

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 # 221474

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") removing her children ██████████ ("██████████" and ██████████ ("██████████" from her benefits under the Supplemental Nutrition Assistance Program ("SNAP") effective ██████████ 2023.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department's decision to remove the children from her SNAP 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 in for the hearing:

██████████, Appellant
Tashima Bowe-Wilson, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to remove [REDACTED] and [REDACTED] from the Appellant's SNAP household effective [REDACTED] [REDACTED] 2023 was correct.

FINDINGS OF FACT

1. The Appellant lives at [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] (Appellant's "home address"). (Stipulated)
2. The Appellant is the mother of [REDACTED] (Stipulated)
3. The Appellant is the mother of [REDACTED] (Stipulated)
4. [REDACTED] ("Father") is the father of [REDACTED]. The Father lives at [REDACTED] ("Father's home address") (Stipulated)
5. On [REDACTED], 2022, Connecticut Superior Court (the "Court") issued an Order of Protection for Case Number ending [REDACTED] ("[REDACTED]/22 OP - [REDACTED] on behalf of [REDACTED] against the Appellant. The Terms and Conditions of Protection included:
 - surrender or transfer all firearms and ammunition;
 - do not assault, threaten, abuse, harass, follow, interfere with, or stalk the protected person; and
 - stay away from the home of the protected person and wherever the protected person shall reside.

The [REDACTED]/22 OP – [REDACTED] lists [REDACTED] address as his Father's home address. The [REDACTED]/22 OP - [REDACTED] remains in effect until further order of the court.

(Exhibit 8: Orders of Protection)

6. On [REDACTED] [REDACTED] 2023, the Court issued an Order of Protection for Case Number ending [REDACTED] ("[REDACTED]/23 OP - [REDACTED] on behalf of [REDACTED] against the Appellant. The Terms and Conditions of Protection included:
 - surrender or transfer all firearms and ammunition;
 - do not assault, threaten, abuse, harass, follow, interfere with, or stalk the protected person; and
 - stay away from the home of the protected person and wherever the protected person shall reside.

The ■/■/23 OP - ■ lists ■ address as his Father's home address. PO - ■ remains in effect until further order of the court.

The court issued an additional Order for Case Number ending in ■ to include: If the protected person has moved out of the home of the respondent, the respondent shall permit the protected person to return to the respondent's home on one occasion, with police, to retrieve the protected person's belongings.

(Exhibit 8 and Exhibit A: Orders of Protection)

7. On ■ ■ 2023, the Court issued an Order of Protection for Case Number ending ■ (■/■/23 OP - ■ on behalf of ■ against the Appellant removing the condition to stay away from the home of the protected person and wherever the protected person shall reside. The ■/■/23 OP – ■ lists ■ address as his Father's home address. Superior Court Family Services Unit issued ■ a letter the same day listing ■ address as the Father's home address. (Exhibit 8: Orders of Protection)
8. Superior Court Juvenile Matters court document signed by the Court on ■ ■ 2023 lists ■ home address as the Father's home address. (Exhibit 8: orders of Protection)
9. On ■ ■ 2023, the Appellant submitted an online application for recertification requesting continued benefits under the SNAP for a household of four: the Appellant age ■ ■ age ■ ■ and ■ (Exhibit 2: Online Renewal Application, Exhibit 3: Notice of Action, and Exhibit 6: Case Notes)
10. On ■ ■ 2023, the Department recertified the Appellant's benefits for a household of four for 12-months beginning ■ ■ 2023 through ■ ■ 2024. (Exhibit 2: Online Renewal Application, 3: Notice of Action, Exhibit 6: Case Notes, and Department Representative Testimony)
11. On ■ ■ 2023, the Department removed ■ and ■ from the Appellant's SNAP household effective ■ ■ 2023 after receiving information listing ■ and ■ address as the Father's home address. (Exhibit 6: Case Notes, Exhibit 9: Notice of Action, and Department Representative Testimony)
12. On ■ ■ 2023, the Department received copies of the ■ ■/■/22 PO - ■ and ■ ■/■/23 PO – ■ (Department Representative's Testimony and Exhibit 8: Orders of Protection)

