

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

██████████ 2022
Signature confirmation

Case: ██████████
Client: ██████████
Request: 194026

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2022, the Department of Social Services (the “Department”) issued ██████████ ██████████ the “Appellant”) a *Notice of Action* terminating his Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2022.

On ██████████ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the Appellant’s online request for an administrative hearing.

On ██████████ 2022, the OLCRAH issued a notice scheduling the administrative hearing for ██████████ 2022.

On ██████████ 2022, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, and Title 7, Section 273.15 (a) of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held an administrative hearing. The following individuals participated:

██████████ Appellant
Carmen Ferrer, Department Representative
Eva Tar, Hearing Officer

The administrative hearing record closed ██████████, 2022.

STATEMENT OF ISSUE

The issue is whether the Department correctly denied the SNAP for the [REDACTED] 2022 service month by implementing a penalty due to voluntary quit of employment.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old. (Department Exhibit 1)
2. The Appellant has chronic and recurring back pain. (Appellant Testimony) (Appellant Exhibit A)
3. The Appellant does not have a fixed address; he stays with friends in different towns in Connecticut. (Appellant Testimony)
4. The Appellant set up his [REDACTED] post office box during a time when he stayed with a friend in [REDACTED] he checks it once a week. (Appellant Testimony)
5. The Appellant's father lives at [REDACTED] (the "father's address"). (Appellant Testimony)
6. The Appellant is no longer permitted to stay at his father's address and is not allowed to personally pick up his mail there. (Appellant Testimony)
7. On [REDACTED] 2022, the Appellant filed a SNAP application. (Department Exhibit 1)
8. On his SNAP application, the Appellant disclosed to the Department that he was participating in Family Medical Leave due to a medical condition. (Department Exhibit 1)
9. The Department did not request verification of the Appellant's claim on his SNAP application that he had a medical condition or issue that prevented him from working. (Hearing record)
10. The Department did not explore whether the Appellant was exempt from the SNAP's work requirements. (Hearing record)
11. On his SNAP application, the Appellant listing a [REDACTED] address as his home address and his [REDACTED] post office box as a mailing address. The Appellant did not list his father's address as a residence or a mailing address on the SNAP application. (Department Exhibit 1)
12. From [REDACTED] 2022 through [REDACTED] 2022, [REDACTED] employed the Appellant in a part-time position. (Department Exhibits 8 and 12)

13. From [REDACTED] 2006 through [REDACTED] 2022, [REDACTED] employed the Appellant in a full-time position of 35 hours per week or more. (Department Exhibits 8 and 13)
14. In [REDACTED] 2022, the Appellant grossed \$3,542.03 in income from [REDACTED] [REDACTED] (\$818.48) and [REDACTED] (\$2,723.55). (Department Exhibit 8)
15. On [REDACTED] 2022, the Appellant's leave through the Family Medical Leave Act from the [REDACTED] position expired. (Department Exhibit 13)
16. [REDACTED] directed personnel related correspondence to the Appellant at his father's address. (Department Exhibit 13)
17. On [REDACTED] 2022, the Department in error denied the Appellant's [REDACTED] 2022 SNAP application. (Department Representative Testimony)
18. [REDACTED] scheduled a meeting for [REDACTED] 2022 to discuss the Appellant's continued employment. (Department Exhibit 13)
19. The Appellant did not know about the [REDACTED], 2022 meeting with [REDACTED] [REDACTED]. (Appellant Testimony)
20. The Appellant did not attend the [REDACTED] 2022 meeting with [REDACTED] [REDACTED]. (Department Exhibit 13)
21. Effective [REDACTED] 2022, [REDACTED] terminated the Appellant's employment. (Department Exhibit 13)
22. The Appellant did not voluntarily quit his [REDACTED] employment, where he worked for the same employer in different positions for more than a decade. (Appellant Testimony)
23. In [REDACTED] 2022, the Appellant grossed a total of \$1,374.91 in income from [REDACTED] [REDACTED] (\$603.58) and [REDACTED] (\$771.33), by the dates of payment. (Department Exhibit 8)
24. In [REDACTED] 2022, the Appellant reported to Department employees on different dates that he was homeless. (Department Exhibit 9)
25. On [REDACTED] 2022, the Department issued a *Proofs We Need* to the Appellant, in part requesting submission by [REDACTED] 2022 of verification of the Appellant's last day of employment with [REDACTED] and [REDACTED] when his benefits through Family Medical Leave ended, and a written statement as to his current living address. (Department Exhibit 10)

