

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

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

Client ID # ██████████  
Request #156775

**NOTICE OF DECISION**

**PARTY**

████████████████████  
██████████  
████████████████  
████████████████

**PROCEDURAL BACKGROUND**

On ██████████ 2020, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) discontinuing her benefits from the Supplemental Nutrition Assistance Program (“SNAP”) effective ██████████ 2020 because she did not fully cooperate with the eligibility process.

On ██████████ 2020, the Appellant requested an administrative hearing to appeal the Department’s decision to discontinue her SNAP benefits.

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

On ██████████ 2020, the Appellant requested that the hearing be rescheduled while she sought a resolution with the Department that would avoid the necessity of a hearing.

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

On ██████████ 2020, 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 hearing was held telephonically, due to the COVID-19 pandemic. No party objected to the hearing being held in this manner. The following individuals were present at the hearing:

██████████, the Appellant, via telephone  
██████████, the Appellant's daughter and authorized representative, via telephone  
Carmen Ferrer, Hearing Liaison representing the Department, via telephone  
Marisola Arreaza, Interpreter, ITI, via telephone  
James Hinckley, Hearing Officer

**Por favor vea la copia incluida de esta decisión en español**

### **STATEMENT OF THE ISSUE**

The issue is whether the Department was correct when it discontinued the Appellant's SNAP benefits for failing to fully cooperate with the eligibility process.

### **FINDINGS OF FACT**

1. The Appellant is an 82 year old woman. (Hearing Record)
2. The Appellant was born in Columbia. She was admitted into the U.S. as a Legal Permanent Resident ("LPR") on ██████████ 2005. (Testimony)
3. The Appellant's daughter, ██████████ (her "daughter"), who is a U.S. citizen, sponsored the Appellant's admission into the U.S. as an LPR. (Testimony, Hearing Record)
4. The Appellant resides with her daughter. (Hearing Record)
5. As of ██████████ 2020, the Appellant was a recipient of SNAP benefits, and her period of eligibility for the program was approved through ██████████ 2020. (Hearing Record)
6. On ██████████ 2020, the Department requested that the Appellant return certain items of information and verification. The requested information included the completion and return of form W-727. The due date to provide the information was ██████████ 2020. (Ex. 1: ██████████ 2020 W-1348 *Proofs We Need* form)
7. Form W-727 requests information from sponsored non-citizens about their sponsor, for deeming purposes. (Ms. Ferrer's testimony)
8. The Appellant never returned the completed form W-727 to the Department. (Appellant's testimony, Hearing Record)
9. On ██████████ 2020, the Department issued a NOA to the Appellant informing her that a review of her SNAP eligibility had been completed. It approved SNAP

benefits for a new period of eligibility from [REDACTED]/2020 to [REDACTED]/2022. (Ex. 7: NOA dated [REDACTED] 2020)

10. On [REDACTED] 2020, a Department worker wrote a Case Note that stated, in part, “CL sponsored LPR per [REDACTED]/20 case note...w-727 was issued....No w-727 found”, and “Both the SNAP and S03 REDETS were also completed without the sponsor income or assets and no case note.” (Ex. 4: Case Notes)
11. On [REDACTED] 2020, the Department issued a NOA discontinuing the Appellant’s SNAP benefits effective [REDACTED] 2020, because she did not fully cooperate with the eligibility process.. (Ex. 2: NOA dated [REDACTED] 2020)
12. The Department verified by consulting an interface with a government system that the Appellant has no countable wage quarters in her work history. (Ex. 4)

### 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 in accordance with federal law.
2. Title 7 of the Code of Federal Regulations (“CFR”) § 273.4(a)(6) provides, in relevant part:

*Household members meeting citizenship or alien status requirements.* No person is eligible to participate in the Program unless that person is...(6) An individual who is both a qualified alien as defined in paragraph (a)(6)(1) of this section and an eligible alien as defined in paragraph (a)(6)(ii) or (a)(6)(iii) of this Section. (i) A qualified alien is: (A) An alien who is lawfully admitted for permanent residence under the INA...

3. 7 CFR § 273.4(a)(6)(iii) provides, in relevant part, as follows:

The following qualified aliens, as defined in paragraph (a)(6)(i) of this section, must be in qualified status for 5 years before being eligible to receive SNAP benefits...(A) An alien age 18 or older lawfully admitted for permanent residence under the INA....

