

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

██████████
Signature Confirmation

Client ID ██████████
Case ID ██████████
Request # 235769

NOTICE OF DECISION

PARTY

████████████████████
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PROCEDURAL BACKGROUND

On ██████████, the Department of Social Services (the "Department") sent ██████████ ██████████ ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing her for benefits under the Supplemental Nutrition Assistance Program ("SNAP") effective ██████████ ██████████ ██████████ due to not meeting program requirements for a student.

On ██████████, the Appellant requested an administrative hearing to contest the Department's decision to deny such benefits.

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

On ██████████, 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
Kirsten Bellisle, Department Representative
Shawn P. Hardy, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department's [REDACTED], decision to discontinue the Appellant's SNAP benefits effective [REDACTED], was correct.

FINDINGS OF FACT

1. On [REDACTED] [REDACTED], the Department received the Appellant's online renewal application requesting continued benefits under the SNAP. On the application, the Appellant reported she attends [REDACTED] [REDACTED] (the "COLLEGE"). Attached with the application was a bank statement from [REDACTED]. (Exhibit 1: Case notes, Exhibit 2: Notice of Renewal of Eligibility)
2. On [REDACTED], the Department made two cold call attempts to the Appellant to conduct a SNAP interview. (Hearing Summary, Exhibit 1)
3. On [REDACTED], the Department issued a W-1348 "Proofs We Need" to the Appellant requesting proof of school attendance, and proof of educational aid meant for living expense. The Department also issued a W-3015N "Interview Notice" for the SNAP program with a due date of [REDACTED]. (Hearing Summary, Exhibit 1)
4. On [REDACTED], the Department completed the SNAP telephone interview. The Appellant informed the Department she is a household of one, a full-time student at (the college), does not participate in a federal work study and does not have a medical condition that prevents her from working. The Appellant reports no income and does not have rental or utility expenses. The Department received a W-1471, "School Information Exchange Form" indicating the amount of the tuition for the [REDACTED] semester, and a letter from the Registrar's Officer verifying the Appellant's enrollment status as full time. (Hearing Summary, Exhibit 1, Exhibit 4: W-1471, [REDACTED], Exhibit 5: Letter from Registrar's office [REDACTED])
5. The Appellant is not responsible for the care of a minor child. (Appellant's Testimony)
6. The Appellant lives with her brother and his wife. (Appellant's Testimony)
7. The Appellant is in need, unemployed, and has no one to provide for her. (Appellant's Testimony)
8. The Appellant is [REDACTED] years old (DOB [REDACTED]). (Appellant's Testimony, Exhibit 2)

9. On [REDACTED], the Department discontinued the Appellant's SNAP benefits effective [REDACTED], because the Appellant failed to meet the program requirements for a student. (Hearing Summary, Department Representative Testimony)
10. On [REDACTED], the Department issued the Appellant a Notice of Action. The notice stated the Department denied the Appellant [REDACTED], renewal application for SNAP effective [REDACTED] for the reasons: "No household members are eligible for this program." "Does not meet program requirements", "Does not meet program requirements for a student." (Exhibit 3: Notice of Action [REDACTED])
11. 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 [REDACTED]. Therefore, this decision is due not later than [REDACTED].

CONCLUSIONS OF LAW

1. Section 17b-2(7) of 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 273.14(b)(2) of the Code of Federal Regulation ("C.F.R.") provides as follows:

The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of [§ 273.2\(c\)\(7\)](#) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in [paragraph \(e\)\(3\)](#) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of

information which is specified in [§ 273.2\(b\)\(2\)](#), and provide the household with a notice of required verification as specified in [§ 273.2\(c\)\(5\)](#).

Federal regulation provides as follows:

If a household files an application within 30 days after the end of the certification period, the application shall be considered an application for recertification; however, benefits must be prorated in accordance with [§ 273.10\(a\)](#). If a household's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the State agency, the household's benefits for the new certification period shall be prorated based on the date of the new application, and the State agency shall provide restored benefits to the household back to the date the household's certification period should have begun had the State agency not erred and the household been able to apply timely.

