

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

[REDACTED] 2021
Signature confirmation

Case: [REDACTED]
Client [REDACTED]
Request: 176287

NOTICE OF DECISION

PARTY

[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2021, the Department of Social Services (the "Department") issued [REDACTED] (the "Appellant") a *Notice of Overpayment and Recoupment*, seeking recovery of \$3,531.80 in allegedly overissued Supplemental Nutrition Assistance Program ("SNAP") benefits from [REDACTED], 2020 through [REDACTED], 2020.

On [REDACTED] 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's hearing request.

On [REDACTED] 2021, the OLCRAH scheduled an administrative hearing for [REDACTED] 2021.

On [REDACTED] 2021, 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 attended the hearing by telephone conferencing:

[REDACTED], Appellant
Javier Rivera, Department Representative
Eva Tar, Hearing Officer

The administrative hearing record closed [REDACTED] 2021.

STATEMENT OF ISSUE

The issue is whether the Department may recover from the Appellant \$3,531.80 in SNAP benefits issued to her household from [REDACTED] 2020 through [REDACTED] 2020.

FINDINGS OF FACT

1. In [REDACTED] 2020, the U.S. Department of Agriculture's Federal Nutrition Service ("FNS") granted Connecticut's petition to issue Emergency Allotments (the "Petition") to all ongoing SNAP households for [REDACTED] 2020 and [REDACTED] 2020, to bring up the ongoing SNAP households' grants to the maximum monthly SNAP allotment for their household size. The FNS granted subsequent extensions to the Petition through [REDACTED] 2021.¹
2. The Appellant's household consists of the Appellant and two children. (Appellant Testimony)
3. The Appellant has been employed by [REDACTED] since [REDACTED]. (Exhibit 2)
4. From [REDACTED] 2020 through [REDACTED] 2020, the Appellant's household received the maximum SNAP benefits available for a household of three, i.e., \$509.00 per month from [REDACTED] 2020 through [REDACTED] 2020, and \$535.00 per month from [REDACTED] 2020 through [REDACTED] 2020. (Exhibits 3 and 6)
5. On [REDACTED] 2020, the Department issued an additional \$101.80 in SNAP benefits in addition to the \$509.00 in SNAP benefits that had been already issued to the Appellant's household on [REDACTED]. (Exhibit 3 and 6)
6. The Department's records state that the \$101.80 [REDACTED] 2020 issuance is associated part of the Appellant's [REDACTED] 2020 SNAP benefit, but provides no further explanation. (Department Representative Testimony)
7. In [REDACTED] 2020, the Appellant grossed \$2,540.94 in wages. (Exhibit 2)
8. In [REDACTED] 2020, the Appellant grossed \$2,627.40 in wages. (Exhibit 2)
9. In [REDACTED] 2020, the Appellant grossed \$2,957.54 in wages. (Exhibit 2)
10. In [REDACTED] 2020, the Appellant grossed \$2,131.03 in wages. (Exhibit 2)
11. In [REDACTED] 2020, the Appellant grossed \$2,978.61 in wages. (Exhibit 2)
12. In [REDACTED] 2020, the Appellant grossed \$3,418.92 in wages. (Exhibit 2)
13. In [REDACTED] 2020, the Appellant grossed \$2,626.75 in wages. (Exhibit 2)
14. On [REDACTED] 2021, the Department's Claims Unit recalculated the SNAP eligibility of the Appellant's household from [REDACTED] 2020 through [REDACTED] 2020 to incorporate the Appellant's gross wages received in each month. (Department Representative Testimony) (Exhibits 1 and 3)
15. The Claims Unit determined that the Appellant's SNAP household was eligible for less than the maximum monthly SNAP allotment in [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020,

¹ <https://www.fns.usda.gov/disaster/pandemic/covid-19/connecticut>

██████████ 2020, ██████████ 2020, and ██████████ 2020, and that the household was ineligible for SNAP in ██████████ 2020. (Exhibit 3)

16. The Claims' Unit's determination of the amount of SNAP benefits the Appellant's household was eligible to receive from ██████████ 2020 through ██████████ 2020 does not consider the operation of the Petition in the same period. (Exhibit 3)
17. On ██████████ 2021, the Department issued the Appellant a *Notice of Overpayment and Recoupment* seeking recovery of \$3,531.80 in allegedly overissued SNAP benefits from ██████████, 2020 through ██████████, 2020. (Exhibit 5)
18. 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...." On ██████████, 2021, the OLCRAH received the Appellant's hearing request. The issuance of this decision would have been due by ██████████ 2021. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes designates the Department of Social Services as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

"If a beneficiary of assistance under the ... food stamp program ... receives any award or grant over the amount to which he is entitled under the laws governing eligibility, the Department of Social Services (1) shall immediately initiate recoupment action...." Conn. Gen. Stat. § 17b-88.

