

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

██████████, 2023
Signature Confirmation

Case ID # ██████████
Client ID # ██████████
Request # 221612

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued ██████████ (the “Appellant”) a notice stating that it was discontinuing his Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2023, because he resides in a boarding home facility that provides more than half his meals.

On ██████████, 2023, the Appellant requested an administrative hearing because he disagrees with the discontinuance of his 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 a telephonic administrative hearing. The following individuals participated in the hearing:

██████████, Appellant’s Authorized Representative
██████████, Authorized Representative’s Witness
Joan Counsell, Department’s Representative
Kristin Haggan, Fair Hearing Officer

The Appellant was not present at the hearing due to his admission to a treatment facility.

The hearing record was left open for the submission of additional evidence. On [REDACTED], 2023, the hearing record closed.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED], 2023, because he resides in a boarding home.

FINDINGS OF FACT

1. The Appellant was a recipient of SNAP benefits for a household of one person through [REDACTED] 2023. (*Department's Testimony, Hearing Summary, Exhibit 1: NOA*)
2. On [REDACTED] 2023, the Department received a W-1LTC application from the Appellant. The Appellant did not indicate on the form which program he was applying for. (*Exhibit 2: W-1LTC*)
3. On [REDACTED] 2023, the Department received a letter dated [REDACTED], 2023, from the Appellant's Authorized Representative ("AREP") stating that the Appellant is residing in [REDACTED], that he is not allowed to work while in the treatment center, and that he is required to purchase his own food. The AREP provided a discharge summary from the Appellant's previous facility, [REDACTED]. (*Exhibit 7: Letter from AREP, Exhibit 9: Discharge Summary*)
4. On [REDACTED], 2023, the Department received an Online Application ("ONAP") from the AREP requesting cash assistance for the Appellant. (*Exhibit 3: ONAP*)
5. On [REDACTED] 2023, the Department's Long Term Care worker processed the Appellant's applications and issued a W-1348LTC request for proof of his gross pension, [REDACTED] checking account statements for [REDACTED] 2021 through the present, and a W-265 form that must be completed by [REDACTED]. The verifications were due back by [REDACTED] 2023. The Department pended the Appellant's SNAP benefits for the months of [REDACTED] 2023 and [REDACTED] 2023, while his cash application was pending. (*Exhibit 4: W1348LTC*)
6. On [REDACTED], 2023, the Appellant submitted an unemployment notice from the Department of Labor as proof of his last day of work, [REDACTED] checking account statements for [REDACTED] and [REDACTED] 2023, and a conservatorship court document. (*Exhibit 10: Unemployment Notice, Exhibit 11: Court of Probate Document, Exhibit 12: Bank Statements*)
7. Clients who reside in boarding homes are not approved to receive SNAP benefits because they receive more than half of their daily meals at the facility. (*Department's Testimony*)

8. On [REDACTED], 2023, the Department updated the Appellant's case by coding [REDACTED] as a "boarding home" and issued him an NOA informing him that his SNAP benefits were being discontinued effective [REDACTED], 2023, because he is residing in a facility that is not approved for SNAP. (*Exhibit 1*)
9. On [REDACTED] 2023, the Department emailed the AREP stating that it had made an error by coding [REDACTED] as a boarding home. The Department clarified that [REDACTED] is not a boarding home. The Department provided a copy of the boarding home vendor ID list showing that [REDACTED] is not listed. The Department left the SNAP benefits in a closed status and sent the AREP a new SNAP application to be completed. (*Exhibit 12: Email from Department to AREP, Exhibit 16: Vendor ID List*)
10. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R") § 273.15 (c) (1) which provides that the agency shall issue a decision within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED], 2023. OLCRAH held an administrative hearing on [REDACTED], 2023. The hearing record was left open for one additional day, and closed on [REDACTED], 2023; therefore, this decision is due no later than [REDACTED], 2023. (*Hearing Record*)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes 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.

The Department has the authority to review the Appellant's SNAP benefits and determine whether he meets the program's eligibility requirements.

