

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 # 180035

NOTICE OF DECISION

PARTY

██████████
████████████████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued a notice of action to ██████████ (the “Appellant”) discontinuing her benefits under Supplemental Nutrition Assistance Program (“SNAP”) because her household’s gross income exceeded the limit.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the Department’s action.

On ██████████, 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings, (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2021. The hearing was scheduled to be held telephonically due to the COVID-19 pandemic.

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 conference.

The following individuals participated in the hearing:

██████████, Appellant
Jacqueline Taft, Department’s Representative
Swati Sehgal, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP benefits because her household's income exceeded the gross limit.

FINDINGS OF FACT

1. The Appellant was receiving SNAP benefits for a household of two. The SNAP certification period ended on [REDACTED] 2021. (Hearing Record)
2. On [REDACTED] 2021, the Appellant submitted a SNAP Renewal Form to the Department. The Appellant reported she lives with her [REDACTED] years old son and newborn baby. There was no disable or elderly member listed on the Renewal Form. (Exhibit 1: Renewal Form and Hearing Summary)
3. The Appellant reported employment at [REDACTED]. The Appellant also reported she is a part-time student at [REDACTED]. (Exhibit 1)
4. On [REDACTED] 2021, the Phone interview was completed. During the Interview, the Appellant reported her father is paying for her shelter expenses directly to her landlord. (Hearing Summary, and Appellant's Testimony)
5. On [REDACTED] 2021, the Department sent the Proof We Need form ("W1348"), requesting verification of the last day of work, and proof of Unemployment Compensation Benefits ("UCB"). (Exhibit 2: W1348, [REDACTED])
6. On [REDACTED] 2021, the Appellant submitted verification of the last day of employment at [REDACTED]. (Hearing Record)
7. On [REDACTED] 2021, the Appellant reported that her UCB has been approved. She will receive \$164.00 a week in UCB. (Hearing Record)
8. On [REDACTED] 2021, the Department sent a W1348, requesting her school status and Financial Aid Form from [REDACTED]. (Exhibit 3: W1348, [REDACTED])
9. On [REDACTED] 2021, the Department discovered that the Appellant's children's father resides at her address. The Department sent another W1348, requesting income verification for the children's father, and verification of his address if he does not reside with her. (Exhibit 4: W1348, [REDACTED])
10. On [REDACTED] 2021, The Department determined that it did not receive all the requested information. The Department issued a Notice of Action discontinuing the Appellant's SNAP benefits effective [REDACTED] 2021, because the renewal process was not completed. (Exhibit 5: Notice of Action, [REDACTED])

11. On [REDACTED] 2021, the Appellant contacted the Department and reported that her children's father is living with her. She was informed to verify his income. (Hearing Record)
12. On [REDACTED] 2021, the Appellant submitted the paystubs for her children's father. The Department calculated his gross income as \$7385.39 per month (paystub dated [REDACTED]/21 for \$1306.79 + [REDACTED]/21 for \$1580.23 + [REDACTED]/21 for \$2242.82 + [REDACTED]/21 for \$1740.29 = \$6870.13/4 = \$1717.53 X4.3 = \$7385.39). (Exhibit 7: Pay Stubs, Hearing Record)
13. On [REDACTED] 2021, the Department reopened the SNAP renewal effective [REDACTED] 2021, for a household of four, including the Appellant, her two children, and their father. The Department also included his monthly income of \$7385.39 and the Appellant's UCB of \$705.40 (\$164.00 x4.3). (Hearing Record, Exhibit 7)
14. On [REDACTED] 2021, based on the reported information, the Department determined that the Appellant had a total gross monthly income of \$8090.59 (\$7385.39 = \$705.40) (Exhibit 6: Notice of Action, [REDACTED]/21, Hearing Record)
15. On [REDACTED] 2021, the Department sent an NOA to the Applicant discontinuing her SNAP benefits effective [REDACTED], 2021. The notice stated that the total monthly gross income of her household is more than the limit for the program. (Exhibit 3)
16. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations § 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. (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.
2. Title 7 of the Code of Federal Regulations ("CFR") § 273.2(c)(5) provides that the State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process.

The Department correctly reevaluated the Appellant's eligibility for benefits under the SNAP at recertification time.