13. On [REDACTED] [REDACTED] 2023, the Appellant contacted the Department after [REDACTED] and [REDACTED] were removed from her SNAP benefits. The Appellant reported both [REDACTED] and [REDACTED] live with her. The Appellant reported she had not spoken with their Father since [REDACTED] [REDACTED] 2023 when he picked up the children. The Department instructed the Appellant to provide proof the children reside with her which include proof of residency and school enrollment. (Exhibit 6: Case Notes)
14. On [REDACTED] [REDACTED] 2023, the Director of School Counseling at [REDACTED] [REDACTED] School confirmed [REDACTED] and [REDACTED] reside at the Appellant's home address and enrolled in [REDACTED] Public Schools. (Exhibit 4: School Letter)
15. On [REDACTED] [REDACTED] 2023, the Department received the [REDACTED] [REDACTED] 2023 letter from the Director of School Counseling at [REDACTED] [REDACTED] School documenting the address on file with [REDACTED] High [REDACTED] as the Appellant's home address. (Exhibit 4: School Letter and Exhibit 6: Case Notes)
16. On [REDACTED] [REDACTED] 2023, the Department advised the Appellant to submit updated court documents after speaking with the Appellant. (Exhibit 6: Case Notes)
17. On [REDACTED] [REDACTED] 2023, the Department submitted a referral to their fraud unit to conduct an investigation to determine [REDACTED] and [REDACTED] home address. The investigation remains incomplete as of the hearing date. (Exhibit 6: Case Notes and Department Representative Testimony)
18. On [REDACTED] [REDACTED] 2023, the Court issued Orders of Protection for Case Number ending [REDACTED] ("[REDACTED]/23 OP - [REDACTED] on behalf of [REDACTED] and [REDACTED] against the Appellant removing the condition to stay away from the home of the protected person. The Terms and Conditions of Protection include:
- Surrender or transfer all firearms and ammunition.
 - Do not assault, threaten, abuse, harass, follow, interfere with, or stalk the protected person.
- Both [REDACTED] and [REDACTED] [REDACTED]/23 OP - [REDACTED] list their home address as the Appellant's home address.
- (Exhibit 5: Orders of Protection)
19. On [REDACTED] [REDACTED] 2023, the Appellant provided copies of the [REDACTED]/23 OP - [REDACTED] for [REDACTED] and [REDACTED] to the Department. (Exhibit 5: Orders of Protection and Exhibit 6: Case Notes)

20. 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 of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

2. Section 273.1 of the Code of Federal Regulations (“C.F.R.”) provides for the household concept.

“A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.” 7 C.F.R. § 273.1(a)(3)

Federal regulation provides as follows:

The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

7 C.F.R. § 273.1(b)(1)(ii)

The Department correctly determined children under age 22 living with a parent must be included in the parent’s SNAP household.

3. Federal regulation provides as follows:

For situations that are not clearly addressed by the provisions of [paragraphs \(a\)](#) and [\(b\)](#) of this section, the State agency may apply its own policy for determining when an individual is a separate household or a member of another household if the policy is applied fairly, equitably and consistently throughout the State.

7 C.F.R. § 273.1(c)

Connecticut's policy for when a member of one SNAP household moves to another SNAP household provides that the member is listed as "out of the household" on the active SNAP case and adds the member to the new active SNAP case. Connecticut SNAP Policy Manual, Relationships.

Court documents provide that [REDACTED] and [REDACTED] moved in and out of the Appellant's home and their Father's home, however based on the hearing record the specific dates cannot be determined and their current address is unclear.

4. Federal regulation provides as follows:

State agencies shall verify factors affecting the composition of a household, if questionable. Individuals who claim to be a separate household from those with whom they reside shall be responsible for proving that they are a separate household to the satisfaction of the State agency. Individuals who claim to be a separate household from those with whom they reside based on the various ages and disability factors for determining separateness shall be responsible for proving a claim of separateness (at the State agency's request) in accordance with the provision of § 273.2(f)(1)(viii).

