

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: 164890

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

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

On ██████████, 2020, the Appellant filed an online 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. The OLCRAH granted the Appellant's request for a postponement of the hearing.

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
Mary Sblendorio, Department Representative
Eva Tar, Hearing Officer

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

STATEMENT OF ISSUE

The issue is whether the Appellant's household was ineligible for SNAP benefits effective ██████████ 2020.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old. (Appellant Testimony)
2. The Appellant's two minor children live with the Appellant; there are no other individuals living with the Appellant. (Appellant Testimony)
3. The Appellant's wages are the sole income of her household. (Appellant Testimony)
4. On [REDACTED], 2020, the Department received an online *Periodic Report Form*, electronically signed by the Appellant on [REDACTED] 2020. (Department Exhibit 1)
5. On the *Periodic Report Form*, the Appellant reported full-time employment at \$21.50 per hour. (Department Exhibit 1)
6. In [REDACTED] 2020, the Appellant started working for [REDACTED], while also continuing to work for [REDACTED]. (Appellant Exhibit A) (Department Exhibit 3) (Appellant Testimony)
7. In [REDACTED] 2020, the Appellant grossed \$390.00 in wages from [REDACTED], [REDACTED]. (Appellant Exhibit A)
8. In [REDACTED] 2020, the Appellant grossed \$5,236.80 in wages from [REDACTED] as follows: \$2,022.04 ([REDACTED]/20); \$1,937.10 (1[REDACTED]/20); and \$1,277.66 ([REDACTED]/20). (Department Exhibit 3) (Department Representative Testimony)
9. On [REDACTED] 2020, the Department terminated the Appellant's SNAP benefits effective [REDACTED] 2020. (Department Exhibit 2)
10. In [REDACTED] 2020, the Appellant reduced her hours with [REDACTED] and quit her job at [REDACTED] C. (Appellant Testimony) (Appellant Exhibit A)
11. Title 7, Code of Federal Regulations ("C.F.R.") section 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...."

"The household may request and is entitled to receive a postponement of the scheduled hearing. The postponement shall not exceed 30 days and the time limit for action on the decision may be extended for as many days as the hearing is postponed. For example, if a State level hearing is postponed by the household for 10 days, notification of the hearing decision will be required within 70 days from the date of the request for a hearing." 7 C.F.R. § 273.15 (c)(4).

On [REDACTED] 2020, the OLCRAH received the Appellant's hearing request. The issuance would have been due by [REDACTED], 2020, however the Appellant requested and received a 37-day postponement of the administrative hearing, which extended the deadline by an additional 30 days (maximum), to [REDACTED] 2021. 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 has the authority, at any time, 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: “A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.”

“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) ...; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s);” 7 C.F.R. § 273.1 (b)(1)(ii).

The Appellant’s minor children are mandatory members of the Appellant’s SNAP household.

The Appellant’s household is a SNAP household of three.

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 wages from [REDACTED] and [REDACTED] are 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).

Title 7, Code of Federal Regulations section 273.10 (c)(2)(i) provides:

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....

7 C.F.R. § 273.10 (c)(2)(i).

For the purposes of the SNAP, the Department could have reasonably concluded that the Appellant's *anticipated* gross monthly wages equaled \$3,698.00, based on the information the Appellant reported on her most recent *Periodic Report Form*. [(80 hours per bi-weekly schedule) multiplied by (\$21.50 per hour) multiplied by 2.15 (biweekly pay periods per month)]

In [REDACTED] 2020, the Appellant's *actual* gross monthly income equaled \$5,626.80. [\$5,236.80 ([REDACTED] wages) plus \$390.00 ([REDACTED] , [REDACTED]

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).

As a condition of SNAP eligibility, the Appellant's gross monthly income must not exceed the gross income eligibility standard of the SNAP for a household of three, as her household contains no elderly or disabled members.

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

In Connecticut, the SNAP gross income limit equals 185 percent of the Federal poverty level because of the implementation of Expanded Categorical Eligibility. Effective October 1, 2020, the gross monthly income limit of the SNAP for a household of three equaled \$3,349.00, i.e., 185% of the Federal poverty level for a household of three. *Field Operations Communication, 9/29/20.*

The Appellant's anticipated gross monthly wages of \$3,698.00, based on the information the Appellant reported on her *Periodic Report Form*, exceeded \$3,349.00, the SNAP gross income limit under Expanded Categorical Eligibility for a household of three.

In [REDACTED] 2020, the Appellant's gross monthly wages of \$5,626.80 (from two employers) exceeded \$3,349.00, the SNAP's gross income limit under Expanded Categorical Eligibility for a household of three.

The Department correctly terminated the Appellant's SNAP benefits effective [REDACTED] 2020, as the Appellant's gross monthly wages from two employers exceeded the SNAP gross income limit for a household of three.

DISCUSSION

In [REDACTED] 2020, the Appellant's wages from her two jobs exceeded the SNAP gross income limit for a three-person household.

At the [REDACTED] 2020 administrative hearing, the Appellant reported that she had quit one job and had reduced her hours of employment at her remaining job to accommodate her child's remote learning and school closures due to the COVID-19 pandemic. The Appellant is encouraged to reapply for SNAP as her income has changed since [REDACTED] 2020.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Mary Sblendorio, DSS-New Haven
Ferris 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 Administrative Hearings and Appeals, 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, 165 Capitol Avenue, 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 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.

