

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3725

██████████ 2022
Signature Confirmation

Case # ██████████
Client # ██████████
Request # ██████████

NOTICE OF DECISION
PARTY

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PROCEDURAL BACKGROUND

On ██████████, 2022, the Department of Social Services (“the Department”) sent Lauren Sementini (the “Appellant”) a Notice of Action (“NOA”) discontinuing the Appellant Supplemental Nutritional Assistance Program (“SNAP”) benefits.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the amount of the SNAP benefits.

On ██████████ 2022, the Appellant requested the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) reschedule the administrative hearing.

On ██████████ 2022, OLCRAH issued a notice rescheduling the administrative hearing for ██████████, 2022.

On ██████████ 2022, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing. OLCRAH held the hearing telephonically with no objections.

The following individuals were present at the hearing:

██████████, Appellant
Rosalie Bertolini, Department’s Representative,
Shawn P. Hardy, 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] 2022, the Appellant submitted a Renewal of Eligibility for SNAP benefits (W1ER) for a household of three persons. (Hearing Summary, Exhibit 1: Case notes)
2. On [REDACTED] 2022, the Department reviewed the W1ER form. (Hearing Summary, Exhibit 1)
3. The Appellant is [REDACTED] years old. (D.O.B. [REDACTED]) She lives with her daughter, age [REDACTED], (D.O.B. [REDACTED]) and son age, [REDACTED], (D.O.B. [REDACTED]) (Exhibit 5: W1ER)
4. Neither the Appellant nor her children are disabled. (Exhibit 2: Snap computation worksheet, Exhibit 5, Appellant's Testimony)
5. The Appellant's rent is \$1576.00 per month. (Exhibit 2, Exhibit 5, Appellant's Testimony)
6. The Appellant does not receive any monthly unearned income. (Appellant's Testimony, Exhibit 5)
7. The Appellant is employed with [REDACTED]. (Appellant's Testimony, Exhibit 5)
8. On [REDACTED] 2022, the Department reviewed wage verification received from "The Work Number" (TWN) for the pay periods [REDACTED], \$1665.85 and [REDACTED] \$1668.13. The Department used this wage information to calculate the Appellant's overall household income to determine eligibility for SNAP benefits. (Exhibit 1, Exhibit 3: results from "TWN")
9. The Appellant is responsible for her heating or cooling. (Appellant's Testimony, Exhibit 5)
10. Effective [REDACTED], 2022, the Department decreased the Appellant's monthly SNAP benefit \$98.00 to \$0 and discontinued her SNAP. (Exhibit 4: NOA 4/6/2022)

11. On [REDACTED] 2022, the Department sent the Appellant a notice stating that the Appellant was NOT eligible for SNAP benefit, effective [REDACTED] 2022. (Exhibit 4)
12. This decision is timely under the Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15, which states that the agency must reach a decision and notify the household of the decision within 60 days of the receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2022; therefore, this decision is due no later than [REDACTED] 2022.

CONCLUSIONS OF LAW

1. Section 17b-2 (7) of the Connecticut General Statutes provides 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. 7 C.F.R. § 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.

7 C.F.R. § 273.1(a) provides for the general household definition which states, in part, that a household is composed of one of the following individuals or groups of individuals: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) a group of individuals who live together and customarily purchase food and prepare meal together for home consumption.

7 C.F.R. § 273.9(a) provides in part 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. Households which are categorically eligible as defined in §273.2(j)(2)(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 Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

7 C.F.R. § 271.2 provides for the definition of *elderly or disabled member* to include individuals who individuals who are 60 years of age or older.

The Department correctly determined the Appellant is not elderly and no member of the household is disabled.

The Department correctly determined the Appellant is not subject to the net income eligibility standards because no member of the household is elderly or disabled.

3. 7 C.F.R. § 273.9 provides for income guidelines and states in part:

(a) ***Income eligibility standards.*** 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. Households which 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 Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(1) 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.

(ii) The income eligibility standards for Alaska shall be 130 percent of the Federal income poverty levels for Alaska.

(iii) The income eligibility standards for Hawaii shall be 130 percent of the Federal income poverty levels for Hawaii.

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 monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at www.fns.usda.gov/snap

The Department correctly determined that the Appellant's household income of \$3584.03 exceeded the gross income eligibility standards for SNAP benefits in the amount of \$2379.00 for a household of three persons.

4. 7 C.F.R. § 273.2(j)(2)(ii) provides that 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:

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 meet the requirements in Title 7 C.F.R. § 273.2(j)(2)(ii). As such, the Department extends broad-based categorical eligibility for SNAP to all households that qualify for the "Help for People in Need".

185% of the Federal Poverty Level for a household of three persons is \$3,386.00; therefore, the Department correctly determined that the Appellant's household income of \$3584.03 did not qualify under extended categorical eligibility.

The Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] due to excess income.

DECISION

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

Shawn P. Hardy

Shawn P. Hardy
Hearing Officer

Cc: Carol Sue Shannon Operations Manager, DSS R.O. # 31, Danbury
Rosalie Bertolini, Fair Hearings Liaison, DSS R.O. # 31 Danbury
Stacey Wencek, Supervisor, DSS R.O. # 31 Danbury

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 Legal Counsel, Regulations, and Administrative Hearings, 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, 55 Elm Street, 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 his 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.