

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

[REDACTED] 2024  
Signature confirmation

Case: [REDACTED]  
Client: [REDACTED]  
Request: 229089

**NOTICE OF DECISION**

**PARTY**

[REDACTED]  
[REDACTED]  
[REDACTED]

**PROCEDURAL BACKGROUND**

On [REDACTED], 2023, [REDACTED] (the "Appellant") filed a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") as to the Department of Social Services' (the "Department") determination of the effective date of his Supplemental Nutrition Assistance Program ("SNAP") benefits.

On [REDACTED] 2023, the OLCRAH scheduled the administrative hearing for [REDACTED] 2024. The OLCRAH granted the Appellant's request for a postponement.

On [REDACTED] 2024, 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 an administrative hearing by telephone conference. The following individuals participated:

[REDACTED], Appellant  
Ryan Kennedy, Department Representative  
Eva Tar, Hearing Officer

The hearing record closed [REDACTED] 2024.

## STATEMENT OF ISSUE

The issue is whether the Department correctly determined the effective date of the SNAP grant of the Appellant's household.

## FINDINGS OF FACT

1. The Appellant (age [REDACTED], his wife (age [REDACTED], and their three minor children—ages [REDACTED], and [REDACTED] years—live in [REDACTED], Connecticut. (Appellant Testimony)
2. On [REDACTED] 2023, the Appellant, his wife, and the couple's three children entered the United States with the legal immigration status of Lawful Permanent Resident(s). (Exhibit 1)
3. The Appellant, his wife, and their three children are not sponsored aliens. (Exhibit 1)
4. On [REDACTED], 2023, the Department received the Appellant's online SNAP application. (Exhibit 2)
5. On [REDACTED], 2023, the Department granted the Appellant a total of \$1,062.00 in expedited SNAP benefits for the service months of [REDACTED] 2023 (\$296.00) and [REDACTED] 2023 (\$766.00) for a household of three. (Department Representative Testimony) (Exhibits 6 and 9)
6. The maximum SNAP benefit for a household of three with no income is \$766.00 per month. (Department Representative Testimony)
7. The Department did not grant SNAP benefits for the Appellant and his wife as the couple had not resided in the United States for five years. (Department Representative Testimony)
8. On [REDACTED] 2023, the Department issued a *Proofs We Need* to the Appellant requesting proof by [REDACTED] 2023 that the Appellant, his wife, and the couple's three children had applied for Social Security numbers. The *Proofs We Need* cautioned the Appellant that if he did not send the Department the requested proof timely, his application may be delayed or denied [REDACTED] 2023. (Exhibit 3)
9. There is a Social Security Administration office in [REDACTED], Connecticut.
10. [REDACTED] is a resettlement agency that works in the [REDACTED] area. (Department Representative Testimony)
11. The Appellant telephoned [REDACTED] for transportation to the Social Security Administration office; an [REDACTED] employee told the Appellant that [REDACTED] was not a taxi service. (Appellant Testimony)
12. On [REDACTED], 2023, the Appellant in person submitted his personal Social Security number to the Department. The Appellant did not submit proof that the Appellant had applied for Social Security numbers for his wife and the couple's three children. (Exhibit 1)

13. On [REDACTED] 2023, the Department issued a second *Proofs We Need* to the Appellant requesting the submission of proof that the Appellant's wife and the couple's three children had applied for Social Security numbers by [REDACTED] 2023. The *Proofs We Need* cautioned the Appellant that if he did not send the Department the requested proof timely, his benefits may be delayed or denied [REDACTED] 2023. (Exhibit 3)
14. On [REDACTED], 2023, the Department received a copy of the Appellant's personal Social Security card. The Department did not receive proof that the Appellant's wife and the couple's three children had applied for Social Security numbers. (Exhibit 5)
15. Neither the Appellant nor his wife are employed. (Appellant Testimony)
16. The Appellant's wife has medical issues and gave birth to the couple's fourth child in [REDACTED] 2024. (Appellant Testimony)
17. On [REDACTED] 2023, the Department issued a *Notice of Action* to the Appellant denying SNAP benefits for [REDACTED] 2023. (Exhibit 6)
18. On [REDACTED] 2023, the Appellant applied for Social Security numbers for his wife and the couple's three children. (Exhibit 7)
19. On [REDACTED] 2023, the Department received proof of the Appellant's [REDACTED] 2023 application for Social Security numbers for his wife and the couple's three children. (Exhibit 7)
20. On [REDACTED], 2023, the Department rescreened the Appellant's SNAP application as of [REDACTED] 2023. (Department Representative Testimony) (Exhibits 1 and 8)
21. On [REDACTED], 2023, the Department issued the Appellant a *Notice of Action* that his household's application for SNAP benefits had been granted. (Exhibit 8)
22. On [REDACTED], 2023, the Department issued \$357.00 in SNAP benefits to the Appellant's SNAP household of three with an effective date of [REDACTED] 2023. (Department Representative Testimony) (Exhibit 9)
23. On [REDACTED] 2023, the Department issued \$730.00 in SNAP benefits to the Appellant's SNAP household of three. The amount of the SNAP grant is based in part on the Appellant's recent receipt of \$1,177.00 per month in Temporary Family Assistance ("TFA") benefits for a TFA household of five. (Department Representative Testimony) (Exhibit 9)
24. On [REDACTED] 2023, the Appellant filed his online request for an administrative hearing. (Hearing record)
25. On [REDACTED] 2024, the Appellant's wife gave birth to the couple's fourth child. (Appellant Testimony)

