

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

██████████ 2021  
Signature Confirmation

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

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2021, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying his benefits under the Supplemental Nutritional Assistance Program (“SNAP”).

On ██████████ 2021, the Appellant requested an administrative hearing to contest the Department’s decision to deny such benefits.

On ██████████ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2021.

On ██████████ 2021, OLCRAH issued a notice rescheduling the administrative hearing for ██████████ 2021.

On ██████████ 2021, 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 telephonically.

The following individuals were present at the hearing:

██████████, Appellant  
Rose Montinat, Department's Representative  
Sara Hart, Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue is whether the Department's decision to deny the Appellant's SNAP application was correct.

### **FINDINGS OF FACT**

1. On ██████████ 2021, the Appellant applied for SNAP benefits for a household of one. (Exhibit 1: W1E Application for Benefits)
2. The Appellant is divorced. He is ███ years old (DOB ██████████) and was born in Trinidad and Tobago. (Appellant's Testimony)
3. The Appellant is not a United States citizen. He was granted Lawful Permanent Resident ("LPR") status on ██████████ 2009. (Appellant's Testimony, Exhibit 7: USCIS Form I-797C)
4. The Appellant was incarcerated from ██████████, 2015 through ██████████ 2020. His LPR card expired during his incarceration. (Appellant's Testimony)
5. The Appellant had difficulty applying for a new LPR card upon his release from incarceration due to the closure of government offices in response to the COVID 19 pandemic. (Appellant's Testimony)
6. On ██████████ 2021, the Appellant applied for a new LPR card online with the assistance of his ex-wife. (Appellant's Testimony)
7. On ██████████ 2021, the Department reviewed the application and sent the Appellant a Proofs We Need form ("W1348") requesting the following information: proof of the effective date of immigration status, proof of non-citizen status, and proof of date of entry to the United States. The Department listed copy of alien registration card and U.S. Citizen and Immigration Services ("USCIS") document as acceptable proofs and requested a valid permanent resident card or other citizenship document that verifies current citizenship status. The Department gave a due date of ██████████, 2021. (Exhibit 4: Proofs We Need letter ██████████)
8. On ██████████ 2021, the Appellant completed his required interview. He reported that he had applied to renew his immigration status with the USCIS. (Exhibit 13: Case Notes)

9. The Department utilizes the SAVES system to verify immigration status. The Department reviewed the SAVES system on [REDACTED] 2021, [REDACTED], 2021, [REDACTED] 2021, [REDACTED] 2021, and [REDACTED], 2021. The Department was unsuccessful in its attempt to verify the Appellant's immigration status through the SAVES system. The Department did not submit a photocopy of the Appellant's documents to SAVES. (Exhibit 13, Exhibit 10: SAVE Response, Department's Testimony)
10. On [REDACTED] 2021, the Appellant submitted USCIS form I-797C. The notice indicated that an application to replace permanent resident card had been received on [REDACTED] 2021. The notice further stated that it did not grant any immigration status or benefit. (Exhibit 7: USCIS Form)
11. On [REDACTED], 2021, the Appellant submitted page 3 of USCIS form I-831 dated [REDACTED], 2017. The form states that the Appellant is not a citizen or national of the United States, is a native and citizen of Trinidad and Tobago, and was admitted to the United States on [REDACTED] 2002 as a nonimmigrant visitor for business. The form further states that the Appellant's status was adjusted to Conditional Entrant on [REDACTED] 2005 and adjusted again to Lawful Permanent Resident on [REDACTED] 2009. The form concludes by stating that, on [REDACTED] 2016, the Appellant was convicted in the State of Connecticut Superior Court for the offense of Risk of Injury to a minor, in violation of 53-21(a)(1). (Exhibit 7)
12. On [REDACTED] 2021, the Department sent the Appellant a Notice of Action denying the Appellant's application for SNAP benefits. The notice stated that no household members are eligible for this program, the required interview was not complete, does not meet program requirements and individual did not give proof of his US entry date. (Exhibit 8: Notice of Action [REDACTED])
13. On [REDACTED] 2021, the Appellant submitted his Trinidad and Tobago Birth Certificate. (Exhibit 9: Birth Certificate)
14. The issuance of this decision is timely under the Title 7 of the Code of Federal Regulations("C.F.R.") § 273.15, which states that a decision must be reached and the household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2021; therefore, this decision is due no later than [REDACTED] 2021.

### **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. 7 C.F.R. § 273.2(c)(4)(iv) provides for application date and states the date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day.

7 C.F.R. § 273.2(e)(1) provides for interviews and states that except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter.