3. 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)).
4. Title 7 Code of Federal Regulations ("CFR") § 273.1(b)(ii) provides that the following individuals who live with others must be considered as customarily purchasing and preparing meals with others, even if they do not do so, and thus be included in the same household unless otherwise specified. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent.

Uniform Policy Manual ("UPM") § 2000.01 defines a household and provides that a household is used to designate all of the individuals who are living together in one dwelling unit.

UPM § 2020.10 provides that the assistance unit must include certain individuals who are in the home: a child under 18 under the parental control of a member of the assistance unit, a spouse of a member of the assistance unit including any who presents himself or herself as a spouse, children ages 18 through 21 living with their parents.

The Department correctly added the father of the Appellant's children to the Appellant's SNAP case.

5. UPM § 1015.10 (A) provides that the Department must inform the assistance unit regarding the eligibility requirements of the programs administered by the Department, and regarding the unit's rights and responsibilities.

The Department correctly issued to the Appellant the W-1348 Proofs We Need Form, informing the Appellant what she needed to provide to establish eligibility for the SNAP.

6. 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, 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)).

UPM § 5000.01 provides for definitions and states in part that, an elderly person, in the context used by the Food Stamp program, means a person who is sixty or more years of age.

The Appellant's household did not contain an elderly or disabled member. It was, therefore, subject to both the net income and gross income eligibility standards for SNAP, unless it met categorical eligibility requirements pursuant to §273.2(j)(2) or 273.2(j)(4).

7. The provisions in 7 CFR § 273.2(j)(2) and § 273.2(j)(4), with a single exception, confer categorical eligibility only to households that receive cash assistance from PA (Public Assistance), SSI (Supplemental Security Income) or GA (General Assistance). The exception is broad-based categorical eligibility based on the provisions in § 273.2(j)(2)(ii).

No members of the Appellant's household received income from PA, SSI, or GA. The household was, therefore, not categorically eligible based on receipt of cash assistance.

8. 7 CFR § 273.2(j)(2)(ii) provides that under Broad-based categorical eligibility States may, at their option, extend categorical eligibility to households "in which all members receive or are authorized to receive non-cash or in-kind services" from a program that is funded in part with State money counted for MOE purposes under Title IV-A, if the program was designed to further either purpose one and two, or three and four, of the TANF block grant. FNS must be informed of or must approve, the TANF services that a State determines to confer categorical eligibility.

Households in Connecticut with incomes below 185% of the federal poverty level ("FPL") qualify for the State's "Help for People in Need" program which is funded with money counted for TANF MOE purposes and meets the requirements in 7 CFR § 273.2(j)(2)(ii). As such, the Department extends broad-based categorical eligibility for SNAP to all households that qualify for "Help for People in Need".

The Federal Poverty Standards applicable to the Appellant's eligibility determination are published in the Federal Register, Vol. 84, No. 22 / Friday, February 1, 2019, pp. 1167-1168.

The FPL for a household of four people is \$4040.00 per month.

9. Title 7 of CFR § 273.10(c)(1)(i) provides in relevant part "For the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account...any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period....In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average...."

UPM § 5005(A)(1) provides in relevant part the Department counts the assistance unit's available income, and that income is considered available if it is received directly by the assistance unit.

The Department correctly determined that the earned income of the father of the Appellant's children, and the Appellant's UCB must be included when calculating the SNAP benefits for the assistance unit.

The Department correctly included both the earned income and UCB income when calculating the amount of the SNAP benefits.

10.7 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 determined the Appellant's household's monthly earned income was \$7385.39, and unearned income was \$705.20.


The Department correctly determined the Appellant's household's monthly gross income was \$8090.59.

185% of the FPL for a household of four people is \$4040.00.

The household's total gross income of \$8090.59 exceeded 185% of the FPL for a household of four people, or \$4040.00. The household was, therefore, not eligible for "Help for People in Need", and not categorically eligible pursuant to § 273.2(j)(2)(ii). Because the household did not meet any of the qualifications for categorical eligibility, it was subject to the SNAP gross income eligibility standard.

DECISION

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


Swati Sehgal
Hearing Officer

Pc: Rachel Anderson, Social Services Operations Manager, DSS, RO# 20 New Haven.
Mathew Kalarickal, Social Services Operations Manager, DSS, RO#20 New Haven.
Lisa Wells, Social Services Operations Manager, DSS, RO#20 New Haven.
Jacqueline Taft, Fair Hearing Liaison, DSS, RO# 20 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.