

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

██████████
██████████
REQUEST# 222038

NOTICE OF DECISION

PARTY

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██████████
████████████████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the "Department") sent ██████████ ██████████ (the "Appellant"), a Notice of Action ("NOA") denying her application for Supplemental Nutrition Assistance Program ("SNAP") benefits because she did not meet program requirements.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the denial of 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
Christopher Filek, Department's Representative
Melissa Prisavage, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's application for SNAP benefits for being a resident of an institution that provides more than 50 percent of her meals.

FINDINGS OF FACT

1. The Appellant's household consists of one person. She is [REDACTED]-years-old [DOB [REDACTED]] and is disabled. (Appellant's Testimony)
2. The Appellant resides in a Residential Care Home, [REDACTED], which provides three meals per day to its residents. (Appellant's Testimony, Department's Testimony)
3. On [REDACTED], 2023, the Appellant completed an application for SNAP benefits in the office. The Department conducted an interview with the Appellant at the time of application. (Exhibit 4: W-1EDD, Exhibit 1: Case Notes)
4. On [REDACTED], 2023, the Department processed the Appellant's application for SNAP benefits and determined that she is not eligible for SNAP due to residing in a facility which provides meals to its residents. (Exhibit 1, Exhibit 2: NOA [REDACTED], 2023, Department's Testimony)
5. The Department determined that the [REDACTED] is not a facility approved for the receipt of SNAP benefits/participation in the SNAP. (Exhibit 6: List of Approved Facilities, Department's Testimony)
6. On [REDACTED], 2023, the Department issued a NOA to the Appellant denying her SNAP benefits for the following reason: "Gets more than half of meals at a facility not approved for SNAP." (Exhibit 2)
7. The issuance of this decision is timely under section 17b-61(a) of Connecticut General Statutes, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested and administrative hearing on [REDACTED] 2023. Therefore, this decision is due no later than [REDACTED] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Department of Social Services to administer the SNAP in accordance with Federal law.

The Department has the authority to review the Appellant's SNAP application and determine whether her household meets the program's eligibility requirements.

2. 7 C.F.R. § 273.2(e)(2) provides for interviews and states the State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

The Department correctly conducted an in-person interview with the Appellant.

3. 7 C.F.R. § 273.1(b)(7)(vi) provides for 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 individuals 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) Individuals who are disabled or blind and are residents of group living arrangements;

(D) Individual women or women with their children who are temporarily residing in a shelter for battered women and children; and

(E) Individuals who are residents of public or private nonprofit shelters for homeless persons.

4. 7 C.F.R. § 273.1(b)(3)(i) provides that 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.

The Department correctly determined that the Appellant is a resident of a facility that provides her with over 50 percent of three meals daily as part of the institution's regular services.

The Department correctly denied the Appellant's application for SNAP benefits as she resides in a facility that provides over 50 percent of three meals daily as part of the institution's regular services.

DISCUSSION

Although the Appellant has testified that she does not eat the meals that are provided by the facility, and she has expressed concerns about the quality of the food provided, there is no allowance for this in federal regulations. The Appellant has requested to be granted SNAP with an exemption from the eligibility guidelines for residents of facilities where more than 50 percent of three meals daily are provided. However, there is no allowance in federal regulations for such an exemption.

DECISION

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

Melissa Prisavage

**Melissa Prisavage
Fair Hearing Officer**

CC: Brian Sexton, DSS Operations Manager, Middletown Regional Office
Christopher Filek, Hearing Liaison, DSS, Middletown 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, 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.