

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 ID # ██████████
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 her Supplemental Nutrition Assistance Program (“SNAP”) benefits due to excess income.

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

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 telephone.

The following individuals participated in the hearing:

██████████, Appellant
Jennifer Miller, Department’s Representative
Lisa Castelleno, Interpreter, Interpreters and Translators, Inc.
Sara Hart, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly discontinued the Appellant's SNAP benefits.

FINDINGS OF FACT

1. On [REDACTED], 2021, the Appellant submitted an online renewal for SNAP benefits. (*Exhibit 5: Online Renewal*)
2. On [REDACTED], 2021 the Department reviewed the renewal and conducted a SNAP telephone interview with the Appellant. (*Department's Testimony*)
3. The Appellant's household consists of two members: the Appellant, age [REDACTED] (DOB [REDACTED]), and her daughter, age [REDACTED] (DOB [REDACTED]). (*Exhibit 5, Appellant's Testimony*)
4. The Appellant's daughter receives Birth to Three services. She has not been determined disabled by the Social Security Administration. (*Appellant's Testimony*)
5. There are no elderly household members. (*Appellant's Testimony*)
6. [REDACTED] employs the Appellant and she is paid biweekly. She received the following gross wages: \$1,219.53 on [REDACTED], \$1316.62 on [REDACTED], \$1,262.28 on [REDACTED], \$1,258.82 on [REDACTED]. (*Exhibit 3: Worknumber report*)
7. The Department calculated the Appellant's total monthly wages as \$2726.33. (*Department's Testimony*)
8. The Appellant pays \$1016.00 per month for rent and is responsible for separate heating costs. (*Exhibit 5, Appellant's Testimony*)
9. On [REDACTED] 2021 the Department issued the Appellant a NOA discontinuing her SNAP benefits because the household's gross income exceeded the limit. (*Exhibit 4: NOA dated [REDACTED] 2021*)
10. On [REDACTED] 2021 the Department recalculated the Appellant's total household income as \$2710.18 ($\$1262.28 + \$1258.82 = \$2521.11 / 2 = \$1260.55 * 2.15$). (*Hearing Summary*)
11. 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. therefore, this decision is due no later than [REDACTED], 2021.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides that the Department of Social Services is designated as the state agency for the administration of 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. Title 7 of C.F.R. § 273.9(a) provides that participation in the Program shall be limited to those households whose 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)).

The Department correctly determined the Appellant’s household is not categorically eligible for SNAP benefits; therefore, the household must meet both the net and gross income eligibility standard.

4. 7 C.F.R. § 273.1(b)(1)(ii) provides for required household composition. 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.
 - 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 the Appellant’s SNAP household included two members.

5. 7 C.F.R. § 273.9 (b) states that “Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.”

UPM § 5005(A) states that: “In consideration of income, the Department counts the assistance unit’s available income, except to the extent that it is specifically excluded.”

7 C.F.R. § 273.9 (b)(1)(i) states that “Earned income shall include: (i) All wages and salaries of an employee.”

UPM § 5000.01 states that “Earned income is income which the assistance unit receives in exchange for the performance of duties or through self-employment and may be in the form of wages, salary, benefits, or proceeds from self-employment.”

The Department correctly included the Appellant’s wages in the determination of eligibility for SNAP benefits.

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.

7 CFR 273.10(b)(4)(ii) provides in part that 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.

The Department incorrectly determined the Appellant’s total monthly wages were \$2726.33.

**The Appellant’s correct total monthly wages are \$2772.31
(\$1262.28+\$1316.62=\$2578.90/2=\$1289.45*2.15)**

7. 7 CFR § 273.9 (a)(1) discusses the gross income eligibility standards for the Food Stamp Program and provides that: (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.”

UPM § 5520.40 provides that income eligibility for the SNAP program is determined either through the use of SNAP gross and applied income tests or through meeting the eligibility requirements for TFA (including diversion assistance), AFDC, AABD, GA, SAGA, refugee assistance or SSI.

A. Gross Income Eligibility Test

1. The Gross Income Eligibility test is used for all units except those which:

- a. include one or more persons who are elderly or disabled; or
 - b. are categorically eligible for FS benefits.
2. When the Gross Income Test is used, the assistance unit's gross monthly income is compared to a limit which is equal to 130% of the Food Stamp Applied Income Limit (FSAIL) for the number of persons in the needs group:
- a. If the unit's total gross income exceeds the standard, the unit is not eligible for Food Stamps benefits.
 - b. If the unit's gross income equals or is less than the limit, the unit's applied income is then subjected to the Applied Income Test.

7 C.F.R. § 273.9(a)(3) states that "The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii."

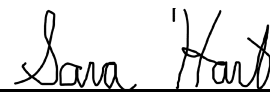
The 2021 Poverty Guidelines for the 48 Contiguous States and the District of Columbia for a household of two is \$17,240.00 annually. [*Federal Register: January 13, 2021 [Vol. 85, No. 19, pg. 7732-7733]*]

UPM §P-5520.36 provides for the gross income limits for SNAP expanded categorical eligibility as 185% of the Federal Poverty Level.

The Department was correct when it discontinued the Appellant's SNAP benefits effective May 1, 2021 because the Appellant's total gross income of \$2772.31 exceeds the SNAP income limit of \$2658.00 ($\$17,240 \times 185\% = \$31,894 / 12 \text{ months} = \2658 per month (rounded up)) for a household of two members.

DECISION

The Appellant's appeal is **DENIED**.



Sara Hart
Hearing Officer

Cc: Jennifer Miller, Waterbury Regional Office
Jamel Hilliard, Waterbury 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 § 4-181a (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.