

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

██████████, 2021
SIGNATURE CONFIRMATION

CASE # ██████████
CLIENT ID # ██████████
REQUEST # ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2021, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) discontinuing Supplemental Nutritional Assistance (SNAP) effective ██████████, 2021.

On ██████████, 2021, the Appellant requested an administrative hearing to appeal the SNAP discontinuance.

On ██████████, 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the Administrative Hearing for ██████████, 2021.

On ██████████, 2021, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Hearing. The hearing was held telephonically due to the COVID-19 pandemic with no objection from any party. The following individuals participated in the hearing:

██████████, Appellant
Valentina Fuentes, Department’s Representative
Joseph Alexander, Administrative Hearing Officer

The Hearing record remained open for the submission of additional information. Exhibits were received from the Appellant and the Department and the record closed [REDACTED], 2021.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's SNAP on [REDACTED], 2021, due to excess household income.

FINDINGS OF FACT

1. The Appellant was a recipient of SNAP benefits as a household of two, himself and his spouse. (Hearing Record)
2. On [REDACTED], 2020, the Consolidated Appropriations Act of 2021 was signed into law. This act includes an additional benefit for unemployment claimants called Federal Pandemic Unemployment Compensation (FPUC). The FPUC benefit allows for an additional \$300.00 per week for individuals receiving UCB starting [REDACTED] 2021. This program was scheduled to end with claims paid through the week ending [REDACTED] 2021. The additional benefit is not countable income for the SNAP program. (Appellant's Exhibit 6: Field Operations Communications dated March 23, 2021)
3. On [REDACTED], 2021, the Appellant submitted a W-1ER Renewal of Eligibility form to the Department as his household's SNAP eligibility period was scheduled to expire [REDACTED], 2021. (Department's Exhibit 2: Case Note dated [REDACTED], 2021).
4. On [REDACTED], 2021, the Department reviewed the Appellant's renewal form and issued a W-1348 Proofs We Need form requesting proof that the Appellant's spouse had applied for unemployment compensation. The Department also issued an Interview Notice to the Appellant (Department's Exhibit: 1. W-1348 Proofs We Need dated [REDACTED], 2021; Department's Exhibit 2: Case Note dated [REDACTED], 2021).
5. On [REDACTED], 2021, in response to the signing of the American Rescue Plan, the Department issued a Field Operations Communications which detailed the extension of the weekly \$300.00 FPUC benefit through [REDACTED], 2021 (Appellant's Exhibit 6: Field Operations Communications dated [REDACTED] 2021)
6. On [REDACTED], 2021, the Appellant submitted a "Claimant and Benefit Information" letter from the Connecticut Department of Labor (DOL) to the Department for review and completed the SNAP renewal interview (Hearing Record, Department's Exhibit 1: DOL letter dated [REDACTED], 2021).

7. On [REDACTED], 2021, the Department issued an NOA to the Appellant regarding SNAP discontinuance effective [REDACTED], 2021 for failing to complete a redetermination (Appellant's Exhibit 2: NOA dated [REDACTED], 2021).
8. On [REDACTED], 2021, the Appellant's SNAP was discontinued as the renewal process has not been completed by [REDACTED], 2021. (Appellant's Exhibit 2: NOA dated [REDACTED], 2021).
9. On [REDACTED], 2021, the Department took the following actions:
 1. Reviewed the DOL letter submitted by the Appellant on [REDACTED], 2021
 2. Calculated the Appellant's spouse's gross monthly unemployment Compensation as \$2,734.80 (\$636.00 per week x 4.3 weeks = \$2,734.80)
 3. Rescreened SNAP with a begin date of [REDACTED], 2021
 4. Closed SNAP as the household's gross monthly income exceeded the SNAP income limit for a household of two.
10. The issuance of this decision is timely under the Code of Federal Regulations which requires that a decision must be reached, and the household notified within [REDACTED] days of receipt of a requested fair hearing. The hearing request was received on [REDACTED], 2021. The decision therefore was due no later than [REDACTED], 2021. However, the hearing record, which had been anticipated to close on [REDACTED], 2021, did not close for the admission of evidence until [REDACTED], 2021, at the Appellant's request. Because this [REDACTED]-day delay in the close of the hearing record arose from the Appellant's request, this final decision was not due until [REDACTED] 2021, and is therefore timely. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2(6) of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("CFR") § 273.1 provides for the household concept. (a) General household definition. 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. (b) Special household requirement (1) Required household combinations. 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) Spouses; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

The Department correctly determined that the Appellant's household consists of two people

3. 7 CFR §273.10(c)(1)(i) provides for purposes 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.
4. 7 CFR §273.9(b)(2)(ii) and (5)(i) & (c)(8) provides Unearned income shall include, but not be limited to: (ii)...Unemployment Compensation Benefits
5. 7 CFR §273.10(c)(1)(ii) provides 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
6. 7 CFR §273.10(c)(2) provides 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

The Department correctly determined that the Appellant's spouse's unemployment compensation is counted in determining SNAP eligibility

7. 26 U.S. Code § 6409 Refunds disregarded in the administration of Federal programs and federally assisted programs states, " Notwithstanding any other provision of law, any refund (or advance payment with respect to refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds".

The Department incorrectly counted the full amount of the Appellant's spouse's Unemployment Compensation when determining the household's eligibility for SNAP. The Department failed to reduce the weekly Unemployment Compensation amount by \$300.00 in compliance with 26 U.S. Code § 6409.

DISCUSSION

The issue of this hearing was originally requested for SNAP discontinuance for failing to complete a redetermination. This issue however was resolved prior to the hearing being held and all participants

agreed to go forward with the hearing on the adjusted issue of SNAP denial due to excess income.

DECISION

The Appellant's appeal concerning SNAP denial due to excess income is **GRANTED**

ORDER

The Department is ordered to do the following:

1. Recalculate the household's income by reducing the weekly unemployment compensation benefit by \$300.00 and establish the household's SNAP eligibility beginning [REDACTED], 2021.
2. Issue a new Notice of Action to the Appellant with the amended household income
3. Compliance with this order is due to the undersigned Administrative Hearing Officer within 10 days from the date the decision was issued

Joseph Alexander

**Joseph Alexander
Administrative Hearing Officer**

CC: Tonya Cook-Beckford, Operations Manager, DSS, Willimantic Regional Office
Valentina Fuentes, Fair Hearing Liaison, DSS, Willimantic Regional Office

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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 06105-3725.

RIGHT TO APPEAL

The Appellant has the right to appeal this decision to Superior Court with 45 days of the mailing of this decision, or 45 days after the agency denies 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 06105-3725. 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 her 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.

