

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

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Request # 231016

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2024, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying benefits under the Supplemental Nutritional Assistance Program (“SNAP”).

On ██████████ 2024, ██████████, (the “authorized representative”) the Appellant’s authorized representative requested an administrative hearing to contest the Department’s decision to deny the SNAP.

On ██████████ 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2024.

On ██████████ 2024, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing telephonically. The following individuals participated in the hearing:

████████████████████████████████████████, Appellant
████████████████████████████████████████, Appellant’s Spouse

██████████, Appellant's Authorized Representative, and Appellant's daughter
Selena Edwards, Department's Representative
Carla Hardy, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department's decision to deny the Appellant's SNAP application was correct.

FINDINGS OF FACT

1. On ██████████ 2024, the Appellant applied for SNAP benefits for a household of two that included the Appellant and his spouse, ██████████. (Exhibit 1: Online Application, ██████24)
2. The Appellant is 77 years old (DOB ██████/1946). His spouse is 76 years old (DOB ██████1947). (Exhibit 1, Authorized Representative's Testimony)
3. The Appellant and his spouse were born in ██████████ They are not United States Citizens. (Exhibit 1)
4. The Department uses the SAVES system to verify immigration status. (Exhibit 6: Case Notes)
5. On ██████████ 2024, the Department initiated a SAVES query for the Appellant and his spouse. (Exhibit 6)
6. The Appellant and his spouse are Lawful Permanent Residents ("LPRs"). They received this designation on ██████████ 2023. (Exhibit 4: SAVES Query for the Appellant, Exhibit 5: SAVES Query for the Spouse)
7. On ██████████ 2024, the Department initiated a query to search for work quarters. The query verified that the Appellant and his spouse have zero work quarters. (Exhibit 7: Employment History-40 Quarters Info Search, Exhibit 6)
8. On ██████████ 2024, the Department sent the Appellant an NOA denying the Appellant's application for SNAP benefits. The notice stated that there are no eligible household members for this program and that they do not meet the requirements to qualify as an eligible non-citizen. (Exhibit 2: NOA, ██████24)
9. The issuance of this decision is timely under Title 7 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 fair hearing. The Appellant requested an administrative hearing on ██████████ 2024; therefore, this decision is due no later than ██████████ 2024. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.

The Department has the authority to administer the SNAP program.

2. Title 7 of the Code of Federal Regulations (“C.F.R.”) section 273.2(c)(5) provides that the State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency’s responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d) (1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in § 272.4 (b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period to time the documents should cover.

Title 7 C.F.R. § 273.2(f) provides for verification, and states that 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.

The Department correctly queried the SAVES system to verify the Appellant’s and his spouse’s alien status.

3. Title 7 C.F.R. § 273.2(f)(1)(ii) provides for mandatory verification of alien eligibility. The State agency shall verify the eligible status of all aliens applying for SNAP benefits by using an immigration status verification system established under section 1137 of the Social Security Act (42 U.S.C. 1320b-7). FNS may require State agencies to provide written confirmation from USCIS that the system used by the State is an immigration status verification system established under section 1137 of the Social Security Act.

Title 7 C.F.R. § 273.2(f)(10) *Mandatory use of SAVE*. Households are required to submit documentation for each alien applying for SNAP benefits in order for the State agency to verify their immigration statuses. State agencies shall verify the validity of such documents through an immigration status verification system established under section 1137 of the Social Security Act (42 U.S.C. 1320b-7) in accordance with §272.11 of this chapter. USCIS maintains the SAVE system to conduct this verification.

The Department correctly reviewed the SAVES system to verify the Appellant’s and his spouse’s immigration status.

