

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

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

Client ID ██████████
Request #176695

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2021, 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 due to her failure to provide information necessary to determine eligibility.

On ██████████ 2021, the Appellant requested an administrative hearing to appeal the Department’s denial of her application for SNAP.

On ██████████ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2021. The hearing was scheduled to be held telephonically, at the Appellant’s request, due to COVID-19 concerns.

On ██████████ 2021, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals were present at the hearing:

██████████ Appellant
Rebecca Shah, Department’s Hearing Liaison
James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

1. Whether the Department was correct when it denied the Appellant's SNAP application due to her failing to provide information necessary to establish eligibility.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Appellant applied for SNAP. (Hearing Record)
2. The Appellant reported on her [REDACTED] 2020 application form that she was a full-time student in post-secondary education. (Ex. 8: *W-1E Application for Benefits* form)
3. On [REDACTED] 2020, the Department requested certain items of verification from the Appellant that were needed to process her application. The items included proof of employment and wages and proof of her student status. (Ex. 9: Case Notes)
4. On [REDACTED] 2020, the Department granted expedited SNAP for the Appellant. (Ex. 9)
5. Expedited SNAP is short-term (less than two months) emergency benefits granted despite insufficient information to determine eligibility for the case. If the necessary verifications are provided during the benefit period, eligibility is certified for a longer time. (Ms. Shah's testimony)
6. On [REDACTED] 2021, the Appellant's expedited SNAP benefits ended. The benefits ended because the Appellant failed to provide all of the items requested on [REDACTED] 2020 that were necessary to determine her ongoing eligibility for the program. (Hearing Record)
7. On [REDACTED] 2021, the Appellant filed a new online application for SNAP. (Ex. 5: Online application form)
8. On [REDACTED] 2021, the Appellant reported during a telephone interview that she was still a student in post-secondary education. (Ex. 2: Case Notes)
9. On [REDACTED] 2021, the Department requested certain items of verification from the Appellant that included proof of her school enrollment status. (Ex. 1-A: *W-1348 Proofs We Need* form, Ex. 1-B: *W-1446: School Attendance Verification Request* form)

10. On ██████ 2021, a worker for the Department searched the system for documents received from the Appellant and determined that the Appellant never submitted school verification. (Ex. 2)
11. On ██████ 2021, the Department issued an NOA to the Appellant denying her SNAP application because she did not provide information necessary to determine her eligibility. (Ex. 3: NOA)

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:

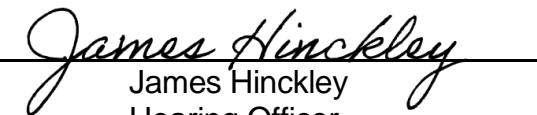
Applicability. An individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for one of the exemptions contained in paragraph (b) of this section. An individual is considered to be enrolled in an institution 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. 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.”
4. 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.
5. **Students enrolled in higher education half-time or more do not qualify for SNAP unless at least one exemption to the ineligibility provision is met.**
6. 7 C.F.R. § 273.2(d)(1) provides that, “To determine eligibility, the application form must be completed and signed...and certain information on the application must be verified....”

7. 7 CFR § 273.2(f)(5) provides that, “The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information....”
8. **The Department was correct when it requested that the Appellant provide verification of her school enrollment because the information was necessary to determine her SNAP eligibility.**
9. The Department’s Uniform Policy Manual (“UPM”) “is the equivalent of a state regulation and, as such, carries the force of law.” *Bucchere v. Rowe*, 43 Conn. Supp. 175, 177 (1994) (citing Conn. Gen. Stat. 17-3f(c) [now 17b-10]; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A. 2d 712(1990)
10. UPM § 1505.35 (C) provides that, “The following promptness standards are established as maximum time periods for processing applications: a. thirty calendar days for eligible FS applicants that do not qualify for expedited service...”
11. UPM § 1505.35(D)(1) provides that, “The Department determines eligibility within the standard of promptness without exception for the FS program.”
12. **The Department was correct when it denied the Appellant’s SNAP application on [REDACTED] 2021, because the 30-day standard of promptness for the program had been reached and the Appellant had not, by that date, provided her school enrollment information that was necessary to determine her eligibility.**

DECISION

The Appellant’s appeal is **DENIED.**


James Hinckley
Hearing Officer

cc: Rachel Anderson
Mathew Kalarickal
Lisa Wells
Rebecca Shah

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, 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.