26. On [REDACTED] 2022, the Department reinstated the Appellant's [REDACTED], 2022 SNAP application. (Department Representative Testimony) (Department Exhibit 9)
27. On [REDACTED] 2022, the Department received verification from the Appellant. The verification also included the Appellant's request to update his mailing address to the Department's [REDACTED] office as he was unable to use his father's address to receive mail. (Department Exhibits 9 and 11)
28. The Department did not evaluate whether the Appellant had good cause with respect to the termination of his [REDACTED] employment. (Hearing record)
29. On [REDACTED], 2022, the Department denied the Appellant pro-rated SNAP benefits for [REDACTED] 2022 through [REDACTED] 2022 based on the Appellant's gross income in [REDACTED] 2022. (Department Exhibit 7)
30. On [REDACTED] 2022, the Department granted the Appellant \$250.00 in SNAP for the [REDACTED] 2022 service month. (Department Exhibit 7)
31. On [REDACTED], 2022, the Department applied a three-month voluntary quit penalty of ineligibility to participate in the SNAP. (Department Exhibit 7)
32. The voluntary quit penalty of ineligibility was based on the [REDACTED] [REDACTED] 2022 termination of employment to the Appellant's SNAP case. (Department Representative Testimony)
33. On [REDACTED] 2022, the Department denied the Appellant SNAP benefits for the [REDACTED] 2022 service month. (Department Exhibit 7)
34. Title 7, Code of Federal Regulations ("C.F.R.") section 273.15 (c)(1) provides that "[w]ithin 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision...." On [REDACTED] 2022, the OLCRAH received the Appellant's emailed hearing request, and the issuance of this decision would have been due no later than [REDACTED] 2022. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes designates the Department of Social Services as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

"The department's uniform policy manual is the equivalent of a state regulation and, as such, carries the force of law." *Bucchere v. Rowe*, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712 (1990)).

Section 1570.25 C.2. of the Department's Uniform Policy Manual addresses the administrative duties of the fair hearing official and notes in part that the Fair Hearing Official determines the issue of the hearing and considers all relevant issues.

The Department has the authority under State statute to administer the Federal SNAP in Connecticut.

2. Title 7, Section 273.3 (a) of the Code of Federal Regulations ("C.F.R.") provides: "A household shall live in the State in which it files an application for participation." "The State agency shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Nor shall residency require an intent to reside permanently in the State or project area...."

"The residency requirements of [§ 273.3](#) shall be verified except in unusual cases (such as homeless households, some migrant farmworker households, or households newly arrived in a project area) where verification of residency cannot reasonably be accomplished...." 7 C.F.R. § 273.2 (f)(1)(vi).

For the purposes of the SNAP, the Appellant is a homeless household and is not required to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility.

3. "In the case of an applicant household, the State agency must determine if any household member subject to SNAP work requirements voluntarily quit his or her job or reduced his or her work effort within a period established by the State agency between 30 and 60 days prior to date of application. If the State agency learns that a household has lost a source of income or experienced a reduction in income after the date of application but before the household is certified, the State agency must determine whether a voluntary quit or reduction in work effort occurred." 7 C.F.R. § 273.7 (j)(3)(iv).

Title 7, Section 273.7 (j) of the Code of Federal Regulations addresses voluntary quit and reduction of work effort. Subsection (j)(2) provides: "An individual is ineligible to participate in SNAP if, in a period established by the State agency between 30 and 60 day before applying for SNAP benefits or at any time thereafter, the individual: (i) Voluntarily and without good cause quits a job of 30 hours a week or more; or (ii) Reduces his or her work effort voluntarily and without good cause and, after the reduction, is working less than 30 hours per week."

"The voluntary quit provision applies if the employment involved 30 hours or more per week or provided weekly earnings at least equivalent to the Federal minimum wage multiplied by 30 hours; the quit occurred within a period established by the State agency between 30 to 60 days prior to the date of application or anytime thereafter; and the quit was without good cause...." 7 C.F.R. § 273.7 (j)(3)(iii).

The termination of the Appellant's employment at [REDACTED] and at [REDACTED] occurred after the Appellant filed his 2022 SNAP application with the Department.

For the purposes of determining whether the Appellant was eligible to participate in the SNAP, the circumstances of the termination of his [REDACTED] employment was subject to review by the Department, as his position involved working 30 or more hours per week.

4. "Upon determining that an individual voluntarily quit employment or reduced work effort, the State agency must determine if the voluntary quit or reduction of work effort was with good cause as defined in [paragraph \(i\)](#) of this section." 7 C.F.R. § 273.7 (j)(3)(v).

"If the individual who voluntarily quit his or her job, or who reduced his or her work effort without good cause is the head of a household, as defined in [§ 273.1\(d\)](#), the State agency, at its option, may disqualify the entire household from SNAP participation in accordance with [paragraph \(f\)\(5\)](#) of this section." 7 C.F.R. § 273.7 (j)(3)(viii).