**The Department correctly determined the application date of [REDACTED] 2021 and correctly interviewed the Appellant on [REDACTED], 2021.**

3. 7 C.F.R. § 273.4(a) provides for citizenship requirements and alien qualifications and states no person is eligible to participate in the Program unless that person is:
  - (1) A U.S. Citizen
  - (2) A U.S. non-citizen national
  - (3) An individual who is:
    - (i) An American Indian born in Canada who possesses at least 50 per centum of blood of the American Indian race to whom the provisions of section 289 of the Immigration and Nationality Act (INA) (8 U.S.C. 1359) apply; or
    - (ii) A member of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians;
  - (4) An individual who is:
    - (i) Lawfully residing in the U.S. and was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to U.S. personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964, and ending May 7, 1975;
    - (ii) The spouse, or surviving spouse of such Hmong or Highland Laotian who is deceased, or
    - (iii) An unmarried dependent child of such Hmong or Highland Laotian who is under the age of 18 or if a full-time student under the age of 22; an unmarried child under the age of 18 or if a full time student under the age of 22 of such a deceased Hmong or Highland Laotian provided the child was dependent upon him or her at the time of his or her death; or an unmarried disabled child age 18 or older if the child was disabled and dependent on the person prior to the child's 18th birthday. For purposes of this paragraph (a)(4)(iii), child means the legally adopted or biological child of the person described in paragraph (a)(4)(i) of this section, or
  - (5) An individual who is:

- (i) An alien who has been subjected to a severe form of trafficking in persons and who is certified by the Department of Health and Human Services, to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the INA; or
  - (ii) An alien who has been subjected to a severe form of trafficking in persons and who is under the age of 18, to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the INA;
  - (iii) The spouse, child, parent or unmarried minor sibling of a victim of a severe form of trafficking in persons under 21 years of age, and who has received a derivative T visa, to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the INA; or
  - (iv) The spouse or child of a victim of a severe form of trafficking in persons 21 years of age or older, and who has received a derivative T visa, to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the INA; or
- (6) An individual who is both a qualified alien as defined in paragraph (a)(6)(i) 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;

**The Department correctly determined that the Appellant is not a U.S. citizen. The Department correctly determined that the Appellant was required to provide verification of his immigration status.**

4. 7 C.F.R. § 273.2(c)(5) provides that 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. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d) (1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in § 272.4 (b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period to time the documents should cover.

7 C.F.R. § 273.2(f) provides for verification, and states that 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.

**The Department correctly sent the Appellant the W1348 *Proofs We Need* form requesting verifications needed to determine eligibility and correctly allowed 10 days for completion.**

5. 7 C.F.R. § 273.2(f)(5)(i) provides for the responsibility of obtaining verification. The household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information. The State agency must accept any reasonable documentary evidence provided by the household and must be primarily concerned with how adequately the verification proves the statements on the application.

**The Appellant correctly submitted documentation from the USCIS on [REDACTED] 2021.**

6. 7 C.F.R. § 273.2(f)(1)(ii) provides for mandatory verification of alien eligibility. The State agency shall verify the eligible status of all aliens applying for SNAP benefits by using an immigration status verification system established under section 1137 of the Social Security Act (42 U.S.C. 1320b-7). FNS may require State agencies to provide written confirmation from USCIS that the system used by the State is an immigration status verification system established under section 1137 of the Social Security Act.

7 C.F.R. § 273.2(f)(10) *Mandatory use of SAVE*. Households are required to submit documentation for each alien applying for SNAP benefits in order for the State agency to verify their immigration statuses. State agencies shall verify the validity of such documents through an immigration status verification system established under section 1137 of the Social Security Act (42 U.S.C. 1320b-7) in accordance with §272.11 of this chapter. USCIS maintains the SAVE system to conduct this verification.

**The Department correctly reviewed the SAVES system in attempting to verify the Appellant's immigration status.**

7. 7 C.F.R. § 273.2(f)(10)(iii) provides that state agencies which access the ASVI database through an automated access shall also submit USCIS Form G-845, with an attached photocopy of the alien's document, to USCIS whenever the initial automated access does not confirm the validity of the alien's documentation or a significant discrepancy exists between the data provided by the ASVI and the information provided by the applicant. Pending such responses from either the ASVI or USCIS Form G-845, the State agency shall not delay, deny, reduce, or terminate the alien's eligibility for benefits on the basis of the individual's alien status.

**The Department's numerous reviews of the SAVES system failed to confirm the Appellant's immigration status. The Department failed to submit a photocopy of the Appellant's documents to SAVES.**

8. 7 C.F.R. § 273.2(g)(1) provides for the normal processing standard. The State agency shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but no later than 30 calendar days following the date the application was filed.

7 C.F.R. § 273.2(g)(3) provides for denying the application and states households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed.

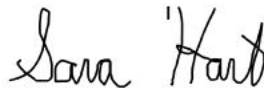
**The Department incorrectly denied the Appellant's SNAP application on [REDACTED] 2021 because it failed to properly obtain verification of the Appellant's immigration status through SAVES.**

### **DECISION**

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

### **ORDER**

1. The Department must reopen the Appellant's SNAP application as of [REDACTED] 2021 and continue determining eligibility.
2. The Department must submit photocopies of the Appellant's immigration documents and USCIS form G-845 to SAVES and continue determining the Appellant's current immigration status.
3. Compliance with this order is due no later than [REDACTED], 2021.



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Sara Hart  
Hearing Officer

CC: Musa Mohamud, Operations Manager Hartford Regional Office  
Judy Williams, Operations Manager Hartford Regional Office  
Jessica Carroll, Operations Manager Hartford Regional Office  
Rose Montinat, Department Representative Hartford 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 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, 165 Capitol Avenue, 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.