26. 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 hearing request. The Appellant received a 25-day postponement of his hearing, which extended the deadline for issuing this decision by the same number of days. This hearing decision would have become due by no later than [REDACTED] 2024. This final 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, Section 273.4 of the Code of Federal Regulations (“C.F.R.”) addresses the SNAP requirement associated with citizenship and alien status.

**“Household members meeting citizenship or alien status requirements.** No person is eligible to participate in the Program unless that person is: (1) ...; (2) ...; (3) ...; (4) ...; (5) ...; (6) An individual who *is both a qualified alien* as defined in paragraph (a)(6)(i) of this section *and an eligible alien* as defined in paragraph (a)(6)(ii) or (a)(6)(iii) of this section.” 7 C.F.R. § 273.4 (a)(6).

**As part of the conditions for participation in the SNAP, the Appellant, his wife, and the couple’s three children individually were required to be both “qualified aliens” and “eligible aliens” in accordance with 7 C.F.R. § 273.4.**

3. “A qualified alien is: (A) An alien who is lawfully admitted for permanent residence under the INA [Immigration and Naturalization Act]; ....” 7 C.F.R. § 273.4 (a)(6)(i)(A).

Title 7, Section 273.4 (a)(6)(iii)(A) of the Code of Federal Regulations provides:

The following qualified aliens, as defined in paragraph (a)(6)(i) of this section, must be in a qualified status for 5 years before being eligible to receive SNAP benefits. The 5 years in qualified status may be either consecutive or nonconsecutive. Temporary absences of less than 6 months from the United States with no intention of abandoning U.S. residency do not terminate or interrupt the individual's period of U.S. residency. If the resident is absent for more than 6 months, the agency shall presume that U.S. residency was interrupted unless the alien presents evidence of his or her intent to resume U.S. residency. In determining whether an alien with an interrupted period of U.S. residency has resided in the United States for 5 years,

the agency shall consider all months of residency in the United States, including any months of residency before the interruption:

(A) An alien age 18 or older lawfully admitted for permanent residence under the INA.

7 C.F.R. § 273.4 (a)(6)(iii)(A).

**The Appellant and his wife were not qualified aliens “in qualified status for five years” as required at 7 C.F.R. § 273.4 (a)(6)(iii)(A).**

**For the purposes of the SNAP, the Appellant and his wife are ineligible aliens and cannot receive SNAP benefits.**

4. “A qualified alien, as defined in paragraph (a)(6)(i) of this section, is eligible to receive SNAP benefits and is not subject to the requirement to be in qualified status for 5 years as set forth in paragraph (a)(6)(iii) of this section, if such individual meets at least one of the criteria of this paragraph (a)(6)(ii): ... (J) An individual who is under 18 years of age.”  
7 C.F.R. § 273.4(a)(6)(ii)(J).

**The couple’s three children are exempt from the requirement of being “in qualified status for five years” as the minor children are less than 18 years old.**

**For the purposes of the SNAP, the Appellant’s three children are eligible aliens who may receive SNAP benefits should they meet all other eligibility requirements.**

5. Title 7, Section 273.6 (f) of the Code of Federal Regulations (“C.F.R.”) provides: “The State agency is authorized to use SSNs [Social Security numbers] in the administration of SNAP. To the extent determined necessary by the Secretary and the Secretary of Health and Human Services, State agencies shall have access to information regarding individual SNAP applicants and participants who receive benefits under title XVI of the Social Security Act to determine such a household's eligibility to receive assistance and the amount of assistance, or to verify information related to the benefit of these households....”

Title 7, Section 273.6 (a) of the Code of Federal Regulations provides that as a condition of participation, “[t]he State agency shall require that a household participating or applying for participation in SNAP provide the State agency with the social security number (SSN) of each household member or apply for one before certification. ... The State agency shall explain to applicants and participants that refusal or failure without good cause to provide an SSN will result in disqualification of the individual for whom an SSN is not obtained.”

Title 7, Section 273.6 (b)(2) of the Code of Federal Regulations provides:

For those individuals who do not have an SSN, the State agency shall:

(i) ...

(ii) If no enumeration agreement exists, an individual must apply at the SSA [Social Security Administration], and the State agency shall arrange with SSA to be notified directly of the SSN when it is issued. The State agency shall inform the

household where to apply and what information will be needed, including any which may be needed for SSA to notify the State agency of the SSN. The State agency shall advise the household member that proof of application from SSA will be required prior to certification. SSA normally uses the Receipt of Application for a Social Security Number, Form SSA-5028, as evidence that an individual has applied for an SSN. State agencies may also use their own documents for this purpose.

