

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

Case ID # ██████████  
CL ID # ██████████  
Hearing Request # 162678

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing benefits under the Supplemental Nutrition Assistance Program for her daughter (the "daughter") ██████████ effective ██████████ 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Departments' decision to discontinue such benefits.

On ██████████ ██████████, 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling an 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 by telephone.

The following individuals participated in the hearing:

██████████, the Appellant

██████████, the Appellant's daughter  
Anna Brodzik, Interpreter, ITI Translates  
Javier Rivera, Department's Representative  
Marci Ostroski, Hearing Officer

A copy of this decision has been issued in Polish and English.

### **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's household consists of herself, her son ██████████ and her daughter ██████████. The Appellant received SNAP benefits on behalf of her daughter as a household of one. (Hearing record; Appellant's testimony)
2. The Appellant is ██████ years old (D.O.B. ██████/67). (Ex. 2: Household Composition)
3. On ██████████ 2019, the Appellant and her two children entered the United States from Poland as Legal Permanent Residents ("LPR"). (Appellant's testimony; Ex. 3: Non Citizen Details)
4. The Appellant and her children have never been granted an immigration status of refugee, parolee or asylee, or any other special category of immigrant. (Appellant's testimony)
5. The Appellant and her children are not veterans, or the spouse of a veteran, and they do not have 40 quarters of work history in the U.S. They are not victims of human trafficking or victims of battery. (Appellant's testimony)
6. On ██████████ 2020, the Department sent the Appellant a notice proposing to close the daughter's SNAP benefits ██████████ 2020. The daughter was going to turn ██████ years of age on ██████████ 2020, (D.O.B ██████/02). (Ex. 1: Notice of Action, ██████/20; Ex. 2: Household Composition)
7. 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 ██████████ 2020. Therefore this decision is due not later than ██████████, 2020, and is therefore timely.

### **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 program in accordance with federal law.
2. Title 7 CFR § 273.4 provides for household members meeting citizenship or alien status requirements.
3. Title 7 CFR § 273.4 (a)(6) provides that no person is eligible to participate in the Program unless that person is: An individual who is both a qualified alien as defined in paragraph (a)(6)(i) and an eligible alien as defined in paragraph (a)(6)(ii) or (a)(6)(iii).
4. Title 7 CFR § 273.4 (a)(6) provides for individuals who are both qualified aliens and eligible aliens.
5. Title 7 CFR § 273.4(a)(6)(iii) provides that the following qualified aliens, as defined in paragraph (a)(6)(i) of this section, must be in a qualified status for 5 years before being eligible to receive food stamps. The 5 years in qualified status may be either consecutive or nonconsecutive. Temporary absences of less than 6 months from the United States with no intention of abandoning U.S. residency do not terminate or interrupt the individual's period of U.S. residency. If the resident is absent for more than 6 months, the agency shall presume that U.S. residency was interrupted unless the alien presents evidence of his or her intent to resume U.S. residency. In determining whether an alien with an interrupted period of U.S. residency has resided in the United States for 5 years, the agency shall consider all months of residency in the United States, including any month of residency before the interruption:
6. The Appellant achieved qualified status as defined in 7 CFR §273.4(a)(6)(i) when she was admitted to the U.S. as an LPR on [REDACTED] 2019.
7. The Department correctly determined on [REDACTED] 2020, that the Appellant had not reached 5 years in qualified status.
8. Title 7 CFR §273.4(a)(6)(j) provides eligible status for an individual who is under 18 years of age
9. "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 Income Maintenance*, 214 Conn. 601, 573 A.2d 712 (1990))

10. Uniform Policy Manual (“UPM”) § 3005.06 B(1) provides for eligible non-citizens.

- a. An individual who is an American Indian born in Canada;
- b. An individual born outside the United States who is a member of an Indian tribe under Section 405b(e) of the Indian Self-Determination and Education Assistance Act;
- c. An individual who is a member of the Hmong or Highland Laotian tribes that helped the United States , and their spouses or surviving spouses and unmarried depended children;
- d. An individual granted asylum under Section 208 of the Immigration and nationality Act;
- e. An individual admitted as a refugee under Section 207 of the immigration and Nationality Act;
- f. An individual whose deportation is withheld under Section 243(h) or 241 (b)(3) of the immigration and Nationality Act;
- g. An individual who is a Cuban or Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980;
- h. An individual who is an Amerasian immigrant under Section 584 of the Foreign Operation, Export Financing and Related Program Appropriation Act;
- i. An individual who is a Lawful Permanent Resident with a military connection. The individual must be a veteran on active duty or a spouse or child of a veteran or active duty service number;
- j. An individual who is a Lawful Permanent Resident who has earned, or can be credited with, forty quarters of work;
- k. An individual lawfully admitted to the United States for permanent residence and currently under age eighteen;
- l. An individual both lawfully admitted to the United states for permanent residence and age sixty-five or older on or before August 22, 1996;
- m. An individual lawfully admitted to the United States for permanent residence who is disabled or blind and a recipient of disability or blindness benefits from Supplemental Security Income (SSI), Social Security Disability (SSD), a disability related Medicaid program, state supplement or a total disability benefit from the Veteran’s Administration; or
- n. An individual lawfully admitted to the United States for permanent residence age sixty-five or older in receipt of SSI who does not have a disability established by the Social Security Administration, may qualify if determined by the Department.

11. The Department correctly determined, that effective [REDACTED], 2020, the daughter was no longer under the age of eighteen.

12. The Department correctly determined that the Appellant and her children do not meet any of the above criteria.
13. The Department correctly discontinued the Appellant's SNAP benefits because no household members meet the non citizen eligibility criteria for the SNAP program.

### **DISCUSSION**

The Department provided SNAP benefits to the Appellant's household on behalf of her daughter who was under the age of 18. When the daughter turned 18 the Department correctly discontinued the SNAP benefits. The Appellant provided verification that her daughter was still a high school student and verification that she was not receiving the court ordered child support for her daughter. The regulations are clear, however, that an LPR over the age of 18 must have achieved five years of qualified status to be eligible for SNAP benefits regardless of school or income status.

### **DECISION**

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

*Marci Ostroski*

Marci Ostroski  
Hearing Officer

Cc: Tricia Morelli, Operations Manager, Manchester Regional Office  
Javier Rivera, Hearing Liaison, Manchester Regional Office

### **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 060105-3725.

### **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 06105-3725. 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.