

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, 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
Taneisha Hayes, 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 [REDACTED], 2021, the Appellant applied for SNAP benefits for a household of one. (*Exhibit 1: W1E Application for Benefits*)
2. The Appellant is [REDACTED] years old (DOB [REDACTED]) and was born in Angola. He is not a US Citizen. (*Appellant's Testimony*)
3. On [REDACTED] 2021, the Department reviewed the application and sent the Appellant a Proofs We Need form ("W1348") requesting the following information: Proof of gross earnings, proof of residency, proof of the effective date of immigration status, proof of non-citizen status, proof of date of entry to the United States, proof of last date worked, and proof of loss of employment. The Department gave a due date of [REDACTED] [REDACTED], 2021. (*Exhibit 3: Proofs We Need letter [REDACTED]*)
4. On [REDACTED] 2021, the Appellant completed his required interview. The Appellant informed the Department that he was an Asylee. (*Exhibit 13: Case Notes*)
5. On [REDACTED], 2021, the Appellant submitted USCIS form I-797C, which indicated that an application for asylum had been received on [REDACTED] 2015. The form further stated that it did not grant any immigration status or benefit. The Appellant also submitted copies of his Visa and Social Security Cards. (*Exhibit 5: Immigration Documents*)
6. The Department utilizes the SAVES system to verify immigration status. The Department reviewed the SAVES system on [REDACTED] 2021. The SAVES system confirmed the Appellant's immigration status as "Non-Immigrant – Temporary Employment Authorized". (*Exhibit 5, Department's Testimony*)
7. 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, does not meet the requirements to qualify as an eligible non-citizen, not a citizen or eligible non-citizen. (*Exhibit 8: NOA [REDACTED]*)
8. 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(7) 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. § 273.2(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.

4. 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.

5. 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 to verify the Appellant's immigration status.

6. 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;
 - (B) An alien who is *granted* asylum under section 208 of the INA;

The Department correctly determined that the Appellant is not a U.S. citizen and is not a qualified alien because he has not been granted asylum.

7. 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.

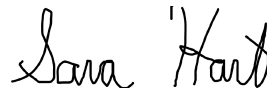
The Department correctly denied the Appellant's SNAP application on [REDACTED], 2021 because the Appellant did not meet citizenship eligibility requirements.

DISCUSSION

The Department was correct when it denied the Appellant's SNAP application. The Appellant argued that his status as a pending Asylee qualifies him for the SNAP program. SAVES results, documents submitted by the Appellant, and the Appellant's testimony verify that the Appellant has not yet been granted asylum. The regulations are clear that asylum must be granted to be eligible for SNAP as a qualified alien.

DECISION

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



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
Taneisha Haynes, 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.

