

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

■■■ ■■■ 2023
Signature Confirmation

Client ID ■■■■■■■■
Case ID ■■■■■■■■
Request # 214279

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ■■■■ ■■■ 2023, the Department of Social Services (the "Department") sent ■■■■■■■■ ■■■■■■■■ (the "Appellant") a Notice of Action ("NOA") denying her ■■■■ ■■■ 2023 application for benefits under the Supplemental Nutrition Assistance Program ("SNAP").

On ■■■■ ■■■ 2023, the Appellant requested an administrative hearing to contest the Department's decision to deny such benefits.

On ■■■■ ■■■ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling 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, OLCRAH held an administrative hearing via teleconference at the Appellant's request.

The following individuals called for the hearing:

■■■■■■■■■■■■■■■■■■■■, Appellant
Rose Montinat, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to deny the Appellant's ██████ 2023 application for benefits under the SNAP was correct.

FINDINGS OF FACT

1. On ██████ 2023, the Department received the Appellant's online application requesting benefits for herself under the SNAP. (Stipulated)
2. The Appellant attends ██████ (the "college") full time pursuing an undergraduate degree. She is a junior in her third year at the college with an expected graduation date of ██████ 2024. (Exhibits 3 and 5: School Information and Appellant's Testimony)
3. The Appellant is from ██████ but currently resides in ██████ to attend college. The Appellant expects to remain in ██████ over the summer. (Appellant's Testimony)
4. The Appellant lives in a dormitory on campus with a kitchen. The Appellant does not have a meal plan provided by the college because she has dietary restrictions which cannot be accommodated by the college meal plan. College housing is paid for through college scholarships. (Appellant's Testimony and Exhibit 1: Application)
5. The Appellant does not qualify for federal student aid under the Free Application for Federal Student Aid ("FAFSA") but receives scholarship monies from the college to pay for her tuition, room and other college fees. The Appellant is not entitled to a Pell grant. Although the Appellant listed employment with the college on her application as work study, the Appellant is not entitled to work study. The Appellant's family contribution for the ██████ 2023 college semester equals \$2,401.00.¹ (Appellant's Testimony and Exhibit 5: School Information)

Semester	College Charges	Minus	College Credits	equals	Family Contribution
█████ 2022	\$40,740.00	-	\$38,340.00	=	\$2,400.00
Spring 2023	\$37,335.00	-	\$34,954.00	=	\$2,401.00

6. The Appellant is employed by ██████ ██████ ██████ (the "café") and the ██████ ██████ department. The Appellant is paid bi-weekly by the café

¹ As per Appellant testimony, she has never received a Student Aid Report (SAR) under the FAFSA and Exhibit 5 Billing Activity is the equivalent of the college's financial aid award letter which lists total amount due \$2,401 as the equivalent of the Expected Family Contribution (EFC).

and the college. (Appellant's Testimony, Exhibit 1: Application, Exhibit A: Paystubs, and Exhibit 6: Work Number)

Café Date Paid	Hours	Gross Wages	Café Date Paid	Hours	Gross Wages
█/█/23	15.25	\$213.50	█/█/23	10	\$140.00
█/█/23	12.50	\$175.00	█/█/23	0	\$0
College Date Paid			College Date Paid		
█/█/23	32	\$454.25	█/█/23	25	\$353.25
█/█/23	27	\$381.00	█/█/23	29.25	\$412.75
Totals	86.75	\$1,223.75		64.25	\$906.00

