

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 # ██████████
Client ID # ██████████
Request # ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2023, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) informing her that her Supplemental Nutritional Assistance Program (“SNAP”) benefits had been discontinued effective ██████████, 2023, because she did not meet the SNAP program requirements for a student.

On ██████████, 2023, the Appellant requested an administrative hearing because she disagreed with the discontinuance of 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 4-184, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals were present at the hearing:

██████████, Appellant
Andrena Wilson, Department’s Representative
Joseph Davey, Administrative Hearing Officer

The hearing record was left open until [REDACTED], 2023, for the submission of additional information from the Appellant and the Department. All information was received on [REDACTED], 2023, and the record closed accordingly.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly discontinued the Appellant's SNAP benefits because she did not meet program requirements for a student.

FINDINGS OF FACT

1. On [REDACTED], 2023, the Appellant submitted a signed W-1ER "Notice of Renewal of Eligibility" ("W-1ER") to recertify her SNAP benefits for a household of one person. The Appellant's certification period for her SNAP benefits was [REDACTED], 2022, through [REDACTED], 2023. (Exhibit 3: Signed W-1ER received [REDACTED])
2. The Appellant is [REDACTED] years old [DOB: [REDACTED]] and is not disabled. (Appellant's Testimony)
3. The Appellant is a higher education student enrolled at [REDACTED] ([REDACTED]). (Appellant's testimony, Hearing Record)
4. The Appellant is registered for 12 credit hours at [REDACTED] for her upcoming semester which starts on [REDACTED], 2024. NVCC considers a student registered for 12 credit hours or more to constitute full-time enrollment. (Appellant's testimony)
5. The Appellant is participating in an unpaid internship at the [REDACTED] ([REDACTED]) for a total of (6) credit hours toward the completion of her degree at [REDACTED]. [REDACTED] is "a non-profit organization which receives funding through the federal government via Medicaid 1115 waiver and through state agencies including [REDACTED], [REDACTED] and [REDACTED] contracts." The Appellant will participate in the unpaid internship at [REDACTED] as a requirement for her degree and will intern an average of (20) hours per week for the duration of her upcoming semester. (Appellant's Exhibit A: School Information, Appellant's Exhibit C: Letter from [REDACTED] dated [REDACTED], Appellant's Testimony)
6. The Appellant is not employed and does not receive unemployment benefits, workman's compensation, or Social Security benefits. The Appellant does not have a physical or mental condition that prevents her from working. (Appellant's testimony)
7. The Appellant is not caring for a minor child or disabled individual. (Appellant's testimony)

8. The Appellant is not participating in an on-the-job training program and is not enrolled in a state or federally-financed work-study program. (Appellant's Exhibit C, Appellant's testimony)
9. The Appellant is not participating in a drug or alcohol treatment program. (Appellant's testimony)
10. The Appellant does not receive any cash assistance from the Department. (Appellant's testimony)
11. On [REDACTED], 2023, the Department reviewed the Appellant's W-1ER and determined that the Appellant was no longer eligible for SNAP benefits because she did not meet the SNAP program requirements for a student. The Department waived the renewal interview and closed the Appellant's SNAP benefits effective [REDACTED], 2023. (Exhibit 7: Case notes dated [REDACTED] - [REDACTED])
12. On [REDACTED], 2023, the Department issued the Appellant a NOA informing her that her SNAP benefits would be closed effective [REDACTED], 2023, because she did not meet the SNAP program requirements for a student. (Exhibit 5: NOA dated [REDACTED])
13. On [REDACTED], 2023, the Appellant requested an administrative hearing. (Hearing Record)
14. On [REDACTED], 2023, the Department reviewed the closure of the Appellant's SNAP benefits and determined that the SNAP interview should not have been waived and that verification of the Appellant's current enrollment status should have been requested. (Department's testimony, Hearing Record)
15. On [REDACTED], 2023, the Department issued a W-1348M Worker Generated Request for Proofs form ("W-1348M") requesting proof of enrollment at [REDACTED], a letter from the Appellant's boyfriend "that states how much money he gives you and how often", verification of participation in an outpatient drug or alcohol treatment program, verification of the inability to work due to a physical or mental condition, and completion of a telephone interview. (Exhibit 8: W-1348M dated [REDACTED])
16. On November 28, 2023, the Department conducted a SNAP interview with the Appellant via telephone. (Department's testimony)

17. On [REDACTED], 2023, the Department received the following verifications from the Appellant: a “letter from her boyfriend [REDACTED] that states the financial support to support her educational efforts of \$641 per month” and a “copy of her schedule showing Internship 6 credits and two classes of 3 credits each.” The Department determined that the Appellant remained ineligible for SNAP benefits because she did not meet the SNAP program requirements for a student. The Department did not issue a new NOA for this determination. (Exhibit 7, Appellant’s Exhibit A, Appellant’s Exhibit B: Letter from [REDACTED] dated [REDACTED], Department’s testimony)
18. The Appellant’s SNAP benefits remain closed as of the date of the administrative hearing. (Department’s testimony)
19. The issuance of this decision is timely under the Code of Federal Regulations (“C.F.R.”) 273.15 (c)(1) which provides in part that “[w]ithin [REDACTED] 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....” The Appellant requested an administrative hearing on [REDACTED], 2023. Therefore, this decision is due not later than [REDACTED], 2023. However, the hearing record, which had been anticipated to close on [REDACTED], 2023, did not close for the admission of evidence until [REDACTED], 2023, at the Appellant’s request. Because this (6) day delay in the close of the hearing record arose from the Appellant’s request, this final decision is not due until [REDACTED], 2023. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides the following: “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 administer the SNAP program in Connecticut.

