

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: 214448

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2023, the Department of Social Services (the “Department”) issued ██████████ (the “Appellant”) a *Notice of Action* removing two individuals from her Supplemental Nutrition Assistance Program (“SNAP”) case in ██████████ 2023, citing as the reason for the action that those individuals were receiving benefits as part of another case.

On ██████████, 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the Appellant’s ██████████ 2023 postmarked hearing request.

On ██████████, 2023, the OLCRAH scheduled an 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 by telephone conferencing. The following individuals participated:

██████████, Appellant
██████████, Appellant Witness
Anne Dominguez, Department Representative
Eva Tar, Hearing Officer

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

STATEMENT OF ISSUE

The issue is whether the Department correctly determined that the Appellant's SNAP household composition in [REDACTED] 2023.

FINDINGS OF FACT

1. The Appellant lives in [REDACTED], Connecticut. (Appellant Testimony)
2. The Appellant's grandchildren are [REDACTED] and [REDACTED], born [REDACTED] (the "twins"). (Appellant Testimony) (Appellant Witness Testimony)
3. On [REDACTED], 2017, the Superior Court [REDACTED] appointed [REDACTED] and [REDACTED] co-guardians of the then-[REDACTED]-old twins. (Exhibit 4)
4. [REDACTED] (the "mother") is the twins' mother; the co-guardian is not the twins' father. (Exhibit 4)
5. The mother does not live in [REDACTED], Connecticut. (Appellant Testimony)
6. The twins turned [REDACTED] years old on [REDACTED] 2023.
7. In mid-[REDACTED] 2022, the twins moved into the Appellant's home. (Appellant Witness Testimony)
8. The Appellant is providing shelter, food, help with their medical appointments, and supervision of the twins; the twins' parents are not contributing to the twins' care. (Appellant Testimony)
9. On [REDACTED] 2023, the Appellant enrolled the twins as [REDACTED] grade students at [REDACTED]; the high school recognizes the Appellant as the twins' caretaker. (Appellant Testimony) (Exhibit 2)
10. [REDACTED] anticipates the twins' [REDACTED] to occur in [REDACTED] 2023. (Exhibit 2)
11. On [REDACTED], 2023, the Appellant reported to the Department that the twins had moved into her home. (Department Representative Testimony)
12. On [REDACTED], 2023, the Appellant filed a SNAP application for a household of three with the Department. (Department Representative Testimony)
13. On [REDACTED] 2023, the Department administratively removed the twins from their mother's SNAP case and added the twins to the Appellant's SNAP case, based on a [REDACTED] 2023 correspondence from [REDACTED] establishing the twins as residing with the Appellant. (Department Representative Testimony)

14. In ██████ 2023, the mother approached a Department field office and offered as proof that the twins resided with her—and did not live with the Appellant—a copy of the ██████ appointment of legal guardianship. (Department Representative Testimony)
15. Based on the mother’s submission of the ██████ appointment of legal guardianship, the Department administratively removed the twins from the Appellant’s SNAP case and added them back onto the mother’s SNAP case. (Department Representative Testimony)
16. The Department did not initiate a resources or fraud investigation to verify the mother’s current SNAP household composition or independently confirm that the whereabouts of the twins in ██████ 2023. (Department Representative Testimony)
17. On ██████ 2023, the Department terminated the Appellant’s SNAP benefits for the twins. (Exhibit 5)
18. Title 7, Section 273.15 (c)(1) of the Code of Federal Regulations (“C.F.R.”) 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 ██████ 2023, the OLCRAH received the Appellant’s ██████ 2023 postmarked hearing request. This hearing decision would have become due by no later than ██████ 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. Title 7, Section 273.1 (a) of the Code of Federal Regulations (“C.F.R.”) provides: “A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in [paragraph \(b\)](#) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.”

For the purposes of the SNAP, the Appellant’s household consists of the Appellant and the twins.

3. **“Discrepancies.** Where unverified information from a source other than the household contradicts statements made by the household, the household shall be afforded a reasonable opportunity to resolve the discrepancy prior to a determination of eligibility or benefits. The State agency may, if it chooses, verify the information directly and contact

the household only if such direct verification efforts are unsuccessful..." 7 C.F.R. § 273.2 (f)(4)(iv).

It is reasonable to conclude that a [REDACTED] document is inadequate as verification for establishing the whereabouts of the twins in [REDACTED] 2023.

After receiving unverified information from the mother as to the whereabouts of the twins, the Department erred when it failed to give the Appellant a reasonable opportunity to resolve the discrepancy prior to administratively removing the twins from the Appellant's SNAP case.

The Department incorrectly determined that the Appellant's SNAP household composition in [REDACTED] 2023.

DECISION

The Appellant's appeal is GRANTED.

ORDER

1. If it has not already done so, the Department will add the twins to the Appellant's SNAP case effective [REDACTED] 2023.
2. Within 14 calendar days of the date of this Decision, or [REDACTED] 2023, documentation of compliance with this Order is due to the undersigned.

Eva Tar - electronic signature

Eva Tar
Hearing Officer

Cc: Anne Dominguez, DSS-Willimantic
Tonya Beckford, DSS-Willimantic

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.