

**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: 247554

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received [REDACTED] (the “Appellant”) telephoned request for an administrative hearing to address his Supplemental Nutrition Assistance Program (“SNAP”) application.

On [REDACTED] 2024, the OLCRAH scheduled an administrative hearing for [REDACTED] 2024.

On [REDACTED], 2024, the Department of Social Services (the “Department”) issued the Appellant a *Notice of Action* denying his [REDACTED], 2024 SNAP application.

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 a hearing by telephone conferencing. The following individuals participated:

[REDACTED], Appellant
Maria Bernal, Department Representative
Eva Tar, Hearing Officer

The hearing record closed [REDACTED], 2024.

STATEMENT OF ISSUE

The issue is whether the Department’s denial of the Appellant’s [REDACTED], 2024 SNAP application is supported by Federal regulations governing the SNAP.

FINDINGS OF FACT

1. The Appellant was a SNAP recipient through [REDACTED], 2023. (Exhibit 11)
2. In 2023, the Appellant was a full-time student at the [REDACTED]. (Appellant Testimony) (Hearing summary: case notes)
3. In [REDACTED] 2023, during a period when the Appellant was not receiving SNAP benefits, the Appellant stopped attending the [REDACTED]. (Appellant Testimony)
4. On [REDACTED] 2024, the Appellant reapplied for SNAP benefits. (Exhibit 12)
5. On [REDACTED], 2024, the Department issued a *Proofs We Need* to the Appellant asking for the submission by [REDACTED] 2024 of the following: proof of utility expenses, proof of educational aid meant for living expenses, and telephone expense. The Department added the following note: “PLEASE PROVIDE VERIFICATION THAT YOU ARE NO LONGER ATTENDING COLLEGE BY PROVIDING A SIGNED AND DATED LETTER WITH CONTACT INFORMATION FROM THE COLLEGE....” (capital letters in original) (Exhibit 9)
6. The [REDACTED] 2024 *Proofs We Need* gave examples of acceptable proof for each requested item and advised the Appellant to submit the proof electronically, by mail using the enclosed envelope and coversheet, or to bring the proof to a Department office. The *Proofs We Need* cautioned the Appellant that if he did not submit his proof timely, his SNAP benefits may be delayed or denied. (Exhibit 9)
7. On [REDACTED], 2024, the Department denied the Appellant’s [REDACTED], 2024 SNAP application. (Exhibit 12)
8. As of [REDACTED] 2024, the Appellant had not submitted to the Department verification of his utility expenses or of his telephone expenses and had not submitted verification of his [REDACTED] 2023 disenrollment from the [REDACTED]. (Appellant Testimony)
9. 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] 2024, the OLCRAH received the Appellant’s telephoned hearing request. This hearing decision would have become due by no later than [REDACTED] 2024. This 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, Code of Federal Regulations (“C.F.R.”) Section 273.5 (a) provides:
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.

7 C.F.R. § 273.5 (a).

“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).

Title 7, Code of Federal Regulations, Section 273.5 (b) provides for student exemptions.

The Department acted within its authority when it requested verification from the Appellant that he was no longer a student of higher education, as the SNAP has specific rules regarding student eligibility to participate in the Program.

3. Title 7 Code of Federal Regulations. Section 273.2 (a)(2) provides:
Application processing. 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,

7 C.F.R. § 273.2 (a)(2).

In accordance with 7 C.F.R. § 273.2 (a)(2), the Appellant was required to file and complete an application form, be interviewed, and verify certain information.

With respect to the Appellant’s ██████████ 2024 SNAP application, the Department was required to act promptly and to meet application processing standards.

4. “The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information....” 7 C.F.R. § 273.2 (f)(2)(i).

“State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or through a collateral contact, without a requirement being imposed that documentary evidence must be the primary source of verification. Documentary

evidence consists of a written confirmation of a household's circumstances....” 7 C.F.R. § 273.2 (f)(4).

“The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information....” 7 C.F.R. § 273.2 (f)(5)(i).

The Appellant had the primary responsibility to resolve questionable information, i.e., whether he was or was not a student of higher education, to the Department and to substantiate his statements on his [REDACTED] 2024 SNAP application.

5. “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....” 7 C.F.R. § 273.2 (f).

The Department correctly gave the Appellant at least 10 days to submit the requested proof, as memorialized by its [REDACTED] 2024 Proofs We Need.

The Appellant’s failure to submit required verification to the Department by its deadline rendered him ineligible to participate in the SNAP.

6. **“Denying the application.** 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....” 7 C.F.R. § 273.2 (g)(3).

In accordance with 7 C.F.R. § 273.2 (g)(3), the Department correctly denied the Appellant’s September 20, 2024 SNAP application on the 30th day following the filing of the application.

The Department’s [REDACTED] 2024 denial of the Appellant’s [REDACTED] 2024 SNAP application is supported by Federal regulations governing the SNAP.

DECISION

The Appellant’s appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Maria Bernal, DSS-Bridgeport
Randalynn Muzzio, DSS-New Haven
Ralph Filek, DSS-New Haven

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.