

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

██████████ 2023
Signature Confirmation

Client ID #: ██████████
Case #: ██████████
Request #: 211066

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") denying his Supplemental Nutrition Assistance Program ("SNAP") benefits because he did not meet SNAP program requirements.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department's decision to deny his SNAP benefits.

On ██████████ ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████ 2023.

On ██████████ 2023, OLCRAH, at the Appellant's request, issued a notice rescheduling the administrative hearing for ██████████ 2023.

On ██████████ 2023, 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 participated in the hearing:

██████████, Appellant
Rose Montinat, Department's Representative

Amy MacDonough, Fair Hearing Officer

The hearing record remained open for the submission of additional evidence by the Appellant and the Department. On [REDACTED], 2023, the Department provided the requested information; a copy of the [REDACTED], 2023 application, and the list of approved SNAP facilities. On [REDACTED] 2023, the Appellant provided the following evidence: doctors statement of dietary need, and medical exemption from work form. The undersigned received this information, and the record closed on [REDACTED], 2023.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's SNAP application for being a resident of an institution that provides more than 50 percent of his meals.

FINDINGS OF FACT

1. On [REDACTED], 2023, the Appellant entered the [REDACTED], a halfway house (the "facility"), after being released from the [REDACTED]. *(Appellant's Testimony; Exhibit 2: Living Arrangement Details)*
2. On [REDACTED], 2023, the Appellant applied for SNAP benefits for himself as a household of one member. *(Department's Testimony; Exhibit 4: Online Application)*
3. On [REDACTED], 2023, the Appellant contacted the Department and completed a SNAP telephone interview. The Appellant is [REDACTED] [Date of Birth: [REDACTED]] and has no source of income. *(Department's Testimony; Appellant's Testimony; Exhibit 1: Case Notes; Exhibit 2; Exhibit 4)*
4. The facility provides three meals per day to the Appellant. The Appellant has a special diet which includes avoiding dairy products. The facility provides him with alternative options, but they are not always available. *(Appellant's Testimony; Exhibit 1; Exhibit B: Patient Instructions after an EGD with Biopsy)*
5. The Department determined that the [REDACTED] is not one of the approved facilities to receive SNAP benefits. *(Department's Testimony; Exhibit 5: Department's List of Approved SNAP facilities)*
6. On [REDACTED] 2023, the Department issued an NOA to the Appellant denying his SNAP benefits for the following reason: "Gets more than half of meals at a facility not approved for SNAP." *(Exhibit 3: Notice of Action)*

7. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15(c)(1), which provides that within 60 days of the receipt of a request for a fair hearing, the State agency shall issue a decision. The Appellant requested an administrative hearing on [REDACTED] 2023. The Appellant rescheduled the hearing causing a 20-day delay, and the record was held open, causing a 2-day delay; therefore, with the 22 delay days, this decision is due no later than [REDACTED] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides that the Department of Social Services is designated as the state agency for the administration of the Supplemental Nutrition Assistance Program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to review the Appellant's SNAP application and determine whether he meets the program's eligibility requirements.

2. 7 C.F.R. § 273.2(e)(2) provides for interviews and states 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. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

The Department correctly conducted a phone interview with the Appellant.

3. 7 C.F.R. § 273.1(b)(7)(vi) provides for residents of an institution, with some exceptions. Individuals must be considered residents of an institution when the institution provides them with the majority of their meals (over 50 percent of

three meals daily) as part of the institution's normal services. Exceptions to this requirement include only the individuals listed in paragraphs (b)(7)(vii)(A) through (b)(7)(vii)(E) of this section. The individuals listed in paragraphs (b)(7)(vii)(A) through (b)(7)(vii)(E) can participate in the Program and must be treated as separate households from the others with whom they reside, subject to the mandatory household combination requirements of paragraph (b)(1) of this section, unless otherwise stated:

(A) Individuals who are residents of federally subsidized housing for the elderly;

(B) Individuals who are narcotic addicts or alcoholics and reside at a facility or treatment center for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program. This includes the children but not the spouses of such persons who live with them at the treatment center or facility;

(C) Individuals who are disabled or blind and are residents of group living arrangements;

(D) Individual women or women with their children who are temporarily residing in a shelter for battered women and children; and

(E) Individuals who are residents of public or private nonprofit shelters for homeless persons.

The Department correctly determined the Appellant is a resident of a facility that provides him with over 50 percent of three meals daily as part of the institution's regular services.

The Department correctly denied the Appellant's application for SNAP benefits as he resides in a facility that provides over 50 percent of three meals daily as part of the institution's regular services.

DECISION

The Appellant's appeal is **DENIED**

Amy MacDonough
Amy MacDonough
Fair Hearing Officer

CC: Josephine Savastra, Operations Manager, DSS, Hartford Regional Office
Lindsey Collins, Operations Manager, DSS, Hartford Regional Office
Mathew Kalarickal, Operations Manager, DSS, Hartford Regional Office
David Mazzone, Operations Manager, DSS, Hartford Regional Office
Wilfredo Medina, Hearing Liaison Supervisor, DSS, Hartford Regional Office
Rose Montinat, Hearing Liaison, 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.