7. On █ █ 2023, the Department completed the application interview with the Appellant via telephone. (Stipulated)
8. On █ █ 2023, the Department verified the Appellant's café earnings using the Work Number, an electronic data source used to verify applicants employment and wage information. (Hearing Record)
9. On █ █ 2023, the Department issued the Appellant a Proofs We Need form requesting proof of educational expenses meant for living expenses, specifically proof of scholarships, tuition, and school expenses, proof of medical expenses, and proof of school attendance. The Department listed the due date for the information as █ █ 2023. (Exhibit 2: Proofs We Need)
10. On █ █ 2023, the Department received proof of medical expenses and proof of school attendance. Proof of tuition, scholarships, and school expenses were not provided. (Department Representative's Testimony and Exhibit 7: Case Notes)
11. On █ █ 2023, the Department verbally informed the Appellant proof of tuition and fees remains outstanding. (Exhibit 7: Case Notes)
12. On █ █ 2023, the Department determined the Appellant ineligible for the SNAP because proof of financial aid and tuition were not received. (Exhibit 7: Case Notes and Exhibit 4: Notice of Action)
13. On █ █ 2023, the Department issued the Appellant a notice of action informing her that the Department denied her application for benefits under the SNAP effective █ █ 2023 for the following reasons: "No household members are eligible for this program, Individual did not provide information, report changes, or meet the requirements necessary to determine eligibility [and] Does not meet program requirements." (Exhibit 4: Notice of Action)
14. On █ █ 2023, the Appellant submitted an online request for an administrative hearing disputing the Department's decision to deny her

SNAP application and a copy of her [REDACTED] 2022 and [REDACTED] 2023 billing activity which included proof of college tuition costs, campus housing charges, and proof of college scholarships received. Refer to Finding of Fact #5. (Department Representative Testimony, Exhibit 5: School Information, and Exhibit 7: Case Notes)

15. On [REDACTED] [REDACTED] 2023, the Department reviewed the Appellant's documents submitted on [REDACTED] [REDACTED] 2023 and spoke with Appellant to confirm expected family contribution. The Appellant confirmed 2022 – 2023 expected family contribution as \$4,801.00 as listed on the college billing activity statements for [REDACTED] 2022 and [REDACTED] 2023 and café employment is not work study. The Appellant reported a second part time job with the college [REDACTED] department during the interview. She confirmed college [REDACTED] department job is not work study. The Department determined the Appellant remained ineligible for benefits under the SNAP because she is a full time college student who does not meet any of the student exemptions under the SNAP regulations and the SNAP public health emergency waivers, specifically does not meet the 20 hours per week student work requirement based on the Work Number evidence and the Appellant's statement of hours worked during the interview. (Department Representative Testimony, Exhibit 7: Case Notes and Exhibit 8: Notice of Action)
16. On [REDACTED] [REDACTED] 2023, the Department issued the Appellant a second Notice of Action denying her [REDACTED] [REDACTED] 2023 request for benefits under the SNAP. The Department listed the reasons for denial as "No household members are eligible for this program, Does not meet program requirements, [and] Does not meet program requirements for a student." (Exhibit 8: Notice of Action)
17. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2023. Therefore, this decision is due not later than [REDACTED] [REDACTED] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides as follows:

The Department of Social Services is designated as the state agency for the administration the supplemental nutrition assistance program pursuant to the food and Nutrition Act of 2008.

2. Title 7 Section 273.1(a)(1) of the Code of Federal Regulations (“C.F.R.”) provides as follows:

A household is composed of one of the following individual or groups of individuals, unless otherwise specified in paragraph (b) of this section: An individual living alone.

Federal regulation provides in pertinent part:

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.

7 C.F.R. § 273.1(b)(7)(vi)

The Department correctly determined a household of one under the SNAP. As the Appellant does not have the meal plan provided by the college for the ██████████ 2023 semester, FNS clarification confirms the Appellant is not a resident of an institution while residing in on-campus housing.²

3. Federal regulation provides as follows:

A household shall live in the State in which it files an application for participation. The State agency may also require a household to file an application for participation in a specified project area (as defined in [§ 271.2 of this chapter](#)) or office within the State. No individual may participate as a member of more than one household or in more than one project area, in any month, unless an individual is a resident of a shelter for battered women and children as defined in [§ 271.2](#) and was a member of a household containing the person who had abused him or her. Residents of shelters for battered women and children shall be handled in accordance with [§ 273.11\(g\)](#). The State agency shall not impose any durational residency requirements. 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. Persons in a project area solely for vacation purposes shall not be considered residents.

