Conducting SNAP Benefit Hearings

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September 13, 2023

- SNAP Participation Rates
- SNAP Appeal Numbers
- SNAP Regulations
- Common Reasons for SNAP Appeals
- SNAP Hearing Requests
- Conducting SNAP Hearings
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Current SNAP Recipient Numbers

Food and Nutrition Service Data

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM					
(Data as of August 11, 2023)					
Fiscal Year	Participation Persons	Participation Households	Benefit Costs	Average Monthly Benefit Per Person	Average Monthly Benefit Per Household
ANNUAL SUMMARY					
FY 2023	42,328,528	22,372,001	77,448,813,573	228.71	432.73
FY 2022	41,208,526	21,612,856	113,968,415,168	230.47	439.43
FY 2021	41,617,422	21,715,021	108,585,809,548	217.43	416.71
FY 2020	39,852,778	20,487,155	74,174,645,113	155.10	301.71

SNAP provides crucial food assistance to millions of low-income Americans.

Current SNAP Recipient Numbers

Food and Nutrition Service Data

State	Number of Persons Participating in May 2023*	2023 Estimated Population
Texas	3.3 million	30 million
California	5.2 million	41.4 million
Nevada	493k	3.25 million

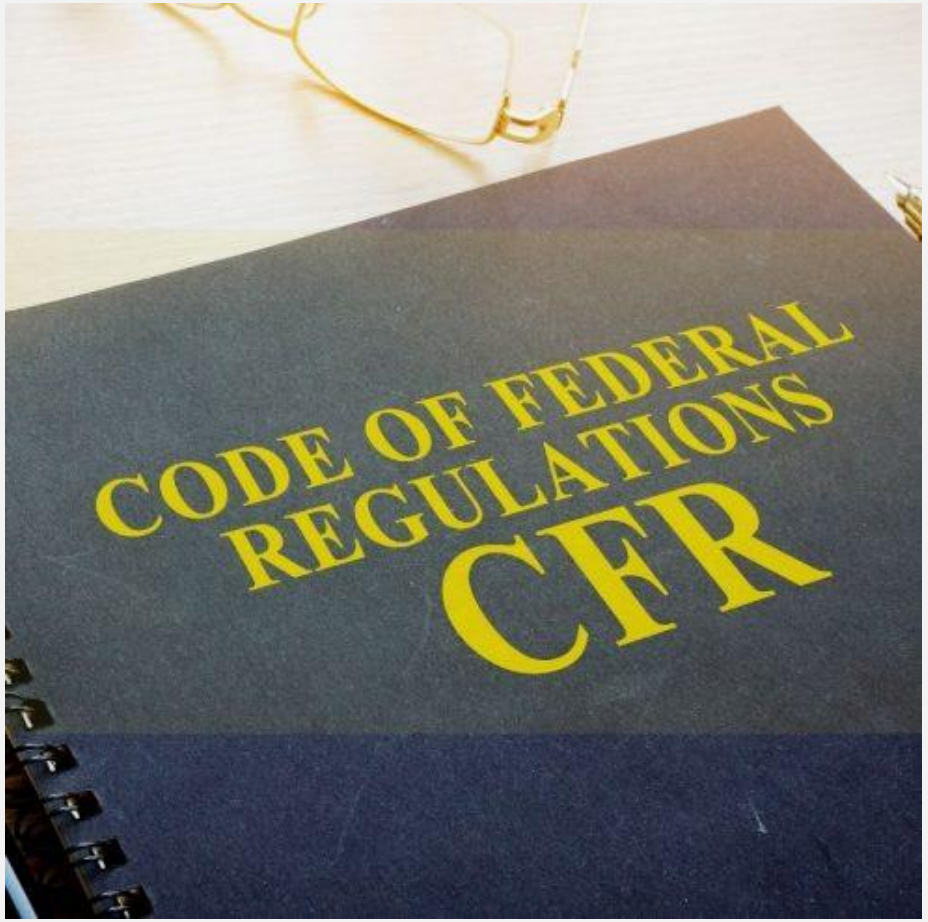
*Preliminary data, subject to change.

Participation increased from May 2022 to May 2023 by 2.3%, nationwide.

