

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3725

██████████ 2020
Signature Confirmation

Case ID # ██████████
Client ID # ██████████
Request # 159905

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) issued a notice of action to ██████████ (the “Appellant”) discontinuing her Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the discontinuance of her SNAP benefit.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings, (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2020.

On ██████████ 2020, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone.

The following individuals called into the hearing:

██████████ Appellant
Joseph Alexander, Department’s Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP assistance based on income more than the program limit.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Department received the Appellant's application for recertification. The Appellant's certification period is [REDACTED] 2019, through [REDACTED] 2020. (Exhibit 2: Case note; Hearing summary)
2. On [REDACTED] 2020, the Department completed a telephone interview with the Appellant and sent the Appellant a Proofs We Need form ("W-1348") requesting the Appellant's last four paystubs from Home Instead or the equivalent. A [REDACTED] 2020, due date was given for the return of the Appellant's monthly wages. (Exhibit 2; Exhibit 3: W-1348)
3. On [REDACTED] 2020, the Department received five pay stubs and an employment letter from the Appellant. (Exhibit 4: Employment verification)
4. On [REDACTED] 2020, the Department sent the Appellant a discontinuance notice that indicated the Appellant's SNAP assistance will close effective [REDACTED] 2020. (Exhibit 7: Notice)
5. The SNAP gross monthly income limit for two is \$2,607.00. (Record)
6. The Appellant (DOB [REDACTED]) and her child ([REDACTED]) comprise the assistance unit. Neither the Appellant nor her child is either elderly or disabled. (Record; Hearing summary, Appellant's testimony)
7. The Department calculated the Appellant's monthly income as follows: \$1,628.44 [REDACTED] + \$896.46 [REDACTED] + \$2,192.85 [REDACTED] + \$1,277.35 [REDACTED] = \$5,995.10. $\$5,995.10/4 = \$1,498.78$. $\$1,498.78 * 2.15 \text{ weeks} = \$3,222.37$. (Exhibit 4; Exhibit 6: Earned Income worksheet; Hearing summary)
8. The Appellant's [REDACTED] paystub reflects a Covid-19 bonus and her [REDACTED] paystub shows overtime pay and a higher hourly rate. (Exhibit 4)
9. There are no other types of income, earned or unearned, received by the Appellant. (Hearing record; Appellant's testimony)
10. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which provides that within 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 is notified of

the decision. The Appellant requested an administrative hearing on [REDACTED], 2020; therefore, this decision is due no later than [REDACTED] 2020. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. The Department's Uniform Policy Manual ("UPM") is the equivalent of state regulation and, as such, carries the force of law." *Bucchere v. Rowe*, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712 (1990)).
3. 7 C.F.R. § 273.9 (a) provides that participation in the Program shall be limited to those households whose income incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households, which contain an elderly or disabled member, shall meet the net income eligibility standards for the Food Stamp Program. 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 the Food Stamp Program. Households that are categorically eligible as defined in §273.2 (j) (2) or 273.2 (j) (4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

Neither the Appellant nor her child is either elderly or disabled and is therefore subject to both the net and gross SNAP income standards.

4. 7 C.F.R. § 273.2 (j) (2) (i) provides the following households are categorically eligible for SNAP benefits unless the entire household is institutionalized as defined in §273.1(e) or disqualified for any reason from receiving SNAP benefits. (E) any household in which all members receive or are authorized to receive PA and/or SSI benefits in accordance with paragraphs (j)(2)(i)(A) through (j)(2)(i)(D) of this section.

The Appellant's household is not a recipient of Public Assistance (cash assistance) or SSI and is therefore not categorically eligible based on receipt of such.

5. 7 C.F.R. § 273.2 (j) (2) (ii) provides the State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purposes of the Food and Nutrition Act of 2008: (A) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or

Federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determining to confer categorical eligibility.

The Appellant's household was previously extended categorical eligibility based on the household's eligibility to receive non-cash or in-kind services from the Department's "Help for People in Need" program and having an income of less than 185% of the Federal Poverty Level.

6. 7 C.F.R. § 273.10 (c) (2) (i) provides for converting income into monthly amounts. Income anticipated during the certification period shall be counted as income only in the month it is expected to be received unless the income is averaged. 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. Nonrecurring lump sum payments shall be counted as a resource starting in the month received and shall not be counted as income.

UPM § 5025.05 (B) (2) provides that if income is received on other than a monthly basis, the estimate of income is calculated by multiplying 4.3 by a representative weekly amount that is determined as follows: b. if income varies from week to week, a representative period of at least four consecutive weeks is averaged to determine the representative weekly amount.

The Department correctly determined the Appellant's gross bi-weekly wages equaled \$1,498.77 or \$3,222.37 monthly ($\$1,498.77 * 2.15$) which is over the SNAP income limit of \$2,607.00 for a household of two.

The Department correctly discontinued the Appellant's SNAP assistance effective [REDACTED] 2020, based on the Appellant's circumstances as of [REDACTED] 2020.

DECISION

The Appellant's appeal is denied with regards to the Department's [REDACTED] 2020 action to discontinue her SNAP assistance effective [REDACTED] 2020, for having income above the program limit.


Christopher Turner
Hearing Officer

Cc: Fred Presnick, Operations Manager Bridgeport
Yecenia Acosta, Operations Manager Bridgeport
Tim Latifi, Operations Manager Bridgeport
Joseph Alexander, 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 the Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

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 if 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 06105-3725. 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 the Commissioner's 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.