7 C.F.R. § 273.2(f)(1)(x)

Federal regulation provides as follows:

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)

Federal regulation provides as follows:

During the certification period, the State agency might obtain unclear information about a household's circumstances from which the State agency cannot readily determine the effect on the household's continued eligibility for SNAP, or in certain cases benefit amounts. The State agency may receive such unclear information from a third party. Unclear

information is information that is not verified, or information that is verified but the State needs additional information to act on the change.

7 C.F.R. § 273.12(c)(3)

Connecticut's policy guidelines for the primary residence to transfer a joint custody situation provides that if the other parent applies for benefits and wants to claim the child as a member, the other parent must verify the child primarily resides with them. Examples of acceptable verification: Client statement if not questionable, collateral contact, lease agreement, medical records, rental agreement, school records, statement from landlord, Statement of shared living arrangement. Connecticut SNAP Policy Manual, Living Together and Examples.

5. Federal 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:

Whenever documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained, the State

agency may require a collateral contact or a home visit in accordance with [paragraph \(f\)\(4\)](#) of this section. The State agency, generally, shall rely on the household to provide the name of any collateral contact. The household may request assistance in designating a collateral contact. The State agency is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide an accurate third-party verification. When the collateral contact designated by the household is unacceptable, the State agency shall either designate another collateral contact, ask the household to designate another collateral contact or to provide an alternative form of verification, or substitute a home visit. The State agency is responsible for obtaining verification from acceptable collateral contacts.

7 C.F.R. § 273.2(f)(5)(ii)

Based on the hearing record, whether the Department correctly removed [REDACTED] and [REDACTED] from the Appellant's SNAP household effective [REDACTED] 2023 cannot be determined.

Although the Father provided the Department with a copy of [REDACTED] [REDACTED]/22 PO - [REDACTED] and [REDACTED] [REDACTED]/23 PO - [REDACTED] listing their address as the Father's home address, the Department failed to consider if the Orders were modified. [REDACTED] [REDACTED]/22 PO - [REDACTED] lists he resides at the Father's home address and stipulates the Appellant is to stay away from [REDACTED] residence. [REDACTED] [REDACTED]/23 PO - [REDACTED] lists he resides at the Father's home address and stipulates the Appellant is to stay away from [REDACTED] residence. In [REDACTED] 2023, the Court removed the condition which required the Appellant to stay away from [REDACTED] residence but still lists his address as the Father's home address and on [REDACTED] 2023, the Court removed the condition to stay away from both [REDACTED] and [REDACTED] residence listing their address as the Appellant's home address. School documentation along with [REDACTED] [REDACTED]/23 PO - [REDACTED] and [REDACTED] [REDACTED]/23 PO - [REDACTED] lists their address as the Appellant's home address. Additionally, [REDACTED] [REDACTED]/22 PO - [REDACTED] raises the question as to the actual date as 2022 or 2023 since [REDACTED] [REDACTED]/23 PO - [REDACTED] is exactly one year later.

On [REDACTED] 2023, the Department correctly initiated a referral to their fraud unit to determine the correct household composition for which [REDACTED] and [REDACTED] are a part of. Both the Appellant and the Father claim [REDACTED] and [REDACTED] reside with them. Federal regulation provides that state agencies shall verify factors affecting household composition if questionable and unclear information to determine the effect on household eligibility. When documentary evidence provided is insufficient to make a firm determination of which

household the children are members of, federal regulation allows the Department to obtain sufficient verification through collateral contacts or home visits to determine the correct household composition. Additionally, in a joint custody situation, Connecticut SNAP policy guidelines provides that if the other parent applies for benefits and wants to claim the child as a member, the other parent must verify the child primarily resides with them.

The Appellant's appeal is remanded back to the Department for further review.

DECISION

The Appellant's appeal is remanded back for further review by the Department.

ORDER

1. The Department must complete their investigation to determine both [REDACTED] and [REDACTED] primary home address.
2. The Department must comply with federal regulations and Department policy to determine the appropriate SNAP household the children must be included in beginning [REDACTED] 2023.
3. Compliance is due 14 days from the date of this decision.

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, FHL Supervisor RO #10
Tashima Bowe-Wilson, FHL RO #10

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.