7 C.F.R. § 273.6 (b)(2).

**As a condition of participation in the SNAP, the Appellant and/or his wife was required to apply for Social Security numbers for the Appellant's wife and their three children.**

**The Department correctly advised the Appellant that proof of application for the household members' Social Security numbers was a condition of SNAP eligibility.**

6. Title 7, Code of Federal Regulations, Section 273.6 (d) provides:

***Determining good cause.*** In determining if good cause exists for failure to comply with the requirement to apply for or provide the State agency with an SSN, the State agency shall consider information from the household member, SSA and the State agency (especially if the State agency was designated to send the SS-5 to SSA and either did not process the SS-5 or did not process it in a timely manner). Documentary evidence or collateral information that the household member has applied for an SSN or made every effort to supply SSA with the necessary information to complete an application for an SSN shall be considered good cause for not complying timely with this requirement. *Good cause does not include delays due to illness, lack of transportation or temporary absences, because SSA makes provisions for mail-in applications in lieu of applying in person....*

7 C.F.R. § 273.6 (d). (emphasis added)

**In accordance with 7 C.F.R. § 273.6 (d), the medical issues of the Appellant's wife did not rise to the level of good cause for the Appellant's failure to apply for Social Security numbers for his wife and the couple's three children from [REDACTED] 2023 through [REDACTED], 2023.**

**In accordance with 7 C.F.R. § 273.6 (d), the Appellant's lack of transportation to the local Social Security Administration office did not rise to the level of good cause for the Appellant's failure to apply for Social Security numbers for his wife and the couple's three children from [REDACTED] 2023 through [REDACTED], 2023.**

7. "If the State agency determines that a household member has refused or failed without good cause to provide or apply for an SSN, then that individual shall be ineligible to participate in SNAP. The disqualification applies to the individual for whom the SSN is not provided and not to the entire household. The earned or unearned income and resources of an individual disqualified from the household for failure to comply with this requirement

shall be counted as household income and resources to the extent specified in § 273.11(c) of these regulations.” 7 C.F.R. § 273.6 (c).

**“Ending disqualification.** The household member(s) disqualified may become eligible upon providing the State agency with an SSN.” 7 C.F.R. § 273.6 (e).

**The Appellant’s failure to apply for Social Security numbers for his wife and the couple’s three children without good cause subjected his three children to disqualification from participating in the SNAP until [REDACTED] 2023, the date that the Appellant provided verification to the Department that he had applied for Social Security numbers for his wife and their three children.**

**The Department correctly determined the effective date of the SNAP grant for the Appellant’s three children as [REDACTED], 2023.**

### DISCUSSION

At the [REDACTED] 2024 hearing, the Appellant alleged that his household did not receive SNAP benefits for [REDACTED] 2023 and [REDACTED] 2023. The hearing record does not support the Appellant’s claim.

On [REDACTED], 2023, the Department granted the Appellant on behalf of his three children a total of \$1,062.00 in expedited SNAP benefits, or \$296.00 for the partial-service month of [REDACTED] 2023 and \$766.00 for the full-service month of [REDACTED] 2023. The \$296.00 grant for the partial-service month of September 2023 incorporates the eligibility period from [REDACTED], 2023 through [REDACTED] 2023, based on the Appellant’s [REDACTED] 2023 application date; \$766.00 is the maximum grant per month for a household of three with no income.

The Appellant and his wife are ineligible to receive SNAP benefits for themselves as the couple, who had entered the United States on [REDACTED], 2023 with the immigration status of Lawful Permanent Residents, had not lived in the United States for five years prior to applying to for SNAP benefits. As minors, the couple’s children are exempt from the five-year residency requirement.

Although the Department advised the Appellant multiple times during the pendency of his SNAP application to apply for Social Security numbers for his wife and the couple’s three children, the Appellant did not do so until [REDACTED], 2023.

At the hearing, the Appellant argued that he had good cause for failing to apply for his household members’ Social Security numbers until [REDACTED] 2023 as his wife had medical issues and as the Appellant lacked transportation to the local Social Security Administration office. The Appellant’s argument is unavailing. Title 7, Code of Federal Regulations, Section 273.6 (d) specifically identifies illness and lack of transportation as not rising to the level of good cause for an applicant’s failure to apply for a Social Security number for his household members.

Title 7, Code of Federal Regulations, Section 273.6 (c) provides: “If the State agency determines that a household member has refused or failed without good cause to provide or apply for an SSN [Social Security Number], then that individual shall be ineligible to participate in SNAP....” Subsection (e) of the same citation provides the disqualified household members “may become eligible upon providing the State agency with an SSN.”

On [REDACTED] 2023, the Department correctly granted the Appellant’s SNAP household of three—i.e., the three minor children—benefits effective [REDACTED] 2023, the date that the Department received proof of the Appellant’s having filed applications for Social Security numbers for his wife and their three children.

**DECISION**

The Appellant’s appeal is DENIED.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

cc: Ryan Kennedy, DSS-Middletown  
Brian Sexton, DSS-Middletown



### **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 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 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 his 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.