In Connecticut, the Department has the authority to administer the SNAP and to initiate recovery action for households that received SNAP benefits in excess to the amounts for which they are entitled to receive.

2. 7 C.F.R. § 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.

Title 7, Code of Federal Regulations ("C.F.R.") Section 273.2 (j)(2)(ii)(A) 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 [maintenance of effort] 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 [Temporary Assistance to Families in Need] 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.

7 C.F.R. § 273.2 (j)(2)(ii)(A).

Households in the State of Connecticut with gross incomes below 185% of the Federal poverty level qualify for the State's "Help for People in Need" program, a program funded with money counted for TANF MOE purposes.

The 2019 Federal Poverty Standards are published in the Federal Register at 84 FR 1167, p. 1167-1168, published 2/1/2019.

Effective October 1, 2019, the gross monthly income limit of the SNAP for a household of three in Connecticut equaled \$3,289.00, i.e. 185% of the Federal poverty level for a household of three. *Field Operations Communication*, 9/6/2019.

The 2020 Federal Poverty Standards are published in the Federal Register at 85 FR 3060, p. 3060-3061, published 1/17/20.

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

As one of the conditions of SNAP eligibility, the gross monthly income of the Appellant's household had to be less than or equal to 185% of the Federal poverty level for a household of three in the relevant period.

The Appellant's household met the eligibility requirement of having gross monthly income within the SNAP's gross monthly income limits for a household of three in the following months: [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, and [REDACTED] 2020.

In [REDACTED] 2020, the Appellant's household did not meet the eligibility requirement of having gross monthly income within the SNAP's gross monthly income limits for a household of three, as the Appellant's gross wages of \$3,418.92 exceeded \$3,349.00, or 185% of the Federal poverty level for a household of three in that month.

3. Title 7, Code of Federal Regulations ("C.F.R."), Section 273.18 (a)(1)(i) provides in part that "[a] recipient claim is an amount owed because of: (i) Benefits that are overpaid...."

7 C.F.R. § 273.18 (c)(1)(ii) provides instruction to the State as to the calculation of a claim. This section notes that the first step in calculating a claim is to "determine the correct amount of benefits each month that a household received as an overpayment." The second step involves when to apply the earned income deduction. The third step is to "subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment."

The Department incorrectly determined that the Appellant's SNAP household had incurred an overpayment in [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, and [REDACTED] 2020, as the Appellant's household was entitled to receive SNAP benefits equal to the maximum monthly SNAP allotment for a household of three in those specific months, under the operation of the Petition.

The Department correctly determined that the Appellant's SNAP household had incurred an overpayment of \$535.00 in [REDACTED] 2020, as the Appellant's gross wages in that month exceeded the SNAP's gross income limits for a household of three, resulting in the household being ineligible to receive SNAP benefits.

DISCUSSION

A SNAP overpayment is determined by deducting what a household *should have received* from *what it did receive*. 7 C.F.R. § 273.18 (c)(1)(ii).

The Appellant's household was eligible for and received the maximum monthly SNAP allotment for a household of three for the following months: [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, and [REDACTED] 2020. There is no SNAP overpayment to be recovered from the Appellant's household in those months. The Department is directed to remove the SNAP overpayments for these specific months.

However, in [REDACTED] 2020, the Appellant's gross wages of \$3,418.92 exceeded the SNAP gross income limit of \$3,349.00 for a household of three, rendering her household ineligible for SNAP benefits in that month. Therefore, the household's receipt of \$535.00 in SNAP benefits in [REDACTED] 2020 was in error. The Department may initiate recovery from the Appellant's household of \$535.00 in SNAP benefits that had been issued to the household in [REDACTED] 2020.

DECISION

The issue of this hearing is **GRANTED** in part.

ORDER

1. The Department will remove the SNAP overpayments for the following months: [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, [REDACTED] 2020, and [REDACTED] 2020. The Department may initiate recovery of \$535.00 in SNAP benefits issued to the Appellant's household in error for [REDACTED] 2020.
2. Within 14 calendar days of this Decision, or [REDACTED] 2021, documentation of compliance with this Order is due to the undersigned.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Pc: Javier Rivera, DSS-Manchester
Tricia Morelli, DSS-Manchester

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.