² United States Department of Agriculture Food and Nutrition Service (FNS), SNAP - Clarification on Treatment of Meal Plans at Institutions of Higher Education, Program Memo, Sasha Gersten-Paal, Director Program Development Division, June 2, 2022

7 C.F.R. § 273.3(a)

The Department correctly determined the Appellant a resident of Connecticut.

4. Federal regulation provides as follows:

The application process includes filing and completing an application form, being interviewed, having certain information verified. The State agency must act promptly on all applications and provide SNAP benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

7 C.F.R. § 273.2(a)(2)

5. "Households must file SNAP applications by submitting the forms to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission." 7 C.F.R. § 273.2(c)(1)(i)

Federal regulation provides as follows:

The date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

7 C.F.R. § 273.2(c)(1)(iv)

The Department correctly determined the Appellant submitted an online application requesting benefits for herself under the SNAP on [REDACTED] 2023.

The Department correctly determined the Appellant's SNAP application date as [REDACTED] 2023.

6. Federal regulation provides as follows:

To determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified. If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed not merely failing to appear for the interview. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied, and the agency shall provide assistance required by [paragraph \(c\)\(5\)](#) of this section. The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates with the State agency. The State agency shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification. The State agency shall not consider individuals identified as nonhousehold members under [§ 273.1\(b\)\(2\)](#) as individuals outside the household.

7 C.F.R. S 273.2(d)(1)

7. Federal regulation provides as follows:

Except for households certified for longer than 12 months, and except as provided in [paragraph \(e\)\(2\)](#) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with [§ 273.10\(f\)\(1\)](#), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with [§ 273.10\(f\)\(2\)](#), a face-to-face interview is not required during the certification period. The individual interviewed may be

the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

7 C.F.R. § 273.2(e)(1)

Federal Regulation provides as follows:

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.

7 C.F.R. § 273.2(e)(2)

On [REDACTED] 2023, the Department correctly complied with federal regulation and completed an application interview with the Appellant via telephone.

8. Federal regulation provides as follows:

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. Paragraph (i)(4) of this section contains verification procedures for expedited service cases. 7 C.F.R. § 273.2(f)

Federal regulation provides as follows:

State agencies shall verify the following information prior to certification for household initially applying:

Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the State agency, and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information. 7 C.F.R. § 273.2(f)(1)(i)

The amount of any medical expenses (including the amount of reimbursements) deductible under [§ 273.9\(d\)\(3\)](#) shall be verified prior to initial certification. Verification of other factors, such as the allowability of services provided or the eligibility of the person incurring the cost, shall be required if questionable. 7 C.F.R. § 273.2(f)(1)(iv)

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. Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity. If verification cannot be accomplished in conjunction with the verification of other information, then the State agency shall use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility should normally suffice to verify residency as well. Any documents or collateral contact which reasonably establish the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed. No durational residency requirement shall be established. 7 C.F.R. § 273.2(f)(1)(vi)

The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision. 7 C.F.R. § 273.2(f)(2)(i)

“The time limit does not apply to an individual if he or she is: otherwise exempt from work requirements under section 6(d)(2) of the Food and Nutrition Act of 2008, as implemented in regulations 273.7(b).” 7 C.F.R. § 273.24(c)(5)

Federal regulation provides as follows:

The following persons are exempt from SNAP work requirements: A student enrolled at least half-time in any recognized school, training program, or institution of higher education. Students enrolled at least half-time in an institution of higher education must meet the student eligibility requirements listed in [§ 273.5](#). A student will remain exempt during normal periods of class attendance, vacation, and recess. If the student graduates, enrolls less than half-time, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer), the State agency must work register the individual, unless the individual qualifies for another exemption.

7 C.F.R. § 273.7(b)(1)(viii)

The Department correctly determined proof of income including employment income and financial aid, medical expenses, residency, and school enrollment required to make an eligibility determination under the SNAP.

9. Federal regulation provides as follows:

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. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in [\(d\)\(1\)](#) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated

in [§ 272.4\(b\) of this chapter](#). At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.

