

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: 156554

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") issued a *Notice of Action* to ██████████ (the "Appellant") terminating his Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████ 2020.

On ██████████ 2020, the Appellant filed a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH").

On ██████████, 2020, the OLCRAH scheduled the 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 Appellant's authorized representative represented the Appellant's interests, as the Appellant was unable to appear for the administrative hearing due to his work schedule. The following individuals participated in the proceeding:

██████████, Appellant's authorized representative
Ferris Clare, Department's representative
Eva Tar, Hearing Officer

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

STATEMENT OF ISSUE

The issue is whether the Department terminated the Appellant's SNAP benefits effective ██████████, 2020 in error.

FINDINGS OF FACT

1. The Appellant is under the age of [REDACTED] years. (Department Exhibit 2)
2. The Appellant is not disabled. (Department Exhibit 2)
3. On [REDACTED] 2020, the Department issued the Appellant \$85.00 in SNAP benefits as an individual. (Department Exhibit 3)
4. On [REDACTED] 2020, the Appellant submitted a SNAP renewal form to the Department. (Exhibit 2)
5. In the four-week pay period inclusive of checks dated [REDACTED] 2020 through [REDACTED] 2020, the Appellant grossed \$2,041.90 in wages from his employment. (Department Exhibit 1)
6. On [REDACTED] 2020, the Department terminated the Appellant's SNAP benefits effective [REDACTED], 2020. (Department Exhibit 3)
7. 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] 2020, 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 benefits to carry out the provisions of the SNAP.

2. Title 7, Code of Federal Regulations ("C.F.R.") section 273.1 (a)(2) provides that an individual "living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others" is a household.

The Appellant is a SNAP household of one.

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 household income includes his wages.

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." "In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by §273.12." 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." "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 equals \$2,195.02. [\$2,041.90 divided by 4 paychecks, multiplied by 4.3 weeks per month]

5. "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 order to receive SNAP benefits, the Appellant's gross monthly anticipated income could not exceed \$1,926.00, the gross income limit of the SNAP for a household of one effective [REDACTED] 2019 in Connecticut.

The Appellant's gross monthly anticipated income of \$2,195.02 exceeded \$1,926.00.

The Department correctly terminated the Appellant's SNAP benefits effective [REDACTED] 2020, as the Appellant'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: [REDACTED]
Feris Clare, DSS-New Haven
Rachel Anderson, DSS-New Haven
Cheryl Stuart, DSS-New Haven
Lisa Wells, 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 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.