2. 7 C.F.R. § 273.14(a) provides that no household may participate beyond the expiration of the certification period assigned in accordance with 273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14 (b)(iii) provides that to expedite the recertification process, State agencies are encouraged to send a recertification form, an interview appointment letter that allows for either in-person or telephone interviews, and a statement of needed verification required by 273.2(c)(5) with the Notice of expiration.

The Appellant submitted her SNAP renewal timely on [REDACTED], 2023, before the end of her certification period.

3. 7 C.F.R. § 273.1(a) provides the following: General household definition. 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.

The Department correctly determined the Appellant's SNAP household is composed of one member.

4. 7 C.F.R. § 271.2 defines an elderly or disabled member as a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.

The Department correctly determined that the Appellant is not a disabled household member.

5. 7 C.F.R. § 273.5(c) provides the enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term.

The Department correctly determined that the Appellant is currently enrolled in an institution of higher education.

6. 7 C.F.R. § 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(b) provides that to be eligible for the program, a student as defined in paragraph (a) of the section must meet at least one of the following criteria. (1) Be age 17 or younger or age 50 or older; (2) Be physically or mentally unfit; (3) Be receiving Temporary Assistance for Needy Families under Title IV of the Social Security Act; (4) Be enrolled as a result of participation in the Job Opportunities and Basic Skills program under Title IV of the Social Security Act or its successor program; (5) Be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours. The State agency may choose to determine compliance with this requirement by calculating whether the student worked an average of 20 hours per week over the period of a month, quarter, trimester or semester. State agencies may choose to exclude hours accrued during academic breaks that do not exceed one month. A State agency that chooses to average student work hours must specify this choice and specify the time period over which the work hours will be averaged in its State plan of operation; (6) Be participating in a State or federally financed work study program during the regular school year. (7) Be participating in an on-the-job training program. A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer (8) Be responsible for the care of a dependent household member under the age of 6; (9) Be responsible for the care of a dependent household member who has reached the age of 6 but is under age 12 when the State agency has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements of paragraph (b)(5) or (b)(6) of this section. (10) Be a single parent enrolled in an institution of higher education on a full-time basis (as determined by the institution) and be responsible for the care of a dependent child under age 12.

The Department correctly determined the Appellant is currently enrolled half-time or more in an institution of higher education.

The Department correctly determined that the Appellant is an ineligible student.

7. 7 C.F.R. § 273.14(b)(3) provides for recertification interviews. As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of § 273.2(e) also apply to interviews for recertification.

The Department failed to complete a SNAP recertification interview with the Appellant before [REDACTED], 2023, the end of her (12) month certification cycle.

8. 7 C.F.R. § 273.13(a) provides for notice of adverse action. Use of notice. Prior to any action to reduce or terminate a household's benefits within the certification period, the State agency shall, except as provided in paragraph (b) of this section, provide the household timely and adequate advance notice before the adverse action is taken. (1) The notice of adverse action shall be considered timely if the advance notice period conforms to that period of time defined by the State agency as an adequate notice period for its public assistance caseload, provided that the period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective. Also, if the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday, the State agency shall consider the request timely received.

The Department incorrectly issued a notice of adverse action to the Appellant on [REDACTED], 2023; before they had completed a SNAP renewal interview.

9. 7 C.F.R. § 273.14(a) provides that no household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

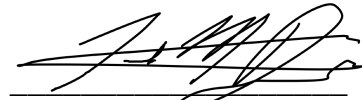
The Department correctly discontinued the Appellant's SNAP on [REDACTED], 2023, the end of her certification period, because she did not meet the SNAP program requirements for a higher education student.

DISCUSSION

Although the Department erred by discontinuing the Appellant's SNAP benefits without first completing a SNAP interview, ultimately the determination that the Appellant is ineligible due to her student status is correct because she does not meet any of the eligible student criteria as outlined in 7 C.F.R. § 273.5(b).

DECISION

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



Joseph Davey
Administrative Hearing Officer

CC: Andrena Wilson, Department Representative, New Haven Regional Office
Sarah Chmielecki, Operations Manager, New Haven Regional Office
Tim Latifi, Operations Manager, New Haven Regional Office
Ralph Filek, Operations Manager, New Haven 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.