

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

CL ID # ██████████  
Case ID# ██████████  
Request # 184200

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

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

On ██████████ 2021, the Appellant requested an administrative hearing because she disagrees with the 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 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

██████████, the Appellant  
Gary Sardo, Department’s Representative  
Scott Zuckerman, Hearing Officer

The hearing record remained open at the Appellant’s request to submit additional verification of a refund from her student loan. On ██████████ 2021, the hearing record closed.

### **STATEMENT OF THE ISSUE**

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

### **FINDINGS OF FACT**

1. On [REDACTED] 2021, the Appellant submitted her Notice of Renewal of Eligibility. The Appellant was recipient of SNAP benefits for a household of one. (Hearing Summary, Exhibit 1: W-1ER, Notice of Renewal of Eligibility, Exhibit 7: Case Notes)
2. The Appellant is Fifty – three (53) years old. (Hearing Record).
3. On [REDACTED] 2021, the Appellant completed the SNAP telephone interview. The Appellant reported she is a full-time college student receiving financial aid. (Hearing Summary and Exhibit 7: Case Notes)
4. On [REDACTED] 2021, the Department sent the Appellant a W-1348, Proofs We Need form requesting information needed to establish eligibility. The Department specifically requested proof of educational aid, tuition, fees for the most current semester at [REDACTED] College. (Exhibit 2: W-1348, Proofs We Need, [REDACTED]/2021)
5. On [REDACTED], 2021, the Appellant provided a statement from the college verifying full time status and financial aid awards. (Exhibit 7: Case notes and Exhibit 4: [REDACTED] College – Student Schedule/Bill dated [REDACTED]2021)
6. The Appellant receives Unemployment Compensation Benefits (“UCB”) of \$310.00 per week. (Appellant’s testimony, Exhibit 3: Unemployment Compensation Benefit Details and UCB Information)
7. The Appellant is a full-time student at [REDACTED] [REDACTED] [REDACTED] College. (Appellant’s testimony, Exhibit 4: [REDACTED] College – Student Schedule/Bill dated [REDACTED]/2021)
8. The Appellant received the following Financial Aid to pay her fall 2021 tuition in full: Federal Pell grant \$3248.00; Federal Subsidized Stafford Loan \$2227.00; Federal Unsubsidized Stafford Loan \$2969.00 (Exhibit 4)
9. The Appellant received a refund of \$5802.55 paid to the client for additional Financial Aid cash. (Hearing Summary, Department’s testimony, Exhibit 4)
10. The Department determined that the \$5802.55 refund was counted as unearned income in determining eligibility and projected a monthly amount of \$967.09

(\$5802.55 / 6 months). (Hearing Summary, Department's testimony, and Exhibit 7: Case notes)

11. On [REDACTED] 2021, the Department sent the Appellant a Notice of Action. The notice stated that the Appellant's SNAP was discontinued effective [REDACTED] 2021 because the monthly gross income of her household is more than the limit for the program. (Exhibit 6: Notice of Action, [REDACTED] 2021)
12. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached and the household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2021. Therefore, this decision is due not later than [REDACTED] 2022. However, the hearing record remained open through [REDACTED] 2021, which caused a two-day delay. Because this two-day delay resulted from the Appellant's request, this decision is not due until [REDACTED] 2022 and is therefore timely. (Hearing Record)

### **CONCLUSIONS OF LAW**

1. Section 17b-2 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. "The department's uniform policy manual is the equivalent of a 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 the Code of Federal Regulations (CFR) § 273.1(a)(3) provides for general household definition and states that a household is composed of one of the following individuals or groups of individuals unless otherwise specified in paragraph (b) of this section: A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

**The Department correctly determined the Appellant's household size consists of one person.**

4. Title 7 of the CFR § 273.2(e)(1) provides that except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their

certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with §273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with §273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

Title 7 of the CFR § 273.2(e)(2) provides that the State agency may use 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 SNAP telephone interview.**

5. Title 7 of the 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.

UPM § 1010.05(A)(1) provides in part that the assistance unit must supply the Department in an accurate and timely manner as defined by the Department, all pertinent information and verification which the Department requires to determine eligibility and calculate the amount of benefits.

UPM 1015.05 (c) provides that the Department must tell the assistance unit what the unit has to do to establish eligibility when the Department does not have sufficient information to make an eligibility determination.

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.

6. Title 7 of the Code of Federal Regulations § 273.2(h)(i)(C) provides for in cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing.

