

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

██████████ 2024
SIGNATURE CONFIRMATION

██████████
██████████
REQUEST# 233337

NOTICE OF DECISION

PARTY

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██████████
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PROCEDURAL BACKGROUND

On ██████████ 2024, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”), a Notice of Action (“NOA”) denying her application for Supplemental Nutrition Assistance Program (“SNAP”) benefits due to not meeting the residency requirement.

On ██████████, 2024, the Appellant requested an administrative hearing to contest the denial of SNAP 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 a telephonic administrative hearing. The following individuals participated in the hearing:

██████████, Appellant
Alexis Rodriguez, Department’s Representative
Melissa Prisavage, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's application for SNAP due to not meeting the residency requirement.

FINDINGS OF FACT

1. On [REDACTED], 2024, the Appellant submitted an online application ("ONAP") for the SNAP program for herself. (Exhibit 1: ONAP dated [REDACTED], 2024, Appellant's Testimony)
2. The Appellant is [REDACTED]-years-old [DOB [REDACTED]] and is disabled. (Exhibit 1, Appellant's testimony)
3. The Appellant reported a mailing address in Florida at the time of her application. (Exhibit 1, Exhibit 3: Case Notes)
4. On [REDACTED] 2024, the Department called the Appellant and conducted a phone interview for her SNAP application. The Appellant reported she was currently residing in Florida for several months and did not know when she would return to Connecticut. (Exhibit 3, Department's Testimony)
5. On [REDACTED] 2024, the Department determined that the Appellant was not currently a resident of Connecticut, and therefore ineligible for SNAP in Connecticut. (Exhibit 3, Department's Testimony)
6. On [REDACTED] 2024, the Department issued the Appellant a Notice of Action denying the Appellant's application for SNAP benefits due to not meeting the residency requirement. (Exhibit 2: NOA dated [REDACTED] 2024)
7. The issuance of this decision is timely under the Code of Federal Regulations § 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], 2024. Therefore, this decision is due no later than [REDACTED], 2024. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2 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(a)(2) provides the application process includes filing and completing an application form, being interviewed, and having certain information verified. The State agency must act promptly on all applications and provide SNAP benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies are detailed below.

The Department correctly screened the Appellant’s application as of [REDACTED], 2024.

3. 7 C.F.R. § 273.2(e)(1) provides that except for households certified longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household’s residence. If the interview will be conducted at the household’s residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the household’s responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant’s right to privacy

during the interview. Facilities must be adequate to preserve the privacy confidentiality of the interview.

4. 7 C.F.R. § 273.2(e)(2) provides that the State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

The Department correctly completed an interview with the Appellant.

5. 7 C.F.R. § 273.3(a) states that a household shall live in the State in which it files an application for participation. The State agency may also require a household to file an application for participation in a specified project area (as defined in [§ 271.2 of this chapter](#)) or office within the State. No individual may participate as a member of more than one household or in more than one project area, in any month, unless an individual is a resident of a shelter for battered women and children as defined in [§ 271.2](#) and was a member of a household containing the person who had abused him or her. Residents of shelters for battered women and children shall be handled in accordance with [§ 273.11\(g\)](#). The State agency shall not impose any durational residency requirements. The State agency shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Nor shall residency require an intent to reside permanently in the State or project area. Persons in a project area solely for vacation purposes shall not be considered residents.

The Department correctly determined that the Appellant was residing in Florida and correctly denied her application for SNAP benefits due to not meeting the residency requirement.

DISCUSSION

The Appellant reports that she was not residing in Florida at the time of her application and that she mistakenly wrote the Florida address as her mailing address. However, she has not provided any evidence to support that. The Department noted speaking with the Appellant multiple times during which she reported she was in Florida with no plan for when she would return to Connecticut. The notes contain a lot of detailed information that was provided by the Appellant to the Department, which makes it unlikely that the address was just written mistakenly on the application. At the time of the hearing, the Appellant stated that she was now in Florida temporarily, but still had no set date for when she would return to Connecticut. The Appellant has been encouraged to reapply for SNAP when she returns to Connecticut.

DECISION

The Appellant's appeal is DENIED.



Melissa Prisavage
Fair Hearing Officer

CC: Shahar Thadal, DSS Operations Manager, Stamford Regional Office
Alexis Rodriguez, Department's Representative, Stamford 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.