7 C.F.R. § 273.2(c)(5)

On [REDACTED] 2023, the Department correctly issued the Appellant a written notice requesting proof of financial aid received from the college, proof of tuition and living expenses, and proof of school attendance. The Department correctly allowed a minimum of 10-days to submit the requested verification.

The Department correctly obtained café employment income verification on behalf of the Appellant through the Work Number.

10. Department regulation provides as follows:

The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under [paragraph \(d\)\(1\)](#) of this section. Households may supply documentary evidence in person, through the mail, by facsimile or other electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the SNAP office. 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. However, the State agency has primary responsibility for verifying fleeing felon and parole or probation violator status in accordance with [§ 273.11\(n\)](#). If a SNAP applicant's attestation regarding disqualified felon status described in [§ 273.2\(o\)](#) is questionable, the State agency shall verify the attestation. Each element of a questionable attestation—that the individual has been convicted of a crime listed at [§ 273.11\(s\)](#), and that the individual is not in compliance with the terms of their sentence—shall be verified by the State agency. The State agency shall determine whether an attestation is questionable based on the standards established under [§ 273.2\(f\)\(2\)\(i\)](#). In conducting verifications of questionable attestations under this paragraph, the State agency shall establish reasonable, consistent standards, evaluate each case separately, and document the case file accordingly.

7 C.F.R. § 273.2(f)(5)(i)

Federal regulation provides as follows:

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 household must file a new application if it wishes to participate in the program. In cases where the State agency was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the State agency may also deny the application on the 30th day if the State agency provided assistance to the household in obtaining verification as specified in [paragraph \(f\)\(5\)](#) of this section, but the household failed to provide the requested verification.

7 C.F.R. § 273.2(g)(3)

On [REDACTED] 2023, the Department correctly denied the Appellant's [REDACTED] 2023 application for benefits under the SNAP because the Appellant failed to submit proof of tuition and living expenses by the 30th day of the application process. Although the Appellant submitted proof of school enrollment and medical expenses, proof of tuition and financial aid remained outstanding.

On [REDACTED] 2023, the Department properly issued the Appellant a notice of denial by the 30th day informing her that the Department denied her application for benefits under the SNAP. Although the Department telephoned the Appellant on [REDACTED] 2023 to inform her that information needed to process her SNAP eligibility remained outstanding, there is no evidence the Department extended the due date for the submission of evidence beyond the 30-day processing period as per federal regulation.

11. Federal regulation provides as follows:

The State agency has the option of sending the household either a notice of denial or a notice of pending status on the 30th day. The option chosen may vary from one project area to another, provided the same procedures apply to all households within a project area. However, if a notice of denial is sent and the household takes the required action within 60 days following the date the application was filed, the State agency shall reopen the case without requiring a new application. No further action by the State agency is required after the notice of denial or pending status is sent if the household failed to take the required action within 60 days following the date the application was filed, or if the State agency chooses the option of holding the application pending for only 30 days following the date of the

initial request for the particular verification that was missing, and the household fails to provide the necessary verification by this 30th day.

7 C.F.R. § 273.2(h)(2)(i)

On [REDACTED] [REDACTED] 2023, the Department correctly reopened the Appellant's application for benefits under the SNAP upon receipt of the Appellant's proof of college financial aid and college tuition provided by the Appellant within 60-days of the [REDACTED] [REDACTED] 2023 application date.

12. Federal regulation provides as follows:

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(a)

Federal regulation provides as follows:

The enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).

7 C.F.R. § 273.5(c)

Federal regulation provides as follows:

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;³
6. Be participating in a State or federally financed work study program during the regular school year.
 - i. To qualify under this provision, the student must be approved for work study at the time of application for SNAP benefits, the work study must be approved for the school term, and the student must anticipate actually working during that time. The exemption shall begin with the month in which the school term begins or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment
 - ii. The exemption shall not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.
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.

³ Connecticut's State Plan of Operation, USDA Supplemental Nutrition Assistance Program Policy Manual at [SNAP Policy Manual \(ct.gov\)](#) provides for determining compliance with the minimum 20 hour per week employment criteria for the State of Connecticut.