Number of SNAP Appeals

Date Range	SNAP Only (Not Including ADHs)	Total (All appeals and ADHs)
Jan 1, 2023, to August 31, 2023	12,394	23,212
Jan. 1, 2022, to December 31, 2022	19,729	30,187

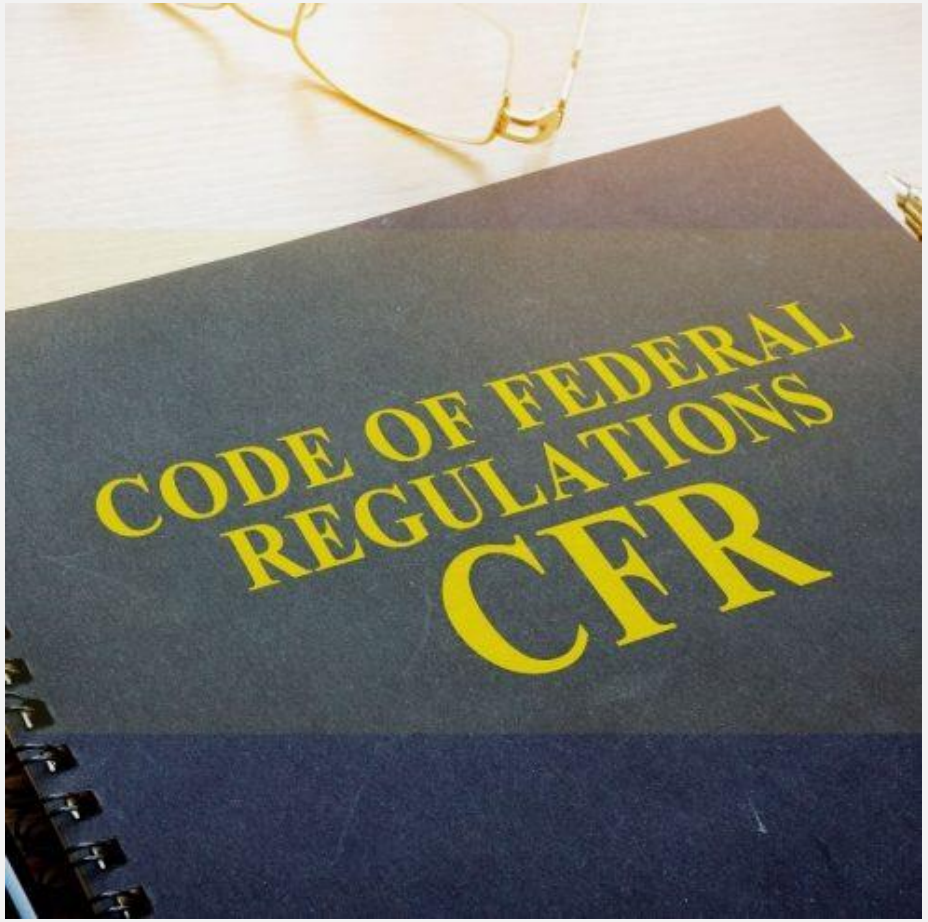
*Preliminary data, subject to change.



SNAP Regulations

The Food and Nutrition Service (FNS) provides the federal regulations that govern SNAP benefits. Key rules include eligibility requirements, benefit calculation formulas, and hearing procedures. The Code of Federal Regulations Title 7 contains detailed SNAP rules on topics like income limits, work requirements, and the hearing process.

7 CFR Part 273



Subpart A—General Rules

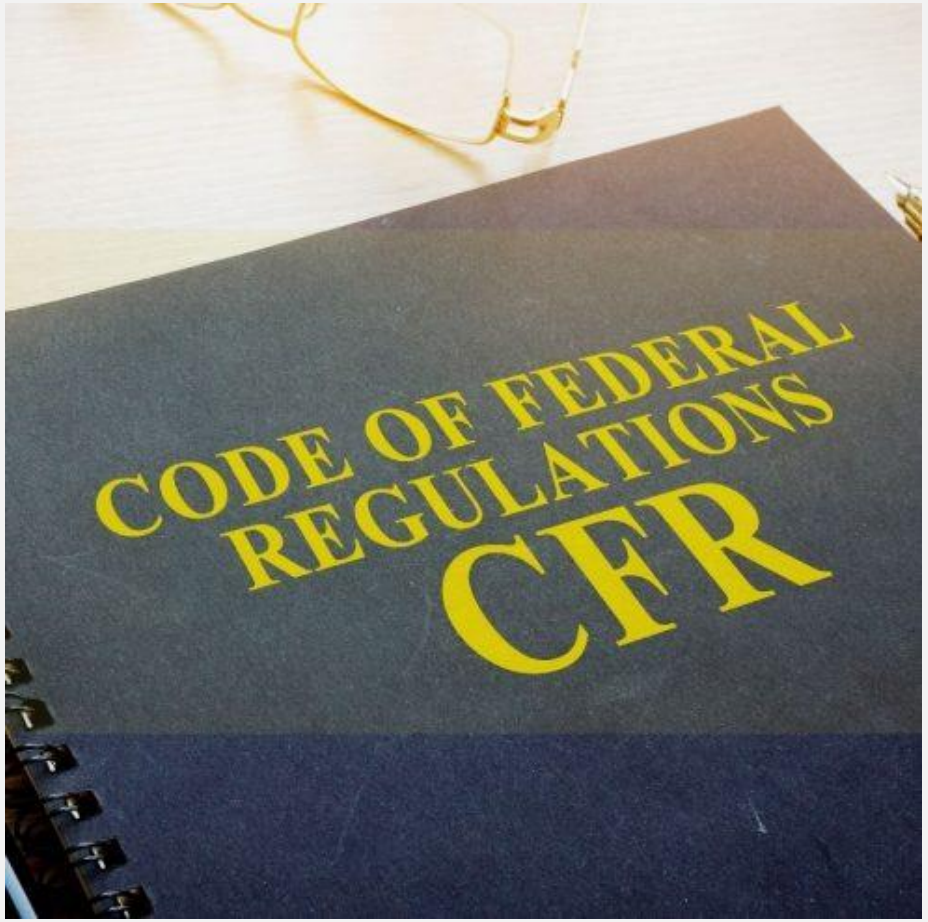
§273.1 Household concept.
§273.2 Office operations and application processing.

