

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

██████████ 2024  
Signature Confirmation

████████████████████  
████████████████████  
Request # 227481

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 2023, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”), a Special Mailing Notice (“SMN”) informing him that they will resume the Supplemental Nutritional Assistance Program (“SNAP”) Able-Bodied Adult Without Dependents (“ABAWD”) Time Limit Rules on ██████████ 2023 and that his SNAP benefits may decrease or end if he does not follow the rules.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department’s proposal to decrease or end his benefits.

On ██████████ ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling an administrative hearing for ██████████, 2023.

On ██████████, 2023, in accordance with sections 17b-60, 17-61 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  
Javier Rivera, Department’s Representative  
Carla Hardy, Hearing Officer

## **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's decision to notify the Appellant that they were resuming SNAP ABAWD rules and that his SNAP benefits may end was correct.

## **FINDINGS OF FACT**

1. The Appellant receives SNAP benefits for a household of one. (Hearing Record)
2. The Appellant is an Able-Bodied Adult without a Dependent ("ABAWD") and is subject to the SNAP time limit. (Hearing Record)
3. Beginning [REDACTED] 2023, ABAWDs are subject to the federal work requirements under the SNAP. ABAWD individuals may only receive SNAP benefits for up to three months within a 36-month period without meeting the work requirements. (Exhibit 3: SMN, [REDACTED]/23, Hearing Record)
4. The Appellant is not exempt from the SNAP work requirements. (Department Representative's Testimony)
5. The Appellant resides in [REDACTED] Connecticut. (Appellant's Testimony)
6. The Appellant does not receive and has not applied for Social Security disability benefits. (Appellant's Testimony)
7. The Appellant has not provided the Department with documentation indicating he is mentally or physically unable to work. (Appellant's Testimony)
8. The Appellant is [REDACTED] years old (DOB [REDACTED] 86). (Appellant's Testimony)
9. On [REDACTED] 2023, the Department issued a notice to the Appellant informing him that they were resuming the SNAP ABAWD Time Limit Rules on [REDACTED] 2023 and that his benefits may decrease or end if he does not follow the rules. (Exhibit 3: SMN, [REDACTED]/23)
10. The issuance of this decision is timely under the Code of Federal Regulations ("C.F.R.") § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a hearing. The Appellant requested an administrative hearing on [REDACTED] 2023. Therefore, this decision is due no later than [REDACTED] [REDACTED] 2024. (Hearing Record)

### CONCLUSIONS OF LAW

1. Connecticut General Statute § 17b-2(7) 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.
2. Title 7 of the Code of Federal Regulations (“C.F.R.”) Section 273.24(b) provides that individuals are not eligible to participate in the SNAP as a member of any household if the individual received SNAP for more than three countable months during any three-year period, except that individual may be eligible for up to three additional countable months in accordance with paragraph (e) of this section.

Title 7 C.F.R. § 273.24(b)(1) provides that countable months are months during which an individual receives SNAP for the full benefit month while not:

- i. Exempt under paragraph (c) of this section;
  - ii. Covered by a waiver under paragraph (f) of this section;
  - iii. Fulfilling the work requirement as defined in paragraph (a)(1) of this section; or receiving benefits that are prorated in accordance with § 273.10.
3. Title 7 C.F.R. § 273.24(b)(3) provides that the State agency may measure and track the three-year period as it deems appropriate. The State agency may use either a “fixed” or “rolling” clock. If the State agency chooses to switch tracking methods it must inform FNS in writing. With respect to a State, the three-year period:
    - i. Shall be measured and tracked consistently so that individuals who are similarly situated are treated the same; and
    - ii. Shall not include any period before the earlier of November 22, 1996, or the date the State notified SNAP recipients of the application of Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193).

**The Department correctly determined that the Appellant’s first countable month began [REDACTED] 2023.**

4. Title 7 C.F.R. § 273.24(c) provides that the time limit does not apply to an individual if he or she is:
  1. Under 18 or 50 years of age or older;

2. Determined by the state agency to be medically certified as physically or mentally unfit for employment. An individual is medically certified as physically or mentally unfit for employment if he or she:
    - i. Is receiving temporary or permanent disability benefits issued by governmental or private sources;
    - ii. Is obviously mentally or physically unfit for employment as determined by the State agency; or
    - iii. If the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the State agency determines appropriate, that he or she is physically or mentally unfit for employment.
  3. Is a parent (natural, adoptive or step) of a household member under age 18, even if the household member who is under 18 is not himself eligible for SNAP benefits;
  4. Is residing in a household where a household member is under age 18, even if the household member who is under 18 is not himself eligible for SNAP benefits;
  5. If otherwise exempt from work requirements under section 6(d)(2) of the Food and Nutrition Act of 2008, as implemented in regulations at 273.7(b); or
  6. Is pregnant.
5. The Fiscal Responsibility Act of 2023 ("FRA") modified the ABAWD time limit exceptions at section 6(o)(3) of the Food and Nutrition Act of 2008 (FNA). The FRA added the following new exceptions and changes the age-based exceptions from the ABAWD work requirements.
- (I) For fiscal year 2023, the time limit does not apply to an individual over 51 years of age;
  - (II) A homeless individual;
  - (III) A veteran; or
  - (IV) An individual who is 24 years of age or younger and who was in foster care under the responsibility of a State on the date of attaining 18 years of age or such higher age as the State has elected under section 475(8)(B)(iii)
6. Title 7 C.F.R. § 273.7(b)(1) provides that the following persons are exempt from SNAP work requirements:
- i. A person younger than 16 years of age or a person 60 years of age or older. A person age 16 or 17 who is not the head of a household or who is attending school, or is enrolled in an employment training program, on at least a half-time basis, is also exempt. If the person turns 16 (or 18 under the preceding sentence) during a certification period, the State agency must register the person as part of the

