

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: 159601

NOTICE OF DECISION

PARTY

██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") issued ██████████ (the "Appellant") a *Notice of Action* denying her Supplemental Nutrition Assistance Program ("SNAP") application.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's ██████████ 2020 postmarked request for an administrative hearing.

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 following individuals attended the hearing:

██████████, Appellant
Princess O'Reggio, Department's representative
Eva Tar, Hearing Officer

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

STATEMENT OF ISSUE

The issue is whether the Department's denial of the Appellant's [REDACTED] 2020 SNAP application is supported by federal regulations governing that program.

FINDINGS OF FACT

1. The Appellant is the mother of three minor children, [REDACTED], [REDACTED], and [REDACTED]. (Exhibit 1)
2. [REDACTED] (the "father") is the father of [REDACTED]. (Exhibit 2)
3. The Appellant, the father, and the Appellant's three minor children live at [REDACTED] [REDACTED] (the "residence"). (Appellant Testimony) (Exhibit 2)
4. The residence is a single-family house owned by the father; there is not a separate apartment number for the residence's basement. (Exhibit 2)
5. In 2019, the father's gross monthly income from wages and bonuses with his current employer exceeded \$189,000.00. (Exhibit 4)
6. On [REDACTED], 2020, the Appellant filed a SNAP application for herself and the three minor children; the Appellant did not include the father's personal information or income on the application. (Exhibit 1)
7. In a prior denied SNAP application, the Appellant initially had represented to the Department that she was residing in the residence's basement. The Appellant later claimed to a Department investigator that the basement was being rented by one of the father's friends. (Exhibit 2)
8. The Appellant submitted no proof to the Department to support her assertion that the father lives in a separate apartment in the residence's basement. (Hearing record)
9. The Appellant's testimony that the father lives in a separate apartment in the residence's basement is not credible; the testimony is self-serving, inconsistent with her prior statements, and unsupported by reliable evidence.
10. In [REDACTED] 2020, the father grossed \$13,500.01 in wages. (Exhibit 4)
11. The gross monthly income limit for a SNAP household of five in Connecticut is \$4,652.00. (Exhibit 3)
12. On [REDACTED] 2020, the Department denied the Appellant's SNAP application. (Exhibit 5)
13. Title 7, Code of Federal Regulations ("C.F.R.") 273.15 (c)(1) provides 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 [REDACTED] 2020 postmarked hearing request. The issuance of this final decision was due by [REDACTED] 2020. This final 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 Department has the authority to review the Appellant’s SNAP application to determine whether her household’s income met the program’s limits.

2. Title 7, Code of Federal Regulations (“C.F.R.”) section 273.2 (f)(1)(x) provides that “[s]tate agencies shall verify factors affecting the composition of a household, if questionable. Individuals who claim to be a separate household from those with whom they reside shall be responsible *for proving that they are a separate household to the satisfaction of the State agency....*” (emphasis added).

The Appellant did not prove to the Department’s satisfaction that the father was a separate household from the Appellant and their child in common.

3. A natural or adoptive parent or stepparent is a mandatory member of a SNAP household in which he and his minor child resides, even if he does not customarily purchase food and prepare meals with the others in the household. 7 C.F.R. § 273.1 (b)(1)(ii).

The father is a mandatory member of the Appellant’s SNAP household, as he and the Appellant have a child in common and live in the same residence as the child in common.

4. “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).

As a mandatory member of the Appellant’s SNAP household, the father’s gross monthly wages are earned income.

5. Title 7, Code of Federal Regulations section 273.9 (a)(1)(i) provides the gross income eligibility standards for SNAP for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands. 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.*

The Appellant's SNAP household income of \$13,500.01 in [REDACTED] 2020 exceeded \$4,652.00, the SNAP's monthly gross income limit for a household of five.

The Department's denial of the Appellant's [REDACTED] 2020 SNAP application is supported by federal regulations governing that program.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Pc: Princess O'Reggio, DSS-Bridgeport
Fred Presnick, DSS-Bridgeport
Yecenia Acosta, DSS-Bridgeport
Tim Latifi, DSS-Bridgeport

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.