

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

[REDACTED] 2023
Signature confirmation

Case: [REDACTED]
Client: [REDACTED]
Request: 215735

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2023, the Department of Social Services (the "Department") issued [REDACTED] [REDACTED] (the "Appellant") a *Notice of Action* terminating the Appellant's Supplemental Nutrition Assistance Program ("SNAP") benefits effective [REDACTED], 2023.

On [REDACTED] 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's request for an administrative hearing.

On [REDACTED] 2023, the OLCRAH scheduled the administrative hearing for [REDACTED] 2023.

On [REDACTED] 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:

[REDACTED], Appellant
[REDACTED], Appellant Witness
[REDACTED], Appellant Witness
Alison Zaccagnini, Department Representative
Ornela Benjleri, Department Facilitator
Lisa Cascellano, IT Translates, Interpreter
Eva Tar, Hearing Officer

Prior to closing remarks at the [REDACTED] 2023 hearing, the Spanish interpreter dropped from the teleconference call and did not return.

On [REDACTED] 2023, the OLCRAH notified the Appellant that the hearing would be reconvened on [REDACTED] 2023 and scheduled another Spanish interpreter.

On [REDACTED], 2023, the Appellant did not appear for the proceeding and had not contacted the OLCRAH to request a postponement.

The reconvene of the [REDACTED] 2023 hearing did not go forward in the Appellant's absence, and the Appellant was presumed to have waived the opportunity to provide further testimony. The hearing record was closed.

STATEMENT OF ISSUE

The issue is whether the Department's termination of the Appellant's SNAP benefits effective [REDACTED] 2023 is supported by Federal regulations.

FINDINGS OF FACT

1. On [REDACTED] 2010, the Appellant was granted Lawful Permanent Resident-Employment Authorized status as a sponsored alien. (Dept. Exhibit 5)
2. The Appellant's sponsor is [REDACTED] (the "sponsor"). (Dept. Exhibit 5)
3. The Appellant has not worked while in the United States. (Appellant Witness Testimony)
4. The Appellant's native language is Spanish. (Hearing record)
5. On [REDACTED], 2023, the Department discovered that the Appellant had a sponsor after accessing the SAVE¹ database. (Dept. Exhibit 3)
6. On [REDACTED] 2023, the Department asked the Appellant to submit a completed Form W-727: *Sponsor(s) of Non-Citizens Information Sheet* with her sponsor's information and a completed Form W-724: *Exception to Deeming for Needy Non-Citizens* by [REDACTED] 2023 as a condition of continuing her SNAP benefits. (Dept. Exhibit 2)
7. The Department's [REDACTED], 2023 correspondence and the Forms W-727 and W-724 were provided to the Appellant in Spanish. (Dept. Exhibits 2 and 4) (Department Representative Testimony)
8. On [REDACTED] 2023, the Department terminated the Appellant's SNAP benefits effective [REDACTED] 2023, citing in its *Notice of Action* that the termination was because the Appellant had not provided necessary information. (Dept. Exhibit 4)

¹ SAVE is administered by the U.S. Citizenship and Immigration Services, a component of the Department of Homeland Security. See <uscis.gov>.

9. As of [REDACTED], 2023, the Department had not received a completed Form W-727 and/or a completed Form W-724 from the Appellant. (Dept. Exhibit 3)
10. At the [REDACTED] 2023 hearing, the Appellant submitted an [REDACTED] 2022 letter from a health care provider; a [REDACTED] 2023 correspondence; a [REDACTED] 2023 divorce decree; and copies of the front of the Appellant's [REDACTED] 2010 Permanent Resident Card, Connecticut Identification Card, and [REDACTED] 2019 Department Connect Card. (Appellant Exhibit B)
11. The documents submitted by the Appellant at the [REDACTED] 2023 administrative hearing do not provide answers to questions listed on the Form W-727 and on the Form W-724. (Appellant Exhibits A through D) (Dept. Exhibit 4)
12. 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. "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." 7 C.F.R. § 273.1 (b)(7)(i).

The Department has the responsibility to determine whether the Appellant was an eligible or ineligible alien for the purposes of the SNAP.

3. Title 7, Code of Federal Regulations ("C.F.R."), Section 273.2 (f)(1)(ii)(A) provides: "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](#))...."

The Department's access of the SAVE database to verify the Appellant's immigration status is supported by 7 C.F.R. § 273.2 (f)(1)(ii)(A).

4. Title 7, Code of Federal Regulations, Section 273.4 addresses citizenship and alien status requirements for participation in the SNAP. Subsection (a)(6)(i)(A) provides in part: "A

qualified alien is: (A) An alien who is lawfully admitted for permanent residence under the INA [Immigration and Naturalization Act];”

“The following qualified aliens, as defined in [paragraph \(a\)\(6\)\(i\)](#) of this section, must be in a qualified status for 5 years before being eligible to receive SNAP benefits. The 5 years in qualified status may be either consecutive or nonconsecutive. Temporary absences of less than 6 months from the United States with no intention of abandoning U.S. residency do not terminate or interrupt the individual's period of U.S. residency....” 7 C.F.R. § 273.4 (a)(6)(iii)(A).

For the purposes of the SNAP, the Appellant is a qualified alien, as the term “qualified alien” is defined at 7 C.F.R. § 273.4 (a)(6)(i).

5. Title 7, Code of Federal Regulations, Section 273.8 addresses resource eligibility standards for the SNAP.

Title 7, Code of Federal Regulations, Section 273.9 addresses income and deductions for the SNAP.

