

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

Client ID ██████████
Case ID ██████████
Request # 232355

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

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

On ██████████ 2024, the Appellant requested an administrative hearing to contest the Department’s decision to close such benefits.

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, 17b-61 and 4-176e to 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals were present at the hearing:

██████████ Appellant
Carmela Merritt, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to close the Appellant's benefits under the SNAP effective [REDACTED] 2024 was correct.

FINDINGS OF FACT

1. On [REDACTED] 2023, the Department received an online application from the Appellant requesting Food Assistance under the SNAP for himself. (Exhibit 1: Application)
2. The Appellant is age [REDACTED] born on [REDACTED] and single. (Exhibit 1: Application)
3. The Appellant is a full time graduate student in the School of Medicine at [REDACTED] (the "University"). The Appellant receives financial aid from the University that includes student loans, scholarships, and grants used to pay his tuition and living expenses. (Stipulated)
4. On [REDACTED] 2023, the Department determined the Appellant qualified for expedited service under the SNAP approving benefits beginning [REDACTED] 2023, date of application, through [REDACTED] 2024. (Exhibit 2: Case Notes and Exhibit 7: Notice of Action)
5. On [REDACTED] 2023, the Department issued the Appellant a Notice of Action informing him SNAP benefits were granted beginning [REDACTED] 2023 and ending on [REDACTED] 2024. In order to continue benefits, an application interview is required, and additional proofs needed to make an eligibility determination for continued benefits. (Exhibit 7: Notice of Action)
6. The Appellant is not employed. (Appellant Testimony)
7. The Appellant does not qualify for a Pell Grant. The Appellant does not qualify for work study through the University. (Appellant Testimony)
8. The Appellant is not disabled. (Appellant Testimony)
9. The Appellant does not receive Temporary Family Assistance ("TFA"). The Appellant is not participating in an on the job training program by an employer. The Appellant is not participating in training under the Job Training Partnership Act of 1974 or Trade Act of 1974. (Appellant Testimony)

10. The Appellant is not a single parent. The Appellant does not care for any minor child under the age of twelve (12). (Appellant Testimony)
11. On ██████ 2024, the Department determined the Appellant ineligible for continued benefits under the SNAP because he is a full time college student who does not meet the student exemption program requirements under the SNAP to qualify for continued benefits. (Hearing Record)
12. On ██████ 2024, the Department issued the Appellant a notice of action informing him that he was found ineligible for benefits under the SNAP and his SNAP benefits will close on ██████ 2024. The Department lists the reasons as: No household members are eligible for this program; does not meet program requirements and does not meet program requirements for a student. (Exhibit 4: Notice of Action)
13. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on ██████ 2024. Therefore, this decision is due not later than ██████ 2024.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the 2024 Supplement to the Connecticut General Statutes provides as follows:

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 Section 273.5(a) of the Code of Federal Regulations ("C.F.R.") provides as follows:

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.

3. Federal regulation provides as follows:

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.
6. Be participating in a State or federally financed work study program during the regular school year.
 - i. To qualify under this provision, the student must be approved for work study at the time of application for SNAP benefits, the work study must be approved for the school term, and the student must anticipate actually working during that time. The exemption shall begin with the month in which the school term begins or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment.
 - ii. The exemption shall not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.
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.
 - i. This provision applies in those situations where only one natural, adoptive or stepparent (regardless of marital status) is in the same SNAP household as the child.
 - ii. If no natural, adoptive or stepparent is in the same SNAP household as the child, another full-time student in the SNAP household as the child may qualify for eligible student status under this provision if he or she has parental control over the child and is not living with his or her spouse.
11. Be assigned to or placed in an institution of higher education through or in compliance with the requirements of one of the programs identified in paragraphs (b)(11)(i) through (b)(11)(iv) of this section. Self-initiated placements during the period of time the person is enrolled in one of these employment and training programs shall be considered to be in compliance with the requirements of the employment and training program in which the person is enrolled provided that the program has a component for enrollment in an institution of higher education and that program accepts the placement. Persons who voluntarily participate in one of these employment and training programs and are placed in an institution of higher education through or in compliance with the requirements of the program shall also qualify for the exemption. The programs are:
 - i. A program under the Job Training Partnership Act of 1974 (29 U.S.C. 1501, et seq.);
 - ii. An employment and training program under § 273.7, subject to the condition that the course or program of study, as determined by the State agency:
 - A. Is part of a program of career and technical education as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302) designed to be completed in not more than 4 years at an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 2296); or
 - B. Is limited to remedial courses, basic adult education, literacy, or English as a second language.
 - iii. A program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or
 - iv. An employment and training program for low-income households that is operated by a State or local government where one or more of the components of such program is at least equivalent to an acceptable SNAP employment and training program component as specified in § 273.7(e)(1). Using the criteria in § 273.7(e)(1), State agencies shall make the determinations as to whether or not the programs qualify.

7 C.F.R. § 273.5(b)

4. Federal regulation provides as follows:

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 (excluding summer school).

7 C.F.R. § 273.5(c)

5. The Department correctly determined the University an institution of higher education.

The Department correctly considered the Appellant an individual enrolled at least half time at the institution of higher education because the Appellant is a full time graduate student enrolled in the School of Medicine at the University earning a graduate degree in medicine.

The Department correctly determined the Appellant ineligible for benefits under the SNAP because he is an individual enrolled at least half-time in an institution of higher education and does not qualify for any of the student exemptions listed under 7 C.F.R. § 273.5(b). Refer to Conclusions of Law #3.

On ████████ █████ 2024, the Department correctly closed the Appellant's benefits under the SNAP effective ████████ █████ 2024.

DISCUSSION

During the Covid-19 public health emergency, the SNAP included additional temporary student exemptions. These temporary student exemptions expired on █████ █████ 2023. Under current SNAP rules, students attending an institution of higher education more than half time are only eligible for SNAP if they meet a qualifying exemption. The Appellant does not meet any of the exemption criterion outlined under SNAP federal regulation and therefore is not eligible to receive SNAP.

DECISION

The Appellant's appeal is DENIED.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Matthew Kalarickal, SSOM RO #20
Carmela Merritt, FHL RO #20

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.