7 C.F.R. § 273.14(e)(3)

On [REDACTED], the Appellant correctly submitted an application for recertification of her SNAP benefits.

3. Federal regulation provides as follows:

As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of [§ 273.2\(e\)](#) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with [§ 273.2\(e\)\(2\)](#).

7 C.F.R. § 273.14(b)(3)

4. Federal regulation provides in pertinent part as follows:

Except for households certified for 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.

7 C.F.R. § 273.2(e)(1)

5. Federal regulation provides in pertinent part as follows:

A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice 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.

7 C.F.R. § 273.2(e)(2)

The Continuing Appropriations Act 2021 (PL 116-159) allows States flexibilities as approved under the Families First Coronavirus Response Act which includes to adjust interview requirements by not requiring a household to complete an interview prior to approval, provided the applicant's identity has been verified and all other mandatory verifications in 7 C.F.R. § 273.2(f)(1) have been completed. This applies to initial applications and applications for recertifications.

The Department conducted the required SNAP interview with the Appellant on [REDACTED].

6. Federal regulation provides as follows:

Information provided by the household shall be verified in accordance with [§ 273.2\(f\)\(8\)\(i\)](#). The State agency shall provide the household a notice of required verification as provided in [§ 273.2\(c\)\(5\)](#) and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 days to provide required verification information. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within 5 working days after the household submits the missing verification and benefits cannot be prorated.

7 C.F.R. § 273.14(b)(4)

7. Federal regulation provides as follows:

Other information which has changed may be verified at recertification. Unchanged information shall not be verified unless the information is incomplete, inaccurate, inconsistent, or outdated. Verification under this paragraph shall be subject to the same verification procedures as apply during initial verification.

7 CFR 273.2(f)(8)(i)(D)

Public Law 116-260, Division N, Title VII, Subtitle A, Section 702(e) (1) provides that notwithstanding any other provision of law, not later than 20 days after the date of the enactment of this Act, eligibility for supplemental nutrition assistance program benefits shall not be limited under section 6(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(e)) for an individual who—(A) is enrolled at least half-time in an institution of higher education; and (B)(i) is eligible to participate in a State or federally financed work study program during the regular school year as determined by the institution of higher education; or (ii) in the current academic year, has an expected family contribution of \$0 as determined in accordance with part F of title IV of the Higher Education Act of 195 (20 U.S.C. 1087kk et. seq.).

8. Federal regulation provides as follows:

Student Exemptions. 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 the time period over which the work hours will be averaged in its State plan of operation;
- (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;

7 CFR 273.5(b)(1)(2)(3)(4)(5)(6)(i)(ii)(7)(8)

On [REDACTED], the Department correctly determined proof of continued school enrollment must be verified prior to a determination of eligibility. On [REDACTED], the Department correctly issued the Appellant a notice of required verification known as the Proofs We Need notice listing the due date as [REDACTED], allowing the Appellant 12-days, more than the minimum of 10-days, to submit the requested documents.

The Department received adequate documentation from the Appellant on [REDACTED] [REDACTED] [REDACTED], confirming her enrollment at the college, college tuition charges during the [REDACTED], [REDACTED] semester. The Appellant testified she is not part of a work study program, not disabled, is [REDACTED] years old, is not receiving Temporary Assistance for Needy Families under Title IV of the Social Security Act and is not responsible for the care of a minor child. (See COL #8)

On [REDACTED] [REDACTED] [REDACTED], the Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] for the reason "No household members are eligible for this program." "Does not meet program requirements." "Does not meet program requirements for a student."

DECISION

The Appellant's appeal is DENIED.

Shawn P. Hardy

Shawn P. Hardy
Hearing Officer

CC: Tonya Beckford, SSOM, DSS, Willimantic, CT, Resource Center
Kirsten Bellisle, FHL, DSS, Willimantic, CT, Resource Center
Tim Moffitt, Supervisor, DSS, Willimantic, CT, Resource 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.