The Department had the responsibility to determine whether the Appellant, as a SNAP applicant, voluntarily quit his employment with [REDACTED] [REDACTED] without good cause during the pendency of his SNAP application.

5. Title 7, Section 273.7 (j) (4) of the Code of Federal Regulations provides in part that with respect to ending a voluntary quit or a reduction in work disqualification, "[e]xcept in cases of permanent disqualification, following the end of the mandatory disqualification period for voluntarily quitting a job or reducing work effort without good cause, an individual may begin participation in the program if he or she reapplies and is determined eligible by the State agency. Eligibility may be reestablished during a disqualification and the individual, if otherwise eligible, may be permitted to resume participation if the individual becomes exempt from Program work requirements under [paragraph \(b\)\(1\)](#) of this section."

Title 7, Section 273.7 (b) of the Code of Federal Regulations addresses the circumstances when an individual is exempt from the work requirements.

The Department erred when it did not evaluate the Appellant's case to determine whether he was exempt from the work requirements due to being physically unfit for employment.

6. Title 7, Section 273.7 (i) addresses good cause for terminating or reducing employment. Subsection (i)(1) provides: "The State agency is responsible for determining good cause when a SNAP recipient fails or refuses to comply with SNAP work requirements. Since it is not possible for the Department to enumerate each individual situation that should or should not be considered good cause, the State

agency must take into account the facts and circumstances, including information submitted by the employer and by the household member involved, in determining whether or not good cause exists.”

“Good cause includes circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age six but are under age 12.” 7 C.F.R. § 273.7 (i)(2).

“Good cause for leaving employment also includes: (vi) Employment that becomes unsuitable, as specified in [paragraphs \(h\)\(1\)](#) and [\(2\)](#) of this section, after the acceptance of such employment;....” 7 C.F.R. § 273.7 (i)(3)(vi).

Title 7, Section 273.7 (h)(2) of the Code of Federal Regulations provide:

In addition, employment will be considered suitable unless the household member involved can demonstrate or the State agency otherwise becomes aware that:

- (i) The degree of risk to health and safety is unreasonable.
- (ii) *The member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.*
- (iii) The employment offered within the first 30 days of registration is not in the member's major field of experience.
- (iv) The distance from the member's home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting. Employment will not be considered suitable if daily commuting time exceeds 2 hours per day, not including the transporting of a child to and from a child care facility. Nor will employment be considered suitable if the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the member to the jobsite.
- (v) The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.

7 C.F.R. § 273.7 (h)(2). (emphasis added).

It can be reasonably inferred from Department Exhibit 13 that [REDACTED] had addressed its communication as to the [REDACTED] 2022 meeting to the Appellant’s attention at his father’s address, a place where the Appellant did not reside and where the Appellant could not receive his mail.

It is reasonable to conclude that the Appellant—a then-homeless individual—did not receive the notice from [REDACTED] as to the date, time, and location of the [REDACTED] 2022 meeting.

For the purposes of the SNAP, the Appellant had good cause not to appear for the [REDACTED] 2022 meeting to discuss his continuing employment with [REDACTED]

The Department erred when it did not ask the Appellant why he did not attend the [REDACTED] 2022 meeting with [REDACTED] and whether his physical or mental condition of back pain adversely impacted his ability to perform his assigned work duties as a custodian.

For the purposes of the SNAP, the Appellant did not voluntarily quit his [REDACTED] employment.

The Department incorrectly denied the SNAP for the [REDACTED] 2022 service month by implementing a three-month penalty of ineligibility due to voluntary quit of employment, as the Appellant did not voluntarily quit his [REDACTED] employment.

DECISION

The Appellant's appeal is GRANTED.

ORDER

1. If it has not already done so, the Department will reopen the Appellant's SNAP application.
2. The Department immediately will remove the voluntary quit penalty from the Appellant's SNAP case and will note in its Case Notes that the Appellant had good cause for the loss of his [REDACTED] employment.
3. Provided all factors of eligibility are met, the Department will grant the Appellant SNAP benefits effective [REDACTED] 2022.¹
4. Within 14 calendar days of the date of this Decision, or [REDACTED] 2022, documentation of compliance with this Order is due to the undersigned.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

cc: Carmen Ferrer, DSS-Stamford
Shahar Thadal, DSS-Stamford

¹ On [REDACTED] 2022, the Department issued full SNAP benefits of \$250.00 for a household of one to the Appellant for the [REDACTED] 2022 service month. The Department did not issue SNAP for the [REDACTED] 2022 service month. (Department Exhibits 7 and 9)

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.