

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

██████████, 2020
Signature confirmation

Case: ██████████
Client: ██████████
Request: 149951

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2019, ██████████ (the "Appellant") filed a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH"). The Appellant disputed the Department's decrease of her Supplemental Nutrition Assistance Program ("SNAP") benefits for ██████████ 2019 and ██████████ 2019.

On ██████████ 2019, the OLCRAH scheduled an administrative hearing for ██████████ 2020.

On ██████████ 2020, 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:

██████████, Appellant
Taneisha Hayes, Department representative
Eva Tar, Hearing Officer

At the administrative hearing, the Appellant stated that she was no longer disputing the reduction to her ██████████ 2019 SNAP benefits. The Appellant continued to pursue an adjustment to her ██████████ 2019 SNAP benefits.

The administrative hearing record closed on ██████████ 2020.

STATEMENT OF ISSUE

The issue is whether the Department may adjust the Appellant's SNAP benefits for ██████████ 2019 to incorporate the termination of the Appellant's unemployment compensation in ██████████ 2019.

FINDINGS OF FACT

1. The Appellant's current SNAP certification period runs from ██████████ 2019 through ██████████, 2020. (Department's Exhibit 5)
2. From ██████████ 2019 through ██████████ 2019, the Department of Labor issued the Appellant \$314.00 per week in unemployment compensation. (Department's Exhibit 9)
3. On ██████████ 2019, the Department asked that the Appellant read, complete, sign, and return a *Periodic Report Form* by ██████████ 2019, or her SNAP benefits would end effective ██████████ 2019. (Department's Exhibit 1)
4. On ██████████ 2019, the Department received a *Periodic Report Form* signed by the Appellant on ██████████ ██████████ 2019. The Appellant did not list her receipt of unemployment compensation on the *Periodic Report Form*. (Department's Exhibits 1 and 10)
5. On ██████████ 2019, the Department independently discovered the Appellant's receipt of unemployment compensation benefits. (Department's Exhibit 10)
6. On ██████████ 2019, the Department reduced the Appellant's SNAP benefits to \$16.00 per month, effective ██████████ 2019, by including the Appellant's receipt of \$314.00 per week in unemployment compensation in its SNAP calculation. [\$314.00/week multiplied by 4.3 weeks per month = \$1,350.20/month] (Department's Exhibit 10)
7. On ██████████ 2019, the Department notified the Appellant that her SNAP benefits had been reduced, effective ██████████ 2019, from \$194.00 per month to \$16.00 per month, due in part to her receipt of \$314.00 per week in unemployment compensation. (Department's Exhibit 2)
8. The Appellant is no longer pursuing an adjustment to her ██████████ 2019 SNAP benefits. (Appellant's testimony)
9. On ██████████ 2019, the Appellant received a Department of Labor correspondence that confirmed her unemployment compensation as \$314.00 per week. (Department's Exhibit 9)
10. The ██████████ 2019 Department of Labor correspondence does not identify an end-date to the Appellant's unemployment compensation; the section of the correspondence marked "ENDED _____" is blank. (Department's Exhibit 9)
11. After receiving the ██████████, 2019 Department of Labor correspondence, the Department did not change the Appellant's SNAP benefit for ██████████ 2019 or

██████████ 2019, as the correspondence did not provide an end date for the unemployment compensation. (Department's Exhibit 10)

12. On ██████████ 2019, the Appellant received a Department of Labor correspondence that confirmed the end-date of her unemployment compensation as ██████████ 2019. (Department's Exhibit 9)
13. On ██████████ 2019, the Department received the ██████████ 2019 correspondence from the Department of Labor verifying the start date and the amount of the Appellant's weekly unemployment compensation to the Department. (Department's Exhibit 9)
14. The Appellant meant to send the ██████████ ██████████ 2019 Department of Labor correspondence to the Department on ██████████, 2019; she sent the ██████████ 2019 Department of Labor correspondence in error. (Appellant's testimony)
15. On ██████████ ██████████ 2019, the Appellant telephoned the Department to report the termination of her unemployment compensation. (Department's Exhibit 10)
16. On ██████████ 2019, the Department notified the Appellant that her SNAP benefits would increase to \$194.00 per month, effective ██████████ 2020. (Department's Exhibit 3)
17. Title 7, Code of Federal Regulations ("C.F.R.") 273.15 (c) provides that within 60 days of receipt of a request for a SNAP 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. As the OLCRAH received the Appellant's hearing request on ██████████ 2019, this final decision was not due until ██████████ 2020. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes in part designates the Department of Social Services as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

"The commissioner, ... , shall in determining need, take into consideration any available income and resources of the individual claiming assistance. 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 (a).

"Unearned income shall include, but not be limited to: ...(ii) Annuities; pensions; retirement, veteran's, or disability benefits; *worker's or unemployment compensation* including any amounts deducted to repay claims for intentional program violations as provided in §272.12; old-age, survivors, or social security benefits...." 7 C.F.R. § 273.9 (b)(2)(ii) (emphasis added).

The Appellant's unemployment compensation was unearned income for the purposes of the SNAP.

On [REDACTED] 2019, the Department had the authority to review and modify the amount of the Appellant's SNAP benefits to take into consideration the Appellant's then-unreported unearned income.

2. "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).

"Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the State agency shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15, use the State Agency's PA conversion standard, or use the exact monthly figure if it can be anticipated for each month of the certification period...." 7 C.F.R. § 273.10 (c)(2)(i).

The Department appropriately used "\$1,350.20" to represent Appellant's monthly unearned income, as that figure is the result of \$314.00 per week in unemployment compensation multiplied by 4.3 weeks per month.

3. "Households that are certified for longer than 6 months, except those households described in § 273.12(a)(5)(iii)(A), must file a periodic report between 4 months and 6 months, as required by the State agency...." 7 C.F.R. § 273.12 (a)(5)(ii)(B).

As a single-person household with a SNAP certification period of one year, the Appellant was subject to filing a periodic report to the Department to maintain her SNAP eligibility.

4. "For changes which result in an increase in a household's benefits ... due to a decrease of \$50 or more in the household's gross monthly income, *the State agency shall make the change effective not later than the first allotment issued 10 days after the date the change was reported.* ... For example, a household reporting a \$100 decrease in income at any time during May would have its June allotment increased. If the household reported the change after the 20th of May and it was too late for the State agency to adjust the ATP normally issued on June 1, the State agency would issue a supplementary ATP for the amount of the increase by June 10." 7 C.F.R. § 273.12 (c)(2)(i)

The Appellant's report to the Department of the termination of her unemployment compensation was not made ten (10) or more days prior to [REDACTED] 2019.

The Department correctly determined that the first SNAP allotment to the Appellant issued 10 days after [REDACTED] 2019 would have been for the [REDACTED] SNAP service month.

The Department may not adjust the Appellant's SNAP benefits for [REDACTED] 2019 to incorporate the termination of the Appellant's unemployment compensation in [REDACTED] 2019.

DISCUSSION

The Appellant reported the termination of her unemployment compensation to the Department on [REDACTED] 2019. The Department correctly used that information to increase the Appellant's SNAP benefits effective [REDACTED] 2020, the first allotment issued 10 days after the date the change was reported.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Taneisha Hayes, DSS-Hartford/Windsor
Jay Bartolomei, DSS-Hartford/Windsor
Musa Mohamud, DSS-Hartford/Windsor
Jessica Carroll, DSS-Hartford/Windsor

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.