant.**

**The Appellant’s circumstances have not fulfilled the four-part test described at 7 C.F.R. § 273.11 (n)(1)(i) that is required to establish “fleeing felon” status with respect to the SNAP.**

The Department was incorrect to terminate the Appellant's SNAP benefits effective [REDACTED], 2020.

**DECISION**

The Appellant's appeal is GRANTED.

**ORDER**

1. If it has not already done so, the Department will reopen the Appellant's SNAP case effective [REDACTED] 2020.
2. The Department will issue any SNAP benefits due to the Appellant, effective [REDACTED] 2020.
3. Within 14 calendar days of the date of this decision, or [REDACTED] 2020, documentation of compliance with this order is due to the undersigned.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

Cc: Althea Forbes-Francis, DSS-New Britain  
Patricia Ostroski, DSS-New Britain

### **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 Legal Counsel, Regulations, and Administrative Hearings, 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 his 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.