

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

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

Client ID # ██████████
Case # ██████████
Request # 156251

NOTICE OF DECISION

PARTY

████████████████████
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PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services, (“the Department”) issued a Notice of Action (“NOA”) to ██████████ (“the Appellant”) denying her Supplemental Nutritional Assistance Program (“SNAP”) benefits.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the denial of benefits under the Supplemental Nutrition Assistance Program.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings (“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, OLCRAH held an administrative hearing.

The following individuals were present at the hearing:

████████████████████, the Appellant
████████████████████ III Interpreter, Spanish Language
Ferris Clare, Department Representative
Shelley Starr, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant monthly SNAP benefits.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Appellant applied for the Supplemental Nutritional Assistance ("SNAP") program for herself. (Hearing Summary; Exhibit 3: Application dated [REDACTED] 2020)
2. The Appellant is [REDACTED] years old and not disabled. (Appellant's Testimony, Exhibit 3: Application dated [REDACTED] 2020)
3. The Appellant is a full-time college student enrolled at [REDACTED] of [REDACTED]. She has an anticipated graduation date of [REDACTED] 2021. (Hearing Summary; Exhibit 4: W-1446 School Attendance Verification; Appellant's Testimony)
4. The Appellant receives financial aid which includes work-study at the university. The work-study program ended in [REDACTED] 2020. (Appellant's Testimony; Hearing Record)
5. The Appellant received her last pay through the work- study program on [REDACTED] 2020. She currently has no income sources. (Appellant's Testimony; Hearing Record)
6. The Appellant anticipates that she will be assigned a new job through the work- study this summer in the Theatre Department as an usher and food runner. She may also assist as a [REDACTED] internet guide. (Appellant's Testimony; Hearing Record)
7. The Appellant is able to work and does not have a physical or mental condition that prevents her from working. (Appellant's Testimony; Hearing Record)
8. The Appellant has no dependents and is not receiving any cash assistance from the Department. (Appellant's Testimony; Hearing Record)
9. On [REDACTED] 2020, the Department completed a SNAP telephone interview and determined that the Appellant did not meet the student work requirements. (Hearing Summary; Hearing Record)

10. On [REDACTED] 2020, the Department issued a Notice of Action. The notice stated that the Appellant is ineligible for benefits under the SNAP because she does not meet the program requirements and eligible student criteria. (Exhibit 2: Notice of Action dated [REDACTED] 2020)
11. 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 hearing. The Appellant requested an administrative hearing on [REDACTED] 2020. This decision is due not later than [REDACTED] 2020, 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. 7 CFR § 273.1(a)(1) provides that a household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: an individual living alone.
3. 7 CFR § 273.5(a) provides that an individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for one of the exemptions contained in paragraph (b) of this section. An individual is considered to be enrolled in an institution of higher education if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.
4. 7 CFR § 273.5(c) provides that the enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).
5. 7 CFR 273.5(b) provides to be eligible for the program, a student as defined in paragraph (a) of the section must meet at least one of the following criteria.

1. Be age 17 or younger or age 50 or older;
2. Be physically or mentally unfit;
3. Be receiving Temporary Assistance for Needy Families under Title IV of the Social Security Act;
4. Be enrolled as a result of participation in the Job Opportunities and Basic Skills program under Title IV of the Social Security Act or its successor program;
5. Be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours. The State agency may choose to determine compliance with this requirement by calculating whether the student worked an average of 20 hours per week over the period of a month, quarter, trimester or semester. State agencies may choose to exclude hours accrued during academic breaks that do not exceed one month. A State agency that chooses to average student work hours must specify this choice and specify the time period over which the work hours will be averaged in its State plan of operation
6. Be participating in a State or federally financed work study program during the regular school year.
 - i. To qualify under this provision, the student must be approved for work study at the time of application for SNAP benefits, the work-study must be approved for the school term, and the student must anticipate actually working during that time. The exemption shall begin with the month in which the school term begins or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment.
 - ii. The exemption shall not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.
7. Be participating in an on-the-job training program. A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer;
8. Be responsible for the care of a dependent household member under the age of 6;
9. Be responsible for the care of a dependent household member who has reached the age of 6 but is under age 12 when the State agency has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements of paragraph (b)(5) or (b)(6) of this section;
10. Be a single parent enrolled in an institution of higher education on a full-time basis (as determined by the institution) and be responsible for the care of a dependent child under age 12.

11. Be assigned to or placed in an institution of higher education through or in compliance with the requirements of one of the programs identified in paragraphs (b)(11)(i) through (b)(11)(iv) of this section. Self-initiated placements during the period of time the person is enrolled in one of these employment and training programs shall be considered to be in compliance with the requirements of the employment and training program in which the person is enrolled provided that the program has a component for enrollment in an institution of higher education and that program accepts the placement. Persons who voluntarily participate in one of these employment and training programs and are placed in an institution of higher education through or in compliance with the requirements of the program shall also qualify for the exemption. The programs are:
- i. A program under the Job Training Partnership Act of 1974 (29 U.S.C. 1501, *et seq.*);
 - ii. An employment and training program under § 273.7, subject to the condition that the course or program of study, as determined by the State agency.
 - A. Is part of a program of career or technical education as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302) designed to be completed in not more than 4 years at an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 2296); or
 - B. Is limited to remedial courses, basic adult education, literacy, or English as a second language.
 - iii. A program under section 236 of the Trade Act of 1974 (10 U.S.C. 2296); or
 - iv. An employment and training program for low-income households that is operated by a State or local government where one or more of the components of such program is at least equivalent to an acceptable SNAP employment and training program component as specified in § 273.7(e)(1). Using the criteria in § 273.7(e)(1), State agencies shall make the determinations as to whether or not the programs qualify.

The Department correctly determined the Appellant is a full-time student of higher education because she is enrolled at [REDACTED] [REDACTED] with an anticipated graduation date of [REDACTED] 2021.

The Department correctly determined the Appellant is ineligible to participate in the SNAP because she is enrolled full time at the University and does not meet any of the student exemption criteria as outlined under federal regulations. Although the Appellant anticipates returning to work study, at the time of the hearing, she is

not currently participating in work study during the summer recess and therefore does not meet the criteria as an eligible student under the SNAP. The Appellant is encouraged to reapply if her situation changes.

On [REDACTED] 2020, the Department correctly denied the Appellant the Supplemental Nutritional Assistance Program.

DECISION

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



Shelley Starr
Fair Hearing Officer

Pc: Rachel Anderson, DSS RO #20
Cheryl Stuart, DSS RO# 20
Lisa Wells DSS RO #20
Ferris Clare, DSS RO #20

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.