

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

Case ID # ██████████
Client ID # ██████████
Request # 218684

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") informing him that his benefits under the Supplemental Nutritional Assistance Program ("SNAP") were discontinued effective ██████████ 2023.

On ██████████, 2023, the Appellant requested an administrative hearing to contest the Department's decision to discontinue 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 by telephone.

The following individuals were present at the hearing:

██████████, Appellant
Andrew Pascarelli, Department's Representative
Scott Zuckerman, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to discontinue the Appellant's benefits under the SNAP was correct.

FINDINGS OF FACT

1. The Appellant received benefits under the SNAP for himself. (Appellant's Testimony)
2. On [REDACTED], 2023, [REDACTED], a licensed boarding home, admitted the Appellant to their facility. (Appellant's testimony and Exhibit 1: W-265, Report of Admission or Discharge, Rated Housing Facility/ Residential Care Home)
3. The boarding home provides three meals per day to the Appellant. (Appellant's Testimony)
4. On [REDACTED], 2023, the Department determined the Appellant ineligible for benefits under the SNAP because the boarding home where the Appellant resides provides more than half of their meals to their residents. The Department discontinued the Appellant's benefits under the SNAP. (Department Representative's Testimony and Exhibit 2: Notice of Action, [REDACTED]/23)
5. On [REDACTED], 2023, the Department issued a notice of action to the Appellant discontinuing his SNAP benefits effective [REDACTED] 2023. The notice states, "You are not eligible for the periods listed below because you get more than half of meals at a facility not approved for SNAP and Living in a facility that is not approved for SNAP." (Exhibit 2: Notice of Action [REDACTED]/23)

CONCLUSIONS OF LAW

1. Connecticut General Statute § 17b-2(7) 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.
2. Federal regulation provides:

Residents of a commercial boarding house, regardless of the number of residents, are not eligible to participate in the Program. A commercial boarding house is an establishment licensed to offer meals and lodging for

compensation. It does not include any of the entities listed in paragraph (b)(7)(vii) of this section.

Title 7 of the Code of Regulations § 273.1(b)(3)(i)

3. Federal Regulation provides:

The following persons are not eligible to participate as a separate household or as a member of any household: 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 individual 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. Individual women or women with their children who are temporarily residing in a shelter for battered women and children; and
- D. Individuals who are residents of public or private nonprofit shelters for homeless persons.

Title 7 C.F.R. § 273.1(b)(7)(vi)

The Department correctly determined [REDACTED] [REDACTED] qualifies as an institution under the SNAP.

The Department correctly determined the Appellant not eligible for benefits under the SNAP as he resides in an institution and residents of institutions are not eligible to participate in the SNAP.

DECISION

The Appellant's appeal is **DENIED**.

Scott Zuckerman
Scott Zuckerman
Fair Hearing Officer

CC: Sarah Chmielecki, Operations Manager, DSS, New Haven Regional Office
Tim Latifi, Operations Manager, DSS, New Haven Regional Office
Ralph Filek, Operations Manager, DSS, New Haven Regional Office
Andrew Pascarelli, DSS, 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, 55 Elm Street, 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.