Subpart B—Residency and Citizenship

§273.3 Residency.
§273.4 Citizenship and alien status.

Subpart C—Education and Employment

§273.5 Students.
§273.6 Social security numbers.
§273.7 Work provisions.



7 CFR Part 273

Subpart D—Eligibility and Benefit Levels

§273.8 Resource eligibility standards.
§273.9 Income and deductions.
§273.10 Determining household eligibility and benefit levels.
§273.11 Action on households with special circumstances.

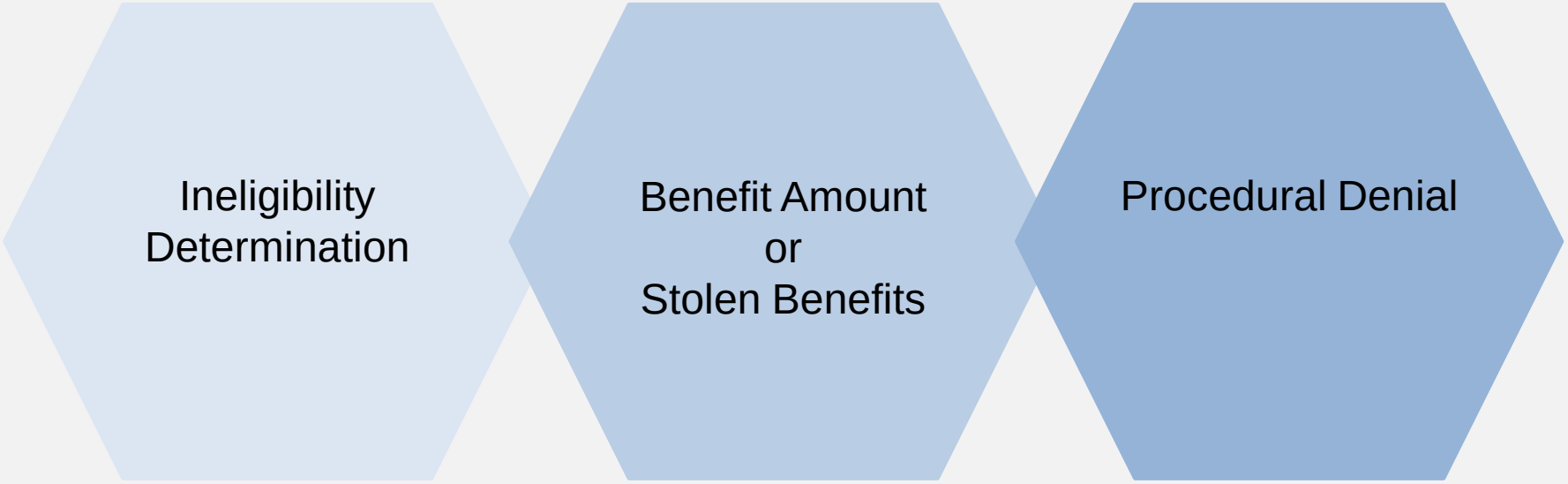
Subpart E—Continuing Participation

§273.12 Reporting requirements.
§273.13 Notice of adverse action.
§273.14 Recertification.

Subpart F—Disqualification and Claims

§273.15 Fair hearings.
§273.16 Disqualification for intentional Program violation.
§273.17 Restoration of lost benefits.
§273.18 Claims against households.
§273.19 [Reserved]

Common Reasons for SNAP Appeals



Discussion: What can and cannot be appealed?

SNAP Hearing Requests

Request for appeal- a request, verbal or written, from the household or representative that it wishes to appeal.

90 days to request an appeal or any time during certification period to dispute current level of benefits.

May not interfere or limit the freedom to request a hearing.

Conducting Fair Hearings

Review Case File

Prior to the hearing, thoroughly review the case file, evidence, and appellant's basis for the appeal.

Explain Hearing Procedure

At the start of the hearing, explain the hearing procedure and process to the appellant.

