

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

██████████ 2023
Signature confirmation

Case: ██████████
Client: ██████████
Request: 210433

NOTICE OF DECISION

PARTY

██████████
████████████████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 9, 2023, the Department of Social Services (the “Department”) issued ██████████ (the “Appellant”) a *Notice of Action* denying the Appellant’s ██████████ 2023 Supplemental Nutrition Assistance Program (“SNAP”) application.

On ██████████ 2023, the Appellant emailed a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”).

On ██████████, 2023, the OLCRAH scheduled the administrative hearing for ██████████ 2023.

On ██████████ 2023, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals participated in the proceeding:

██████████, Appellant
Garfield White, Department Representative
Kelvin (#13842), Language Link Interpreter
Eva Tar, Hearing Officer

The hearing record closed ██████████ 2023.

STATEMENT OF ISSUE

The issue is whether the Department's denial of the Appellant's ██████████ 2023 SNAP application is supported by Federal regulations.

FINDINGS OF FACT

1. The Appellant, her spouse, and their two minor children ("family") are not citizens of the United States. (Appellant Testimony)
2. The Appellant and her family were born in ██████████ (Appellant Exhibit C: Homeland Security documents, varying dates) (Dept. Exhibit 2: Online application, ██████/23)
3. The Appellant does not speak English and requires a ██████████ interpreter in her communications with the Department. (Dept. Exhibit 1: Case Notes-Details, ██████/23) (Dept. Exhibit 2)
4. On ██████████, 2022, the ██████████ border patrol intercepted the Appellant and her family on foot in ██████████. (Appellant Exhibit C)
5. The U.S. Department of Homeland Security designated the Appellant and her family as PWA [Present Without Authority] from ██████████. (Appellant Exhibit C)
6. The Appellant's testimony that she and her family entered the United States legally is not credible; her testimony is contradicted by the evidence she submitted for the ██████████ 2023 administrative hearing.
7. On ██████████ 2022, the U.S. Department of Homeland Security assigned the Appellant and her family Alien Registration numbers and stamped their intake paperwork as "Paroled Until ██████████ 2022 under 212 (d)(5)." (Appellant Exhibit C)
8. The 62-day Parole was contingent on the Appellant and her family reporting to the Immigration and Customs Enforcement (ICE) office near their final destination within 60 days or face removal from the United States. (Appellant Exhibit C)
9. The Appellant has not established that U.S. Department of Homeland Security has extended the 62-day Parole beyond ██████████, 2022. (Hearing record)
10. On ██████████ 2023, the Appellant filed an online SNAP application with the Department. (Dept. Exhibit 2: Online application ██████/23)
11. The Appellant did not disclose to the Department her and her family's Alien Registration numbers on the ██████████ 2023 SNAP application. (Dept. Exhibit 2)
12. On ██████████, 2023, the Appellant verbally reported to the Department through a Language Link interpreter that she and her family were undocumented aliens who had been residing in the United States for six months. (Dept. Exhibit 1)

13. On [REDACTED] 2023, the Department denied the Appellant's [REDACTED] 2023 SNAP application. (Dept. Exhibit 3: *Notice of Action*, [REDACTED]/23)
14. On [REDACTED] 2023, the Appellant disclosed the assigned Alien Registration numbers of her household to the Department. (Appellant Exhibit C) (Hearing record)
15. Title 7, Code of Federal Regulations ("C.F.R.") section 273.15 (c)(1) provides in part 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] 2023, the OLCRAH received the Appellant's emailed hearing request. The issuance would have been due by [REDACTED] 2023. This decision is timely.

CONCLUSIONS OF LAW

1. The Department of Social Services is the designated state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

The Department has the authority to administer the SNAP in Connecticut.

2. 7 C.F.R. § 273.2 (e) in part requires SNAP applicants to complete an interview at initial certification.

