

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 #164627

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) denying her application for Supplemental Nutrition Assistance Program (“SNAP”) benefits because she did not meet Eligible Student program requirements.

On ██████████ 2020, the Appellant requested an administrative hearing to appeal the Department’s denial of her application for SNAP.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2020. The hearing was scheduled to be held telephonically due to the COVID-19 pandemic.

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 Appellant had no objection to the hearing being held telephonically. The following individuals were present at the hearing:

██████████ Appellant
Kristin Haggan, Department’s Hearing Liaison
James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

1. Whether the Department was correct when it denied the Appellant's application for SNAP due to not meeting student eligibility requirements.

FINDINGS OF FACT

1. The Appellant lost her job of many years in [REDACTED] 2020, due in part to the COVID-19 pandemic. (Appellant's testimony)
2. Following her job loss, the Appellant collected Unemployment Compensation Benefits ("UCB"), but the UCB ran out in [REDACTED] 2020. (Appellant's testimony)
3. The Appellant is currently attending community college, working toward an associate degree. (Appellant's testimony)
4. For the [REDACTED] semester of 2020 the Appellant is taking classes worth 9 credits, the course load necessary to complete her degree. (Appellant's testimony)
5. The Appellant is not currently employed. (Hearing Record)
6. On [REDACTED] 2020, the Appellant applied for SNAP. The Appellant reported on her application form that she was a full-time student. (Ex. 1: Application form)
7. On [REDACTED] 2020, the Appellant completed a SNAP application interview by telephone. She clarified during the telephone interview that she was taking 9 credits at college. (Ex. 8: Case Notes)
8. On [REDACTED] 2020, the Department issued an NOA to the Appellant denying her application for SNAP because she did not meet the Eligible Student requirements. (Ex. 6: [REDACTED] 2020 NOA)
9. On [REDACTED] 2020, the Appellant requested a fair hearing. (Hearing Record)
10. On [REDACTED] 2020, the Appellant submitted new documents to the Department, in part because some of the information contained in the [REDACTED] 2020 NOA was inaccurate. The documents included proof that her UCB had ended, proof of financial help her father was giving her and a letter from her college concerning what the school considers full-time attendance. (Hearing Record)
11. The Appellant's college considers 12+ credits to be full time attendance, and less than that to be part-time. (Ex. 2: Email from Associate Dean of Student Services)

12. On [REDACTED] 2020, the Department re-processed the Appellant's [REDACTED] 2020 SNAP application so that the new information she provided was correctly reflected.
13. On [REDACTED] 2020, the Department issued an NOA to the Appellant denying her application for SNAP because she did not meet the Eligible Student requirements. (Ex. 7: [REDACTED] 2020 NOA)
14. The Department has not been approved by FNS for any COVID-19-related waiver of the restrictions on SNAP eligibility for students in higher education. (Hearing Liaison's testimony)

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 ("C.F.R.") section 273.5(a) provides as follows:

Applicability. 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.

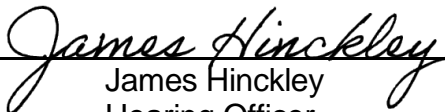
3. **At the time of her SNAP application the Appellant was enrolled at least half-time in an institution of higher education. Her college considered 12 credits or more to be full-time enrollment and the Appellant was taking 9 credits.**
4. 7 C.F.R. § 273.5(b) provides that, "To be eligible for the program, a student as defined in paragraph (a) of the section must meet at least one of the following criteria."
5. 7 C.F.R. § 273.5(b)(1) to (b)(11) provide for student exemptions to the ineligibility provision in 273.5(a) The criteria provided for in 273.5(b)(1) to (b)(11) include being: age 17 or younger or age 50 or older; physically or mentally unfit; in receipt of TANF assistance; enrolled in the Job Opportunities and Basic Skills program; employed for a minimum of 20 hours per week; a participant in a State or federally financed work study program; a participant in an on-the-job training program; in any of three categories of individuals responsible for the care of certain dependent household members or; assigned or placed in the institution of higher education through or in compliance with

the requirements of certain federal programs including the Job Training Partnership Act of 1974.

6. **The Appellant did not meet any of the exemptions listed in 7 C.F.R. § 273.5(b)(1) to (b)(11).**
7. **The Appellant was an ineligible student pursuant to 7 C.F.R. § 273.5(a).**
8. **The Department was correct when it denied the Appellant's SNAP application due to not meeting student eligibility requirements.**

DECISION

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


James Hinckley
Hearing Officer

cc: Cheryl Stuart
Kristin Haggan

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.