

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

████████ 2023
Signature confirmation

Case: ██████████

Client: ██████████

Request: 223186

NOTICE OF DECISION

PARTY

████████
████████
████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued ██████████ (the “Appellant”) a *Notice of Action* denying her ██████████ 2023 Supplemental Nutrition Assistance Program (“SNAP”) application.

On ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the Appellant’s online request for an administrative hearing.

On ██████████ 2023, the OLCRAH scheduled the 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, and Section 273.15 (a) of Title 7 of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held a hearing by video- and teleconferencing. The following individuals participated:

████████, Appellant
Daphne Harris, Department Representative
Lauren Dowtin, Department Observer
Eva Tar, Hearing Officer

The hearing record closed ██████████ 2023.

STATEMENT OF ISSUE

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

FINDINGS OF FACT

1. The Appellant was born in 2001. (Appellant Exhibit C)
2. The Appellant's daughter was born in 2021. (Appellant Testimony) (Dept. Exhibit 6)
3. The Appellant's brother was born in 2005. (Appellant Exhibit A)
4. On [REDACTED] 2021, the [REDACTED] Court transferred guardianship and custody of the Appellant's brother to the Appellant. (Appellant Exhibit A)
5. The Appellant receives \$1,416.40 per month in Social Security benefits as her brother's representative payee. (Appellant Testimony) (Appellant Exhibit C)
6. The Appellant is a full-time student at [REDACTED]. (Dept. Exhibit 1)
7. On [REDACTED] 2023, the Appellant applied for SNAP benefits for the Appellant, the Appellant's daughter, and the Appellant's brother; on the SNAP application, the Appellant disclosed that she was living in a domestic violence shelter. (Dept. Exhibit 1)
8. At the time of the [REDACTED] 2023 SNAP application, the Appellant and her daughter were in temporary, three-month placement for domestic violence, as arranged by [REDACTED]. (Appellant Testimony)
9. The Appellant's brother did not stay with the Appellant and her daughter at the temporary, three-month placement; the Appellant's brother lived with his mother. (Appellant Testimony) (Dept. Exhibit 1)
10. The Department found the Appellant's household composition and living arrangements questionable based on a prior application. (Dept. Exhibit 1)
11. On [REDACTED], 2023, the Department issued a *Proofs We Need* to the Appellant, asking her to submit proof of educational aid meant for living expenses, school attendance, her current Connecticut residence, and the monthly income she receives from Social Security by [REDACTED] 2023. (Dept. Exhibit 3)
12. On [REDACTED] 2023, the Appellant again reported in a telephone call to the Department that she was living in a domestic violence shelter with her daughter. (Dept. Exhibit 1)
13. Prior to [REDACTED] 2023, the Appellant did not ask for an extension to the Department's deadline to submit proof of her educational aid meant for living expenses,

school attendance, her current Connecticut residence, and the monthly income she receives from Social Security or request help to attain the requested documents. (Dept. Exhibit 1)

14. On [REDACTED], 2023, the Department denied the Appellant's SNAP application. (Dept. Exhibit 5)
15. The Appellant and her daughter left the temporary, three-month placement a week before the [REDACTED] 2023 hearing. (Appellant Testimony)
16. On or around [REDACTED] 2023, the Appellant submitted some of the requested proofs to the Department. (Hearing record) (Appellant Exhibits A, B, and C)
17. Title 7, Section 273.15 (c)(1) of the Code of Federal Regulations ("C.F.R.") provides: "Within 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 online hearing request. This hearing decision would have become due by no later than [REDACTED] 2023. This decision is timely.

CONCLUSIONS OF LAW

1. The Department is the state agency for the administration of the SNAP pursuant to the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

The Department has the authority under State statute to administer the SNAP in Connecticut.

2. Title 7, Code of Federal Regulations ("C.F.R."), Section 273.1 (a) provides:
A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section:
(1) An individual living alone;
(2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or
(3) 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). (emphasis added)

Title 7, Code of Federal Regulations, Section 273.1 (b)(1) provides:

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.

- (i) Spouses;
- (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and

(iii) A child (other than a foster child) under 18 years of age *who lives with* and is under the parental control of a household member other than his or her parent....

7 C.F.R. § 273.1 (b)(1). (emphasis added)

The Appellant was not eligible to receive SNAP benefits for her brother for the SNAP service months in which the Appellant was living apart from her brother.

The Appellant's household was a SNAP household of two: the Appellant and her daughter.

3. Title 7, Code of Federal Regulations, Section 273.5 (a) provides:

An individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for one of the exemptions contained in paragraph (b) of this section. An individual is considered to be enrolled in an institution of higher education if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

7 C.F.R. § 273.5 (a).

Title 7, Code of Federal Regulations, Section 273.5 (b) provides student exemptions that permit students as defined in 7 C.F.R. § 273.5 (a) to participate in the SNAP.

“The income and resources of an ineligible student shall be handled as outlined in § 273.11 (d).” 7 C.F.R. § 273.5 (d).

Title 7, Code of Federal Regulations, Section 273.11 addresses action on households with special circumstances. Subsection (d) provides for the treatment of income and resources of other non-household members.

As a condition of eligibility to participate in the SNAP, the Appellant had to verify that she was a student who qualified for an 7 C.F.R. § 273.5 (B) exemption.

4. “The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information....” 7 C.F.R. § 273.2 (f)(5)(i).

“State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size....” 7 C.F.R. § 273.2 (f)(2)(i).

The Appellant has the primary responsibility to provide evidence to the Department to substantiate her statements as to educational aid meant for living expenses, school attendance or status, and where she and her daughter lived.

5. "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 correctly gave the Appellant at least 10 days to submit the requested proof, as memorialized by its [REDACTED] 2023 *Proofs We Need*.

The Department's denial of the Appellant's SNAP application arose from the Appellant's failure to provide proof of her statements to the Department by its [REDACTED] 2023 deadline.

The Department's [REDACTED] 2023 denial of the Appellant's [REDACTED] 2023 SNAP application is supported by Federal regulations governing the SNAP.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Daphne Harris, DSS-Stamford
Shahar Thadal, DSS-Stamford

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.