Allow Testimony

Agency presents testimony, evidence, and witnesses supporting the action. Appellant presents testimony, evidence, and witnesses supporting appeal.

Question Impartially

Ask impartial questions to understand the basis for the appeal and obtain additional relevant information.

Consider the Facts

Consider all the facts, evidence, and testimony when making your ruling.

Issue Clear Ruling

Issue a clear and definitive written ruling upholding or reversing the agency's decision within the regulatory time frame.

Difficulties with SNAP Hearings

Difficulties with SNAP Hearings

Unclear Testimony

Participants may provide unclear or contradictory testimony during the hearing, making it difficult to determine facts.

Lack of Documentation

Participants may fail to provide sufficient documentation to support their case, hampering the hearing official's ability to make a determination.

Hostile Participants

Angry or hostile participants can make conducting a fair hearing difficult for officials.

Language Barriers

Language barriers may make communication with participants challenging for officials.

Time Constraints

Officials must conduct thorough hearings within time constraints, which can be difficult.

High no-show rate, reopen requests, and administrative reviews.

Complex Regulations

Officials must be well-versed in complex SNAP regulations to make appropriate determinations.

Burden of Proof

Fair Hearing	Administrative Disqualification Hearing (ADH)
Preponderance of the Evidence	Clear and Convincing Evidence
The preponderance of the evidence standard is applicable in Fair Hearings. Under this standard, the burden of proof is met when the party with the burden presents evidence that their claim is, more likely than not, true; that is, the chance that their claim is true is greater than 50 percent. The preponderance of the evidence standard is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.	Black's Law, 7th Edition, defines clear and convincing evidence as "Evidence indicating that the thing to be proved is highly probable or reasonably certain. This is a greater burden than preponderance of the evidence, the standard applied in most civil trials, but less than evidence beyond a reasonable doubt, the norm for criminal trials."

Fiscal Responsibility Act of 2023

Enhancing work requirements for the Supplemental Nutrition Assistance Program (SNAP) and the Temporary Assistance to Needy Families program (TANF).

TITLE II—SNAP EXEMPTIONS
Sec. 311. Modification of work requirement exemptions.
Sec. 312. Modification of general exemptions.
Sec. 313. Supplemental nutrition assistance program under the Food and Nutrition Act of 2008.
Sec. 314. Waiver transparency.

SNAP Provisions in the Fiscal Responsibility Act (azureedge.us)

Sec. 311. Modification of work requirement exemptions

The current rules for SNAP require able-bodied adults from ages 18 to 49 to work or attend job training for at least 80 hours a month. The Fiscal Responsibility Act gradually increases the age limit for work requirements for individuals to be eligible for the food assistance program. The timeline for the new age-based work requirements occurs in three phases:

- September 1, 2023: The age to meet work requirements increases to 50.
- October 1, 2023: The age to meet work requirements increases to 52.
- October 1, 2024: The age to meet work requirements increases to 54.

The federal legislation also added new exemptions for work requirements for some people. Those who no longer have to submit proof of work are veterans, homeless individuals, and former foster children under age 25. All of the new SNAP rules will expire on October 1, 2030.

SNAP Provisions in the Fiscal Responsibility Act (azureedge.us)

Hot Topics

University Food Mart
Cigarettes·Beer·Lotto
Money Orders·Milk·Bread
Amount
2012-10-05 13:28:28 00:00:45 $100.00
2012-10-03 00:06:22 00:00:58 $1.00
2012-10-03 00:07:20 00:00:58 $120.00
2012-10-13 23:37:35 00:04:38 $50.00
2012-10-13 23:42:13 00:04:38 $50.00
2012-10-08 15:09:10 00:25:14

North Dakota EBT
Mountain State
Missouri EBT
5076 8300 0000 0001
New Mexico EBT Fiesta Card
Hawaii
INDEPENDENCE
6005 280
SOUTH CAROLINA
Think Healthy, Eat Healthy!
Benefit Security Card
GEORGIA
Minnesota
EBT
RHODE ISLAND
Electronic Benefit Transfer
6015 1337

Hot Topics

[redacted] stamped with parole- dates are within the 60 days to report

212(d)(5)

U.S. DEPARTMENT OF HOMELAND SECURITY
PAROLED
Date 9/26/2022
Purpose 212(d)(5)
DRT A3
U.S. DEPARTMENT OF HOMELAND SECURITY

Country of
Destination :

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
Form Approved OMB No. 43-R0496
ARRIVAL - DEPARTURE RECORD
Form I-94 (Rev. 08/01/07)

U.S. DEPARTMENT OF HOMELAND SECURITY
PAROLED
Until 1/14/23
Purpose 212(d)(5)
11/14/22
U.S. DEPARTMENT OF HOMELAND SECURITY

1/18/2024

83824 Mar...
Deportation Offi...
DHS-ICE

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