2. 7 C.F.R. § 273.1 (b)(3) provides for special household requirements and boarders.
 - (i) 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. In project areas without licensing requirements, a commercial boarding house is a commercial establishment that offers meals and lodging for compensation with the intent of making a profit.
 - (ii) All other individuals or groups of individuals paying a reasonable amount for meals or meals and lodging must be considered boarders and are not eligible to participate in the Program independently of the household providing the board. Such individuals or groups of individuals may participate, along with a spouse or children living with them, as members of the household providing the boarder

services, only at the request of the household providing the boarder services. An individual paying less than a reasonable amount for board must not be considered a boarder but must be considered, along with a spouse or children living with him or her, as a member of the household providing the board.

(A) For individuals whose board arrangement is for more than two meals per day, “reasonable compensation” must be an amount that equals or exceeds the maximum SNAP allotment for the appropriate size of the boarder household.

(B) For individuals whose board arrangement is for two meals or less per day, “reasonable compensation” must be an amount that equals or exceeds two-thirds of the maximum SNAP allotment for the appropriate size of the boarder household.

(iii) Boarders must not be considered to be residents of an institution as outlined in paragraph (b)(7)(vii) of this section.

The Department incorrectly determined that the Appellant is residing in a boarding home. [REDACTED] is not found on the Department’s list of boarding homes that are ineligible to receive SNAP benefits.

The Department incorrectly determined that the Appellant is ineligible to receive SNAP benefits because he is a resident of a boarding home that provides him with more than half his daily meals.

3. 7 C.F.R. § 273.2(a)(1) provides for entitlement. The State agency shall restore to households benefits which were lost whenever the loss was caused by an error by the State agency or by an administrative disqualification for intentional Program violation which was subsequently reversed as specified in paragraph (e) of this section, or if there is a statement elsewhere in the regulations specifically stating that the household is entitled to restoration of lost benefits. Furthermore, unless there is a statement elsewhere in the regulations that a household is entitled to lost benefits for a longer period, benefits shall be restored for not more than twelve months prior to whichever of the following occurred first:

(i) The date the State agency receives a request for restoration from a household; or

(ii) The date the State agency is notified or otherwise discovers that a loss to a household has occurred.

7 C.F.R. § 273.17(b) provides for errors discovered by the State agency. If the State agency determines that a loss of benefits has occurred, and the household is entitled to restoration of those benefits, the State agency shall automatically take action to restore any benefits that were lost. No action by the household is

necessary. However, benefits shall not be restored if the benefits were lost more than 12 months prior to the month the loss was discovered by the State agency in the normal course of business, or were lost more than 12 months prior to the month the State agency was notified in writing or orally of a possible loss to a specific household. The State agency shall notify the household of its entitlement, the amount of benefits to be restored, any offsetting that was done, the method of restoration, and the right to appeal through the fair hearing process if the household disagrees with any aspect of the proposed lost benefit restoration.

7 C.F.R. § 273.17(d)(iii) provides for computing the amount to be restored. If a household's benefits were erroneously terminated, the month the loss initially occurred shall be the first month benefits were not received as a result of the erroneous action.

The Department incorrectly left the Appellant's SNAP benefit in a closed status when it discovered it had erroneously discontinued the Appellant's benefit.

DISCUSSION

After the hearing, the Department confirmed that [REDACTED] is not considered a boarding home. The Department admitted that it had erroneously coded the Appellant's living situation as a boarding home which caused his SNAP benefit to close in error.

The Department requested that the Appellant complete a new SNAP application, however, because the SNAP benefit was closed due to the Department's error, the Appellant should not have to reapply. The Department should reinstate the Appellant's SNAP benefit effective the date that it was closed.

DECISION

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

ORDER

1. The Department is ordered to reinstate the Appellant's SNAP benefit effective [REDACTED] 2023.
2. Compliance with this order is due to the undersigned within 10 days from the date of this decision.

Kristin Haggan

Kristin Haggan
Fair Hearing Officer

CC: Annjerry Garcia, SSOM Bridgeport Regional Office
Robert Stewart, SSOM Bridgeport Regional Office
Jamel Hilliard, SSOM Bridgeport Regional Office
Joan Counsell, Fair Hearing Liaison, Bridgeport Regional Office
[REDACTED] Authorized Representative, [REDACTED]

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, law, and 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 the Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to the 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 if 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 her designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and 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.