

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: 211475

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

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

On ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the Appellant’s online hearing request, filed after business hours on ██████████ 2023.

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, and Title 7, Section 273.15 of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held an administrative hearing. The following individuals participated by telephone conferencing:

██████████, Appellant  
Chris Filek, Department Representative  
Eva Tar, Hearing Officer

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



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

2. Title 7, Code of Federal Regulations (“C.F.R.”), Section 273.5 addresses students and notes in part that an individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in the SNAP unless the individual qualifies for one of the exemptions contained at 7 C.F.R. § 273.5 (b).

**The Department correctly determined that the Appellant is a full-time student in an institution of higher education.**

3. “*Verification.* Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification....” 7 C.F.R. § 273.2 (f).

**The Department correctly requested documentation of the Appellant’s student status at the University and correctly gave the Appellant at least 10 days to submit that documentation, in accordance with 7 C.F.R. § 273.2 (f).**

4. “Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet....” 7 C.F.R. § 273.9 (a).

Title 7, Code of Federal Regulations, Section 273.1 (b)(7) addresses 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;
- (ii) ... ;
- (iii) ... ;
- (iv) ... ;
- (v) ... ; and
- (vi) 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.

7 C.F.R. § 273.1 (b)(7).

**For the purposes of the SNAP, the Appellant is a resident of an institution as she lives in University housing and the University provides her with at least 50 percent of three meals daily as part of its normal services.**

**The Appellant's circumstances do not meet the five exceptions contemplated at 7 C.F.R. § 273.1 (b)(7) that would enable the Appellant to receive SNAP benefits as a resident in an institution.**

**The Department correctly determined that the Appellant was ineligible to participate in the SNAP.**

**DECISION**

The Appellant's appeal is DENIED.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

Cc: Chris Filek, DSS-Middletown  
Brian Sexton, DSS-Middletown

### **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.