4. Title 7 C.F.R. § 273.4(a) provides for citizenship requirements and alien qualifications and states no person is eligible to participate in the Program unless that person is:
- (1) A U.S. Citizen
 - (2) A U.S. non-citizen national
 - (3) An individual who is:
 - (i) An American Indian born in Canada who possesses at least 50 per centum of blood of the American Indian race to whom the provisions of section 289 of the Immigration and Nationality Act (INA) (8 U.S.C. 1359) apply; or
 - (ii) A member of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians;
 - (4) An individual who is:
 - (i) Lawfully residing in the U.S. and was a member of a Hmong or Highland Laotian tribe at the time that the tribe rendered assistance to U.S. personnel by taking part in a military or rescue operation during the Vietnam era beginning August 5, 1964, and ending May 7, 1975;
 - (ii) The spouse, or surviving spouse of such Hmong or Highland Laotian who is deceased, or
 - (iii) An unmarried dependent child of such Hmong or Highland Laotian who is under the age of 18 or if a full-time student under the age of 22; an unmarried child under the age of 18 or if a full time student under the age of 22 of such a deceased Hmong or Highland Laotian provided the child was dependent upon him or her at the time of his or her death; or an unmarried disabled child age 18 or older if the child was disabled and dependent on the person prior to the child's 18th birthday. For purposes of this paragraph (a)(4)(iii), child means the legally adopted or biological child of the person described in paragraph (a)(4)(i) of this section, or
 - (5) An individual who is:
 - (i) An alien who has been subjected to a severe form of trafficking in persons and who is certified by the Department of Health and Human Services, to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the INA; or
 - (ii) An alien who has been subjected to a severe form of trafficking in persons and who is under the age of 18, to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the INA;
 - (iii) The spouse, child, parent or unmarried minor sibling of a victim of a severe form of trafficking in persons under 21 years of age, and who has received a derivative T visa, to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the INA; or
 - (iv) The spouse or child of a victim of a severe form of trafficking in persons 21 years of age or older, and who has received a derivative T visa, to the same extent as an alien who is admitted to the United States as a refugee under Section 207 of the INA; or

- (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.
- (i) A qualified alien is:
- (A) An alien who is lawfully admitted for permanent residence under the INA;
 - (B) An alien who is granted asylum under section 208 of the INA;
 - (C) A refugee who is admitted to the United States under section 207 of the INA;
 - (D) An alien who is paroled into the U.S. under section 212(d)(5) of the INA for a period of at least 1 year;
 - (E) An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA;
 - (F) An alien who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980;
 - (G) An alien who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the alien at the time of the abuse, an alien whose child has been battered or subjected to battery or cruelty, or an alien child whose parent has been battered;^[2] or
 - (H) An alien who is a Cuban or Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980.
- (ii) 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 one of the criteria at of this paragraph (a)(6)(ii):
- (A) An alien age 18 or older lawfully admitted for permanent residence under the INA who has 40 qualifying quarters as determined under Title II of the SSA, including qualifying quarters of work not covered by Title II of the SSA, based on the sum of: quarters the alien worked; quarters credited from the work of a parent of the alien before the alien became 18 (including quarters worked before the alien was born or adopted); and quarters credited from the work of a spouse of the alien during their marriage if they are still married or the spouse is deceased.
- (iii) 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.
- (B) An alien who is paroled into the U.S. under section 212(d)(5) of the INA for a period of at least 1 year;
- (C) An alien who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the alien at the time of the abuse, an alien whose child has been battered or subjected to battery or cruelty, or an alien child whose parent has been battered;
- (D) An alien who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980.

The Department correctly determined that the Appellant and his spouse are neither a United States citizen nor eligible aliens because they have not been in qualified status for five years.

- 5. Title 7 C.F.R. § 273.2(g)(1) provides for the normal processing standard. The State agency shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but no later than 30 calendar days following the date the application was filed.

Title 7 C.F.R. § 273.2(g)(3) provides for denying the application and states households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed.

On [REDACTED] 2024, the Department correctly denied the Appellant's SNAP application because the Appellant and his spouse do not meet citizenship nor eligible alien requirements.

DECISION

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

_____*Carla Hardy*_____
Carla Hardy
Hearing Officer

PC: Theresa Deangelis, Operations Manager, [REDACTED] Service Center
Nicole Matos, Operations Manager [REDACTED] Service Center
Selena Edwards, Fair Hearing Liaison, [REDACTED] Service Center

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.