

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

[REDACTED], 2019
Signature confirmation

Case: [REDACTED]

Client: [REDACTED]

Request: 149609

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2019, the Department of Social Services (the “Department”) issued a *Notice of Action* to [REDACTED] (the “Appellant”) terminating her Supplemental Nutrition Assistance Program (“SNAP”) benefits effective [REDACTED] 2019.

On [REDACTED] 2019, the Appellant filed a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”).

On [REDACTED] 2019, the OLCRAH scheduled the administrative hearing for [REDACTED] 2019.

On [REDACTED], 2019, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals participated in the proceeding:

[REDACTED], Appellant
Lindsay Vallee, Department’s representative
Eva Tar, Hearing Officer

The administrative hearing record closed [REDACTED] 2019.

STATEMENT OF ISSUE

The issue is whether the Department terminated the Appellant's SNAP benefits effective [REDACTED], 2019 in error.

FINDINGS OF FACT

1. In [REDACTED] 2019, the Department issued the Appellant \$307.00 in SNAP benefits, for a household of five. (Department's Exhibit 7)
2. The Appellant lives with her four children, ages [REDACTED] years, [REDACTED] years, [REDACTED] years, and [REDACTED] years. (Appellant's testimony)
3. In the four-week pay period inclusive of check dated from [REDACTED] 2019 through [REDACTED] 2019, the Appellant grossed \$2,924.72 in wages issued weekly from [REDACTED]. (Department's Exhibit 3)
4. On [REDACTED] 2019, the Appellant reported to the Department that her [REDACTED]-year-old was employed. (Department's Exhibit 8)
5. In the four-week pay period inclusive of check dates from [REDACTED] 2019 through [REDACTED] 2019, the Appellant's [REDACTED]-year-old grossed \$1,523.88 in wages issued biweekly from [REDACTED]. (Department's Exhibit 3)
6. The Appellant received \$60.00 per month in child support. (Appellant's testimony)(Department's Exhibit 5)
7. On [REDACTED] 2019, the Department terminated the Appellant's SNAP benefits effective [REDACTED] 2019. (Department's Exhibit 7)
8. Title 7, Code of Federal Regulations ("C.F.R.") 273.15 (c)(1) provides in part that "[w]ithin 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] 2019, the OLCRAH received the Appellant's hearing request. The issuance would have been due by [REDACTED], 2020. This decision is timely.

CONCLUSIONS OF LAW

1. The Department of Social Services is the designated state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

"The commissioner shall make periodic investigations to determine eligibility and may, at any time, modify, suspend or discontinue an award previously made when

such action is necessary to carry out the provisions of the ... supplemental nutrition assistance program...." Conn. Gen. Stat. § 17b-80.

The Department had the authority to modify, suspend, or discontinue the Appellant's SNAP benefit to carry out the provisions of the SNAP.

2. "A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: ... (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption." Title 7, Code of Federal Regulations ("C.F.R.") § 273.1 (a)(3).

Title 7, Code of Federal Regulations § 273.1 (b)(1) provides:

Special household requirements—(1) Required household combinations. The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.

- (i) Spouses;
- (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and
- (iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

7 C.F.R. § 273.1 (b)(1).

The Appellant had a SNAP household of five members.

3. "Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee." 7 C.F.R. § 273.9 (b)(1)(i).

For the purposes of the SNAP, the Appellant's and her █-year-old's wages were earned income.

4. "For the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period...." 7 C.F.R. § 273.10 (c)(1)(i).

"Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period...." 7 C.F.R. § 273.10 (c)(1)(ii).

"Income may be averaged in accordance with methods established by the State agency to be applied Statewide for categories of households. When averaging income, the State agency shall use the household's anticipation of monthly income fluctuations over the certification period. An average must be recalculated at recertification and in response to changes in income, in accordance with § 273.12(c), and the State agency shall inform the household of the amount of income used to calculate the allotment. Conversion of income received weekly or biweekly in accordance with paragraph (c)(2) of this section does not constitute averaging. 7 C.F.R. § 273.10 (c)(3)(i).

For the purposes of the SNAP, the Appellant's gross monthly anticipated earned income equaled \$3,144.07. [\$2,924.72 divided by 4 paychecks, multiplied by 4.3 weekly pay periods per month]

For the purposes of the SNAP, the █-year-old's gross monthly anticipated income earned income equaled \$1,638.17. [\$1,523.88 divided by 2 paychecks, multiplied by 2.15 biweekly pay periods per month]

5. "Unearned income shall include, but not be limited to: ... (iii) Support or alimony payments made directly to the household from nonhousehold members." 7 C.F.R. § 273.9 (b)(2)(iii).

For the purposes of the SNAP, the child support received by the Appellant was unearned income.

The Appellant grosses \$60.00 per month in unearned income from child support.

6. "Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. ... The net and gross income eligibility standards shall be based on the Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))." 7 C.F.R. § 273.9 (a).

"The gross income eligibility standards for SNAP shall be as follows: (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia." 7 C.F.R. § 273.9 (a)(1)(i).

In Connecticut, the SNAP gross income limit equals 185 percent of the federal poverty level through Expanded Categorical Eligibility. *Field Operations Communication, 9/6/19.*

In October 2019, the SNAP gross income limit (under expanded categorical eligibility) for a household of five in Connecticut is \$4,652.00, or 185 percent of the Federal Poverty Level for a household of that size.

In order to receive SNAP benefits, the Appellant's household's gross monthly income from all sources could not exceed \$4,652.00, the gross income limit of the SNAP for a household of five in Connecticut.

The Appellant's household's gross monthly income from all sources equaled \$4,842.24. [\$3,144.07 plus \$1,638.17 plus \$60.00]

The Department correctly terminated the Appellant's SNAP benefits effective [REDACTED] 2019, as the Appellant's household's gross monthly income from all sources exceeded the SNAP gross income limit.

DECISION

The Appellant's appeal is DENIED.

Eva Tar - electronic signature
Eva Tar
Hearing Officer

Cc: Timika Cineus, DSS-Stamford
Lindsay Vallee, DSS-Stamford

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 Legal Counsel, Regulations, and Administrative Hearings, 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, 55 Elm Street, 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 his 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.