"The State agency may use a telephone interview instead of the face-to-face interview required in [paragraph \(e\)\(1\)](#) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency...." 7 C.F.R. § 273.2(e)(2).

"State agencies must provide Limited English Proficient (LEP) households with bilingual personnel during the interview as required under [§272.4\(b\) of this chapter](#)." 7 C.F.R. § 273.2(e)(2)(iv).

The Department's interview of the Appellant by telephone in conjunction with a Language Link bilingual interpreter was supported by 7 C.F.R. § 273.2 (e)(2) and (e)(2)(iv).

3. Title 7, Code of Federal Regulations ("C.F.R."), Section 273.1 (b)(7)(i) provides: "Ineligible household members. The following persons are not eligible to participate as separate households or as a member of any household: (i) Ineligible aliens and students as specified in [§§ 273.4](#) and [273.5](#), respectively."

Title 7, Code of Federal Regulations, Section 273.4 addresses citizenship and alien status requirements for participation in the SNAP. With respect to qualified alien status, subsection (a)(6)(i) provides:

A qualified alien is:

- (A) An alien who is lawfully admitted for permanent residence under the INA [Immigration and Naturalization Act];
- (B) An alien who is granted asylum under section 208 of the INA;
- (C) A refugee who is admitted to the United States under section 207 of the INA;
- (D) An alien who is paroled into the U.S. under section 212(d)(5) of the INA **for a period of at least 1 year;**
- (E) An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA;
- (F) An alien who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980;
- (G) An alien who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the alien at the time of the abuse, an alien whose child has been battered or subjected to battery or cruelty, or an alien child whose parent has been battered;^[2] or
- (H) An alien who is a Cuban or Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

7 C.F.R. § 273.4 (a)(6)(i). (emphasis added)

The Appellant and her family's documentation of their parole under section 212(d)(5) of the INA for 62 days—from ██████████ 2022 through ██████████ 2022—does not meet the requirements of 7 C.F.R. § 273.4 (a)(6)(i)(D) that mandates the parole under section 212(d)(5) of the INA must extend "for a period of at least one year."

For the purposes of the SNAP, the Appellant and her family are not qualified aliens.

4. "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](#))...." 7 C.F.R. § 273.2(f)(1)(ii)(A).

"An alien is ineligible until acceptable documentation is provided unless: (1) The State agency has submitted a copy of a document provided by the household to USCIS [U.S. Citizenship and Immigration Services] for verification. Pending such verification, the State agency cannot delay, deny, reduce or terminate the individual's eligibility for benefits on the basis of the individual's immigration status;" C.F.R. § 273.2 (f)(1)(ii)(B)(1).

"When a household indicates inability or unwillingness to provide documentation of alien status for any household member, the State agency must classify that member as an ineligible alien. When a person indicates inability or unwillingness to provide documentation of alien status, the State agency must classify that person as an

ineligible alien. In such cases the State agency must not continue efforts to obtain that documentation.” 7 C.F.R. § 273.4(b)(2).

The Department correctly classified the Appellant and her family as ineligible aliens with respect to the SNAP based on: 1) the Appellant’s failure to disclose her household’s Alien Registration numbers on the [REDACTED] 2023 online SNAP application; and 2) the Appellant’s assertion through the Language Link interpreter in the [REDACTED] 2023 telephone interview that she and her family were undocumented aliens.

The Department’s discontinuance of efforts to ascertain the Appellant and her family’s alien status at the conclusion of the [REDACTED] 2023 telephone interview was in accordance with the provisions of 7 C.F.R. § 273.4 (b)(2).

The Department’s [REDACTED] 2023 denial of the Appellant’s [REDACTED] 2023 SNAP application is supported by Federal regulations.

DECISION

The Appellant’s appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

cc: Garfield White, DSS-Hartford
Wilfredo Medina, DSS-Hartford
Josephine Savastra, DSS-Hartford
Lindsey Collins, DSS-Hartford

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.