

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 # 174739

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a notice of action discontinuing her Supplemental Nutrition Assistance Program (“SNAP”) benefit due to having a monthly gross income above the program limit for her household size.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the Department’s discontinuance of her SNAP assistance.

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, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephonic conferencing.

The following individuals participated in the hearing:

██████████ Appellant
Ferris Clare, Department’s Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department was correct to discontinue the Appellant's SNAP assistance due to having a monthly gross income higher than the program limit.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Department received the Appellant's SNAP application for recertification. (Exhibit 1: Case notes; Hearing summary)
2. On [REDACTED] 2021, the Department reviewed the Appellant's SNAP recertification. A request for paystubs was sent to the Appellant along with and a notice to complete a telephone interview. (Exhibit 1)
3. On [REDACTED] 2021, the Appellant submitted partial information to the Department. (Exhibit 1)
4. On [REDACTED] 2021, the Department sent the Appellant a notice indicating her SNAP assistance will close effective [REDACTED] 2021, for failure to complete the recertification process. (Exhibit 3A: Notice)
5. On [REDACTED] 2021, a Department representative completed a telephone interview with the Appellant. A Department representative then updated the Appellant's case with her earned income. This action resulted in the closure of the Appellant's SNAP assistance due to having a gross income more than the program limit. (Exhibit 1; Exhibit 3B: Notice; Hearing summary)
6. The Appellant's certification period was [REDACTED] 2020, through [REDACTED] 2021. (Record; Department's testimony)
7. The Appellant's household consists of herself and one child. (Exhibit 1; Hearing record; Appellant's testimony)
8. The Appellant's household does not contain an elderly or disabled individual. (Record; Appellant's testimony)
9. The Appellant has a monthly rental obligation of \$640.00 with heat included. (Hearing summary; Appellant's testimony)
10. The Appellant works for [REDACTED] and is paid weekly. The Department calculated her gross monthly wages to be \$2,715.67. There is no other income earned or unearned received by the Appellant. (Exhibit 2: Paystubs; Exhibit 3B: Notice; Record; Appellant's testimony)

11. The Appellant agreed with the income figures the Department's used in her benefit calculation though reported her hours have since decreased. (Appellant's testimony)
12. The SNAP gross income limit for an assistance unit of two in [REDACTED] 2021 is \$2,658.00. (Record)
13. 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] 2021, with this decision due no later than [REDACTED] 2021. (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.

The Department has the authority to review the Appellant's ongoing SNAP eligibility to determine whether her household meets the program's income requirements.

2. 7 C.F.R. § 273.14(a) provides that no household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

The Appellant timely submitted her SNAP application for recertification before the end of her certification period.

3. 7 C.F.R. § 273.2(e) (2) provides the State agency may use a telephone a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by

telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

The Appellant completed the telephone interview requirement with the Department.

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 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. § 273.9 (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 that 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)).

7 C.F.R. § 271.2 defines an elderly or disabled member as a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.

The Department correctly determined that the Appellant's household does not contain a disabled or elderly individual and is therefore subject to the gross income and net income eligibility standards.

6. 7 C.F.R. § 273.9 (a) (1) provides 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) (4) provides that the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS website, at www.fns.usda.gov/snap.

Effective June 19, 2009, the Department implemented SNAP changes referred to as Expanded Categorical Eligibility ("ECE"). Effective July 1, 2009, the gross income limit for the SNAP increased to 185% of the Federal Poverty Level ("FPL") for SNAP households that do not contain an elderly or disabled household member.

The Department correctly used \$2,658.00 (185% of the FPL for a household of two effective [REDACTED] 2020, to [REDACTED] 2021) in its eligibility determination.

7. 7 C.F.R. § 273.9 (b) provides for the definition of income. (1) Earned income shall include: (i) All wages and salaries of an employee.

7 C.F.R. § 273.10 (c) provides for determining income—(1) *Anticipating income.* (i) 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. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is 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) (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.

The Department correctly calculated the Appellant's gross earnings as \$2,715.67 monthly ([REDACTED] - \$554.73 + [REDACTED] - \$553.13 + [REDACTED] - \$738.33 + [REDACTED] - \$680.00 = \$2,526.19. ($\$2,526.19/4 = \631.55 . $\$631.55 * 4.3 = \$2,715.67$).

The Appellant's gross income of \$2,715.67 exceeds the SNAP gross income limit of \$2,658.00 for an assistance unit of two.

The Appellant's household is ineligible for SNAP benefits effective [REDACTED] 2021.

DISCUSSION

Under SNAP, families who do not meet the categorical eligibility requirements of the program are subject to income limits. Because the Appellant's household does not contain an elderly or disabled individual, the assistance unit is subject to the gross income test. This means the individual's gross income must fall below the gross income standard to carry out an eligibility determination. In the present case, the Appellant's income is above this standard and therefore, household, or other expenses are not considered, and no further calculation of eligibility is completed.

DECISION

The Appellant's appeal is denied.



Christopher Turner
Hearing Officer

Cc: Rachel Anderson, Operations Manager, New Haven
Cheryl Stuart, Operations Manager, New Haven
Lisa Wells, Operations Manager, New Haven
Ferris Clare, 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, law, and 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 the 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, 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 under §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.