- next scheduled recertification process, unless the person qualifies for another exemption.
- ii. A person physically or mentally unfit for employment. For the purposes of this paragraph (b), a State agency will define physical and mental fitness; establish procedures for verifying; and will verify claimed physical or mental unfitness when necessary. However, the State agency must not use a definition, procedure for verification, or verification that is less restrictive on food stamp recipients than a comparable meaning, procedure, or determination under the State agency's program funded under title IV-A of the Social Security Act.
  - iii. A person subject to and complying with any work requirement under title IV of the Social Security Act. If the exemption claimed is questionable, the State agency is responsible for verifying the exemption.
  - iv. A parent or other household member responsible for the care of a dependent child under 6 or an incapacitated person. If the child has his or her 6th birthday during a certification period, the State agency must work register the individual responsible for the care of the child as part of the next scheduled recertification process, unless the individual qualifies for another exemption.
  - v. A person receiving unemployment compensation. A person who has applied for, but is not yet receiving, unemployment compensation is also exempt if that person is complying with work requirements that are part of the Federal-State unemployment compensation application process. If the exemption claimed is questionable, the State agency is responsible for verifying the exemption with the appropriate office of the State employment services agency.
  - vi. A regular participant in a drug addiction or alcoholic treatment and rehabilitation program.
  - vii. An employed or self-employed person working a minimum of 30 hours weekly or earning weekly wages at least equal to the Federal minimum wage multiplied by 30 hours. This includes migrant and seasonal farm workers under contract or similar agreement with an employer or crew chief to begin employment within 30 days (although this will not prevent individuals from seeking additional services from the State employment services agency). For work registration purposes, a person residing in areas of Alaska designated in §274.10(a)(4)(iv) of this chapter, who subsistence hunts and/or fishes a minimum of 30 hours weekly (averaged over the certification period) is considered exempt as self-employed. An employed or self-employed person who voluntarily and without good cause reduces his or her work effort and, after the reduction, is working less than 30 hours per week, is ineligible to participate in the Food Stamp Program under paragraph (j) of this section.

- viii. A student enrolled at least half-time in any recognized school, training program, or institution of higher education. Students enrolled at least half-time in an institution of higher education must meet the student eligibility requirements listed in §273.5. A student will remain exempt during normal periods of class attendance, vacation, and recess. If the student graduates, enrolls less than half-time, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer), the State agency must work register the individual, unless the individual qualifies for another exemption.
7. Title 7 C.F.R. § 273.24(f) provides that on the request of a State agency, FNS may waive the time limit for a group of individuals in the State if we determine that the area in which the individuals reside:
    - i. Has an unemployment rate of over 10 percent; or
    - ii. Does not have a sufficient number of jobs to provide employment for the individuals.
  8. Title 7 C.F.R. § 273.24(a)(1) provides that fulfilling the work requirement means:
    - i. Working 20 hours per week, average monthly; for purpose of this provision, 20 hours a week average monthly means 80 hours a month;
    - ii. Participating in and complying with the requirements of a work program 20 hours per week, as determined by the State agency;
    - iii. Any combination of working and participating in a work program for a total of 20 hours per week, as determined by the State agency; or
    - iv. Participating in and complying with a workfare program.
  9. Title 7 C.F.R. § 273.24(a)(2) provides that working means:
    - i. Work in exchange for money;
    - ii. Work in exchange for goods or services (“in kind” work); or
    - iii. Unpaid work, verified under standards established by the State agency.
    - iv. Any combination of paragraphs (a)(2)(i), (a)(2)(ii) and (a)(2)(iii) of this section.

Title 7 C.F.R. § 273.24(a)(3) provides that work program means:

- i. A program under title 1 of the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128);
- ii. A program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296);

- iii. An employment and training program operated or supervised by a State or political subdivision of a State agency that meets standards approved by the Chief Executive Office, including a SNAP E&T program under Governor of the State, including a program under § 273.7(e) excluding any job search, supervised job search, or job search training program...
- iv. A program of employment and training for veterans operated by the Department of Labor or the Department of Veterans Affairs. For the purpose of this paragraph, any employment and training program of the Department of Labor or Veterans Affairs that serves veterans shall be an approved work program; or
- v. A workforce partnership under § 273.7(n)

**The Department correctly determined the Appellant is not exempt from the SNAP work requirement.**

**The Department correctly determined the Appellant does not meet the SNAP work requirement.**

**The Department correctly determined the Appellant is not exempt from the SNAP time limit.**

**On [REDACTED] 2023, the Department correctly issued a Special Mailing Notice informing the Appellant that the Department resumed the SNAP ABAWD Time Limit Rules on [REDACTED] 2023, and that his benefits may decrease or end.**

### **DISCUSSION**

The SMN issued by the Department on [REDACTED] 2023, informed the Appellant that ABAWD Time Limit Rules resumed on [REDACTED] 2023. The notice also informed the Appellant that he may not have to follow those rules if he met certain criteria. The Appellant testified that he is not mentally fit for work and has an appointment scheduled with a medical provider. As of the date of this hearing, the Appellant has not provided any documentation regarding his inability to work to the Department.

**DECISION**

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

Carla Hardy  
Carla Hardy  
Hearing Officer

PC: Angelica Branfalt, Operations Manager, Manchester, Nawaz Shaikh, Fair Hearing Supervisor, Manchester, Javier Rivera, Fair Hearing Liaison, Manchester

### **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.