Qualified aliens also must meet the SNAP’s financial requirements as a condition of eligibility.

6. “A sponsored alien is an alien for whom a person (the sponsor) has executed an affidavit of support (USCIS Form I-864 or I-864A) on behalf of the alien pursuant to section 213A of the INA.” 7 C.F.R. § 273.4 (c)(1).

Title 7, Code of Federal Regulations, Section 273.4 (c)(2) provides:

Deeming of sponsor's income and resources. For purposes of this [paragraph \(c\)\(2\)](#), only in the event a sponsored alien is an eligible alien in accordance with [paragraph \(a\)](#) of this section will the State agency consider available to the household the income and resources of the sponsor and spouse. For purposes of determining the eligibility and benefit level of a household of which an eligible sponsored alien is a member, the State agency must deem the income and resources of sponsor and the sponsor's spouse, if he or she has executed USCIS Form I-864 or I-864A, as the unearned income and resources of the sponsored alien. *The State agency must deem the sponsor's income and resources until the alien gains U. S. citizenship, has worked or can receive credit for 40 qualifying quarters of work as described in [paragraph \(a\)\(6\)\(ii\)\(A\)](#) of this section, or the sponsor dies.*

7 C.F.R. § 273.4 (c)(2). (emphasis added)

The Department is required to deem the income and resources of the Appellant’s sponsor, and the sponsor’s spouse (if any), when determining whether the Appellant is eligible to participate in the SNAP, as the Appellant is not a U.S. citizen, has not worked (or received credit for) 40 qualifying quarters of work, and her sponsor is not deceased.

7. "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's ██████████, 2023 correspondence correctly gave the Appellant at least 10 days to submit the completed Forms W-727 and W-724.

8. Title 7, Code of Federal Regulations, Section 273.4 (c)(4) provides:
Eligible sponsored alien's responsibilities. During the period the alien is subject to deeming, the eligible sponsored alien is responsible for obtaining the cooperation of the sponsor and for providing the State agency at the time of application and at the time of recertification with the information and documentation necessary to calculate deemed income and resources in accordance with [paragraphs \(c\)\(2\)\(i\) through \(c\)\(2\)\(v\)](#) of this section. The eligible sponsored alien is responsible for providing the names and other identifying factors of other aliens for whom the alien's sponsor has signed an affidavit of support. The State agency must attribute the entire amount of income and resources to the applicant eligible sponsored alien until he or she provides the information specified under this [paragraph \(c\)\(4\)](#). The eligible sponsored alien is also responsible for reporting the required information about the sponsor and sponsor's spouse should the alien obtain a different sponsor during the certification period and for reporting a change in income should the sponsor or the sponsor's spouse change or lose employment or die during the certification period....

7 C.F.R. § 273.4 (c)(4)

The Appellant failed in her responsibility to provide the Department by ██████████ 2023 with relevant information sufficient to calculate the sponsor's deemed income and resources with respect to the SNAP.

9. Title 7, Code of Federal Regulations, Section 273.4 (c)(5) provides:
Awaiting verification. *Until the alien provides information or verification necessary to carry out the provisions of [paragraph \(c\)\(2\)](#) of this section, the sponsored alien is ineligible.* The State agency must determine the eligibility of any remaining household members. The State agency must consider available to the remaining household members the income and resources of the ineligible alien (excluding the deemed income and resources of the alien's sponsor and sponsor's spouse) in determining the eligibility and benefit level of the remaining household members in accordance with [§ 273.11\(c\)](#). If the sponsored alien refuses to cooperate in providing information or verification, other adult members of the alien's household are responsible for providing the information or verification required in accordance with the provisions of [§ 273.2\(d\)](#). If the State agency subsequently receives information or verification, it must act on the information as a reported change in household membership in accordance with the timeliness standards in [§ 273.12](#) or [§ 273.21](#), as appropriate. If the same sponsor is responsible for the entire household, the entire household is ineligible until such time as the household provides the needed sponsor information or verification. The

State agency must assist aliens in obtaining verification in accordance with the provisions of [§ 273.2\(f\)\(5\)](#).
7 C.F.R. § 273.4 (c)(5). (emphasis added)

In accordance with 7 C.F.R. § 273.4 (c)(5), the Appellant was ineligible to receive SNAP benefits until she provided necessary information to the Department regarding her sponsor's income and resources.

The Department correctly classified the Appellant as an ineligible alien with respect to the SNAP based on her failure to provide requested information as to her sponsor by the Department's [REDACTED] 2023 deadline.

The Department's termination of the Appellant's SNAP benefits effective [REDACTED] 2023 is supported by Federal regulations.

DISCUSSION

The Department correctly terminated the Appellant's SNAP benefits effective [REDACTED] 2023, as the Appellant had not completed and returned two forms (the W-727 and the W-724) to the Department by its [REDACTED], 2023 deadline.

The Appellant's documents submitted at the [REDACTED] 2023 hearing were not responsive to the Department's request for information about her sponsor's household composition, income, and assets. The Appellant may reapply at any time.

DECISION

The Appellant's appeal is DENIED.

Eva Tar - electronic signature
Eva Tar
Hearing Officer

cc: Alison Zaccagnini, DSS-Danbury
Ornela Benjleri, DSS-Waterbury
Katarzyna Olechowska, DSS-Waterbury
Randalyann Muzzio, DSS-Waterbury
Alex Sirios, DSS-Waterbury

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.