

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

[REDACTED]  
**Signature Confirmation**

**Client ID #** [REDACTED]  
**Case ID #** [REDACTED]  
**Request #** [REDACTED]

**NOTICE OF DECISION**

**PARTY**

[REDACTED]  
[REDACTED]  
[REDACTED]

**PROCEDURAL BACKGROUND**

On [REDACTED], the Department of Social Services (the "Department") sent [REDACTED] [REDACTED] (the "Appellant") a Notice of Action ("NOA") denying her benefits under the Supplemental Nutritional Assistance Program ("SNAP").

On [REDACTED], the Appellant requested an administrative hearing to contest the Department's decision to deny such benefits.

On [REDACTED] the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for [REDACTED].

On [REDACTED], 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  
Jacqueline Taft, Department's Representative  
Sara Hart, Hearing Officer

The hearing record remained open for the Department's submission of additional information. The Department submitted the additional information and the record closed on ██████████

### **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 ██████████, the Appellant applied for SNAP benefits. (*Exhibit 4: W1-E Application, Department's Testimony*)
2. The Appellant's household consists of three members, including the Appellant (DOB ██████████), her son (DOB ██████████), and her daughter (DOB ██████████). (*Exhibit 4, Appellant's Testimony*)
3. There are no disabled or elderly members in the household. (*Exhibit 4, Appellant's Testimony*)
4. The Appellant is a higher education student, attending ██████████. She does not participate in federally funded work study and does not receive financial aid. (*Exhibit 4, Appellant's Testimony*)
5. ██████████ employs the Appellant. She works 37.5 hours per week and is paid biweekly. The Appellant provided two consecutive wage stubs with her SNAP application. (*Exhibit 5: Case Notes, Appellant's Testimony*)
6. On ██████████, the Department reviewed the application and issued a Proofs We Need form ("W1348") requesting proof of educational aid meant for living expenses with a request to provide verification of financial aid and proof of school attendance with a request to verify full or part time school attendance. The notice provided examples of acceptable documentation and gave a due date of ██████████. (*Exhibit 5, Exhibit 1: Proofs We Need ██████████*)

7. On [REDACTED], the Appellant completed an interview. The Appellant reported taking one class at [REDACTED] and paying the cost of her tuition out of pocket. (*Exhibit 5*)
8. The Appellant did not submit the requested information or contact the Department by the due date. (*Appellant's Testimony*)
9. On [REDACTED], the Appellant received verification of Student Status from [REDACTED] via email. (*Exhibit 6: Email Correspondence*)
10. On [REDACTED], the Department sent the Appellant a Notice of Action denying the Appellant's application for SNAP benefits because she failed to return all the required proofs by the due date. (*Exhibit 2: NOA [REDACTED]*)
11. On [REDACTED], the Appellant emailed the verification of student status to the Department's representative. (*Exhibit 6, Appellant's Testimony*)
12. The issuance of this decision is timely under the Title 7 of 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]; therefore, this decision is due no later than [REDACTED].

### **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. § 273.5 (a) provides that 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.

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. (1) Be age 17 or younger or age 50 or older; (2) Be physically or mentally unfit; (3) Be receiving Temporary Assistance for Needy Families under Title IV of the Social Security Act; (4) Be enrolled as a result of participation in the Job Opportunities and

Basic Skills program under Title IV of the Social Security Act or its successor program; (5) Be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours. The State agency may choose to determine compliance with this requirement by calculating whether the student worked an average of 20 hours per week over the period of a month, quarter, trimester or semester. State agencies may choose to exclude hours accrued during academic breaks that do not exceed one month. A State agency that chooses to average student work hours must specify this choice and specify the time period over which the work hours will be averaged in its State plan of operation; (6) Be participating in a State or federally financed work study program during the regular school year. (7) Be participating in an on-the-job training program. A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer (8) Be responsible for the care of a dependent household member under the age of 6; (9) Be responsible for the care of a dependent household member who has reached the age of 6 but is under age 12 when the State agency has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements of paragraph (b)(5) or (b)(6) of this section. (10) Be a single parent enrolled in an institution of higher education on a *full-time basis* (as determined by the institution) and be responsible for the care of a dependent child under age 12.

**The Appellant is an eligible student for purposes of SNAP eligibility because she is employed more than 20 hours per week and is responsible for the care of her dependent children.**

3. 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.

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.

7 C.F.R. § 273.2(h)(1)(i)(C) provides for in cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing.

**The Department incorrectly determined that the Appellant was required to provide verification of her student status and financial aid and incorrectly issued the Appellant a W1348.**

4. 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. If the household has failed to appear for a scheduled interview and has made no subsequent contact with the State agency to express interest in pursuing the application, the State agency shall send the household a notice of denial on the 30th day following the date of application.

**The Department incorrectly denied the Appellant's application on [REDACTED], because it incorrectly determined that the Appellant had failed to provide necessary documentation to establish SNAP eligibility.**

### **DISCUSSION**

The Department's decision to deny the Appellant's SNAP application is not upheld. The Department testified that financial aid information was requested because the Appellant is a higher education student. The Appellant did not claim financial aid on her application and stated that she did not receive financial aid during her interview. The Appellant's testimony at the fair hearing regarding her non receipt of financial aid is credible.

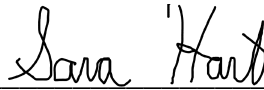
The Appellant is exempt from student work requirements because she is employed more than 20 hours per week and responsible for the care of her two minor children.

### **DECISION**

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

**ORDER**

1. The Department shall reopen the Appellant's SNAP application effective [REDACTED] and grant benefits provided all other eligibility requirements have been established.
2. Compliance with this order is due no later than [REDACTED].



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Sara Hart  
Hearing Officer

CC: Debra James, Department Representative New Haven Regional Office  
Rachel Anderson, Operations Manager New Haven Regional Office  
Matthew Kalarickal, Operations Manager New Haven Regional Office  
Lisa Wells, Operations Manager New Haven 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.