**The Department correctly provided the Appellant with a Proofs We Need form and allow ten days to provide proof of financial aid to attend college.**

7. Title 7 CFR § 279.9 (c)(3)(B)(1) provides for income exclusions and states in part that for education assistance to be excluded it must be awarded to a household member enrolled at a recognized institution of post – secondary education.
8. Title 7 CFR § 279.9(C) provides for income exclusions for and states in part that for educational assistance to be excluded it must be used for or identified (earmarked) by the institution, school, program or other grantor for the following allowable expenses. (1) Tuition, (2) Mandatory school fees, including the rental or purchase of any equipment, material, and supplies related to the pursuit of the course of study involved, (3) Books, (4) Supplies, (5) Transportation, (6) Miscellaneous personal expenses, other than normal living expenses, (7) Dependent care, (8) Origination fees and insurance premiums, (9) Normal living expenses which are room and board are not excludable.
9. Title 7 CFR § 279.9 C(5)(ii)(B) provides that the following shall not be considered a reimbursement excludable under this provision; No portion of any educational

assistance that is provided for normal living expenses (room and board) shall be considered a reimbursement excludable under this provision.

**The Department correctly determined that the \$5,802.55 Financial Aid Cash payment is countable income in determining eligibility. It was not identified that it would be used for any of the allowable expenses that are excluded in this section.**

10. Title 7 CFR § 273.10(c)(3)(iii) provides that Earned or unearned educational income, after allowable exclusions, shall be averaged over the period which it is intended to cover. Income shall be counted either in the month it is received, or in the month the household anticipates receiving it or receiving the first installment payment, although it is still prorated over the period it is intended to cover.

**The Department incorrectly prorated the \$5802.55 Financial aid cash payment as \$967.09 monthly for six months. The correct prorated monthly amount of financial aid cash is \$1160.51 ( $\$5802.55 / 5$ ) as it is intended to cover the fall semester 2021 (██████████ 2021 – ██████████ 2021)**

Title 7 CFR § 273.10(c)(2)(i) provides that 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(A)(1) provides for converting income to monthly amounts and states for past months the Department uses the exact amount of the unit's available income received or deemed in the month.

Or

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: if income is the same each week, the regular weekly income is the representative weekly amount; if income varies from week to week, a representative period of at least four consecutive weeks is averaged to determine the representative weekly amount.

**The Department correctly determined the Appellant's household gross monthly unearned income from UCB was \$1333.00 ( $\$310.00$  weekly x 4.3 weeks = \$1333.00)**

**The Department incorrectly determined the Appellant's household total gross monthly unearned income was \$2300.09 ( $\$967.09$  financial aid +  $\$1333.00$  UCB = \$2300.09). The correct household gross income is \$2493.51 ( $\$1160.51$  financial aid +  $\$1333.00$  UCB).**

11. Title 7 CFR § 273.9 (a) provides for income eligibility standards and states 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 SNAP. 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 SNAP.

**The Department correctly determined that the Appellant's household must pass the gross income and net (applied) income tests because there are no elderly or disabled household members.**

12. Under expanded eligibility, the SNAP gross income limit equals 185 percent of the federal poverty level, (FPL).
13. The FPL for a household of one is \$1064.00 monthly (\$12,880 per year/12 months). (Federal Register / Vol. 86 No.19 / [REDACTED] 2021, page 7733).
14. The gross income limit for an assistance unit of one person as of [REDACTED] 2021 is \$1968.00 (185% FPL)
15. Title 7 Section 273.2 (g)(3) CFR provides for denying the application and states households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed. If the household has failed to appear for a scheduled interview and has made no subsequent contact with the State agency to express interest in pursuing the application, the State agency shall send the household a notice of denial on the 30th day following the date of application.
16. UPM § 1505.35 (C) (1) (a) provides for standards of promptness for processing applications and states that the maximum time period for processing SNAP applications is thirty calendar days for eligible SNAP applicants that do not qualify for expedited service.

**The Department correctly denied the Appellant's [REDACTED] 2021 SNAP renewal on [REDACTED] 2021, because her income was more than the limit for the program for a household of one.**

### DECISION

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

Scott Zuckerman  
Scott Zuckerman  
Hearing Officer

Pc: Cheryl Stuart, Operations Manager, DSS, Norwich Regional Office  
Gary Sardo, Fair Hearing Liaison, Hartford 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.