- i. This provision applies in those situations where only one natural, adoptive or stepparent (regardless of marital status) is in the same SNAP household as the child.
 - ii. If no natural, adoptive or stepparent is in the same SNAP household as the child, another full-time student in the same SNAP household as the child may qualify for eligible student status under this provision if he or she has parental control over the child and is not living with his or her spouse.
11. Be assigned to or placed in an institution of higher education through or in compliance with the requirements of one of the programs identified in [paragraphs \(b\)\(11\)\(i\)](#) through [\(b\)\(11\)\(iv\)](#) of this section. Self-initiated placements during the period of time the person is enrolled in one of these employment and training programs shall be considered to be in compliance with the requirements of the employment and training program in which the person is enrolled provided that the program has a component for enrollment in an institution of higher education and that program accepts the placement. Persons who voluntarily participate in one of these employment and training programs and are placed in an institution of higher education through or in compliance with the requirements of the program shall also qualify for the exemption. The programs are:
- i. A program under the Job Training Partnership Act of 1974 ([29 U.S.C. 1501](#), *et seq.*);
 - ii. An employment and training program under [§ 273.7](#), subject to the condition that the course or program of study, as determined by the State agency:
 - A. Is part of a program of career and technical education as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 ([20 U.S.C. 2302](#)) designed to be completed in not more than 4 years at an institution of higher education as defined in section 102 of the Higher Education Act of 1965 ([20 U.S.C. 2296](#)); or
 - B. Is limited to remedial courses, basic adult education, literacy, or English as a second language.
 - iii. A program under section 236 of the Trade Act of 1974 ([19 U.S.C. 2296](#)); or
 - iv. An employment and training program for low-income households that is operated by a State or local government where one or more of the components of such program is at least equivalent to an acceptable SNAP employment and training program component as specified in [§ 273.7\(e\)\(1\)](#). Using the criteria in [§ 273.7\(e\)\(1\)](#), State agencies shall make the determinations as to whether or not the programs qualify.

Under the Connecticut State Plan of Operation, a student meets the minimum 20 hours per week employment criteria if the student works an average of 20 hours per week during the month, maintaining at least 80 hours each month.

The Consolidated Appropriations Act, 2021 temporarily expands student eligibility at Section 6(e) of the Food and Nutrition Act of 2008 until 30 days after the Federal public health emergency is lifted.

1. The individual is eligible to participate in a State or Federally financed work study program during the regular school year, as determined by the institution of higher education; or
2. The individual has an expected family contribution (EFC) of \$00 in the current academic year.

Public Law 116-260, Division N, Title VII, Subtitle A, Section 702(e), December 20, 2020

The Department correctly determined the Appellant is a student enrolled in an institution of higher education and must meet student eligibility criteria under the SNAP.

On [REDACTED] [REDACTED] 2023, the Department correctly determined the Appellant failed to meet the student exemption criteria to qualify for SNAP because the Appellant did not meet any of the exemption criteria found under 7 C.F.R. § 273.5(b) or the temporary student eligibility criteria under the Consolidated Appropriations Act 2021 set to expire on [REDACTED] [REDACTED] 2023.

On [REDACTED] [REDACTED] 2023, the Department correctly denied the Appellant's application for benefits under the SNAP for failure to meet the student exemption criteria. Although the Appellant worked 27.75 hours at the Café and 59.0 hours at the College totaling 86.75 hours for [REDACTED] 2023, the Appellant did not maintain a 20 hour weekly average in [REDACTED] 2023, the month of application. In [REDACTED] 2023, the Appellant worked only 10 hours at the Café and 54.25 hours at the College with a total of 64.25 hours for [REDACTED] 2023, falling below the minimum 80 hours per month or 20 hours per week average as required under federal regulation and Connecticut's State Plan of Operation.

DECISION

The Appellant's appeal is DENIED.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Josephine Savastra, SSOM RO #10
Lindsey Collins, SSOM RO #10
Mathew Kalarickal, SSOM RO #10
David Mazzone, SSOM RO #10
Wilfredo Medina, Fair Hearing Liaison Supervisor RO #10
Rose Montinat, Fair Hearing Liaison

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.