4. **The Appellant was lawfully admitted for permanent residence on [REDACTED] 2005. Because the Appellant was lawfully admitted into the U.S. for permanent residence, she was a qualified alien for the purposes of SNAP. Because the Appellant was in qualified status for more than 5 years, she was an eligible alien for the purposes of SNAP**

5. *“Definition.* A sponsored alien is an alien for whom a person (the sponsor) has executed an affidavit of support (USCIS Form I-864 or I-864A) on behalf of the alien pursuant to section 213A of the INA.” 7 CFR § 273.4(c)(1)
6. **The Appellant met the definition of a sponsored alien. Her daughter sponsored her entry into the U.S. as an LPR and executed an affidavit of support on her behalf.**
7. 7 CFR § 273.4(c)(2) provides, in relevant part, as follows:

*Deeming of sponsor’s income and resources.* For purposes of this paragraph (c)(2), only in the event a sponsored alien is an eligible alien in accordance with paragraph (a) of this section will the State agency consider available to the household the income and resources of the sponsor and spouse. For purposes of determining the eligibility and benefit level of a household of which an eligible sponsored alien is a member, the State agency must deem the income and resources of the sponsor and the sponsor’s spouse, if he or she has executed USCIS Form I-864 or I-864A, as the unearned income and resources of the sponsored alien. The State agency must deem the sponsor’s income and resources until the alien gains U.S. citizenship, has worked or can receive credit for 40 qualifying quarters of work as described in paragraph (a)(6)(ii)(A) of this section, or the sponsor dies.

8. **The Appellant had no work history in the U.S.; she could not be credited with 40 quarters of work. The Appellant had not gained U.S. citizenship. The Appellant’s sponsor had not died. She, therefore, did not meet any of the requirements in 7 CFR § 273.4(c)(2) that would have terminated the requirement to deem the income and resources of her sponsor.**
9. 7 CFR § 273.4(c)(3) provides for certain conditions under which certain aliens are exempt from the requirement to have income and resources deemed from their sponsor. Such conditions include being a battered individual, being a member of the same SNAP household as the sponsor, or meeting the conditions described therein whereby an individual is considered an indigent alien.
10. **The Appellant did not meet any of the conditions described in 7 CFR § 273.4(c)(3) that would have exempted her from having income and resources deemed from her sponsor.**
11. **The Department must deem to the Appellant, according to the deeming methodology in 7 CFR § 273.4(c)(2) (i) to (v), the income and resources of her sponsor.**
12. “No household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new

period....Households must apply for recertification and comply with interview and verification requirements.” 7 CFR § 273.14(a)

13. The recertification process, “at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in § 273.2(b)(2), and provide the household with a notice of required verification as specified in § 273.2(c)(5).” 7 CFR 273.14(b)(2)
14. “The State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process....” 7 CFR § 273.2(b)(5)
15. “Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification....” 7 CFR § 273.2(f)
- 16. The Department correctly notified the Appellant, on [REDACTED] 2020, of the verification she needed to provide with regard to her sponsor in order for her SNAP eligibility to continue. The Department correctly gave the Appellant at least 10 days to provide the information.**
- 17. The Department incorrectly renewed the Appellant’s SNAP eligibility on [REDACTED] [REDACTED] without sufficient information to ensure an accurate determination of eligibility and benefits.**
18. 7 CFR § 273.13(a) provides, in relevant part, as follows:

Prior to any action to reduce or terminate a household’s benefits within the certification period, the State agency shall, except as provided in paragraph (b) of this section, provide the household timely and adequate advance notice before the adverse action is taken. (1) The notice of adverse action shall be considered timely if the advance notice period conforms to that period of time defined by the State agency as an adequate notice period for its public assistance caseload, provided that the period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective....
- 19. The NOA issued by the Department on [REDACTED] 2020, correctly gave the Appellant’s household at least 10 days from the date of the notice to the [REDACTED] 2020 date when the action became effective.**
- 20. The Department was correct when it discontinued the Appellant’s SNAP benefits effective [REDACTED] 2020. The Appellant’s eligibility for SNAP benefits was never**

properly determined because the Appellant failed to respond to a previous request from the Department for information that was necessary to determine what income and resources were deemed to the Appellant from her sponsor.


### DISCUSSION

It is somewhat problematic that the Department renewed the Appellant's SNAP eligibility on [REDACTED] 2020, and notified her of such, without actually having verified the necessary information to make an accurate determination of eligibility. Despite that, the Appellant was properly notified on [REDACTED] 2020 that she needed to provide information about her sponsor and was given more than 10 days to provide the information, but failed to respond to the request. Given that the Appellant's SNAP benefits were almost certainly wrong after her renewal was processed, the Department was still correct to discontinue the benefits based on the Appellant's failure to respond to its [REDACTED] 2020 request, even at the late date the Department took the action.

To become eligible again, the Appellant must reapply and provide the Department with the needed information.

### DECISION

The Appellant's appeal is DENIED.

  
James Hinckley  
Hearing Officer

cc: Yecenia Acosta  
Carmen Ferrer

### **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.