

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 ID # ██████████
REQUEST # ██████████

NOTICE OF DECISION

PARTY

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██████████
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PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) informing her that her Supplemental Nutritional Assistance Program (“SNAP”) benefits would be discontinued effective ██████████ 2022.

On ██████████, 2021, the Appellant requested an administrative hearing to appeal the discontinuance of her SNAP.

On ██████████ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling 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. The hearing was held telephonically at the Appellant’s request. The following individuals participated in the hearing:

██████████, Appellant
Javier Rivera, Department’s representative
Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP effective [REDACTED] 2022.

FINDINGS OF FACT

1. The Appellant's household consist of one person; Herself (Appellant's testimony, Hearing Record).
2. The Appellant is [REDACTED] years old ([REDACTED]). (Appellant's Testimony)
3. The Appellant's household income consists of a gross monthly Social Security Benefit ("SSA") of \$2,029.00. (Department's Exhibit 3: [REDACTED] SNAP Income Test Summary)
4. Effective [REDACTED] 2022, the Appellant's gross SSA was increased from \$1,916.00 to \$2,029.00 because of a cost-of-living adjustment/increase. (Hearing Record)
5. The Appellant is responsible for paying a monthly mortgage of \$927.61 as well as a \$235.000 Homeowner's/Condo Association Fee. (Department's Exhibit 4: NOA dated [REDACTED])
6. The Appellant is responsible for paying for her heating and cooling expenses separately from other household expenses. (Appellant Testimony)
7. The Appellant is the owner of the following assets: (Hearing Record, Appellant Testimony)
 - A. Individual Retirement Account ("IRA") with a balance of \$87,344.00
 - B. Life Insurance valued at \$3,000.00
 - C. Vehicle valued at \$1,796.00
8. On [REDACTED], 2021 the Department issued a NOA notifying the Appellant her SNAP would be discontinued effective [REDACTED], 2022 because the value of her assets were more than the amount allowed under the SNAP program. (Department's Exhibit 4: NOA dated [REDACTED]/21)
9. The issuance of this decision is timely under Connecticut [REDACTED] Statutes 17b-61(a), which requires that a decision be issued within [REDACTED] days of the request for an Administrative Hearing. The hearing request was received on [REDACTED], 2021 therefore, this decision is due no later than [REDACTED], 2022.

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. Title 7 of the Code of Federal Regulations (“CFR”) Sec. 273.9(a) provides, in relevant part, as follows:

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. Household’s which contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Household’s 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 which are categorically eligible are 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 §673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

Pursuant to SNAP rules, the Appellant’s household size is one.

3. 7 CFR § 271.2 states that Elderly or disabled member means a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act;

The Appellant’s household contains an elderly member. Therefore, the household is not subject to the SNAP gross income eligibility standards.

4. 7 CFR § 273.2(j)(1)-(5) provides for Regular Categorical Eligibility (“RCE”). Eligibility Determination Groups (“EDG”) are RCE when each EDG member is authorized to receive at least one of the following qualifying programs:

- AABD
- SAGA
- SSI
- TFA

“Authorized to receive means an individual has been determined eligible for benefits and has been notified, even if the benefits have been:

- authorized but not accessed
- authorized but not received
- recouped
- suspended, or
- not paid because they are less than the minimum amount

5. 7 CFR § 273.2(j)(2)(v) and (4)(iii)(A)-(B) & 7 CFR § 273.8(a) & 7 CFR § 273.9(a) provides for RCE excluded tests. RCE EDGs are not required to meet the following tests:

- Asset limit, including transferred assets policy
- 130% gross income limit
- Net income limit

The Department correctly determine the Appellant does not meet the RCE criteria specified in 7 CFR § 273.2(j)(1)-(5) therefore she is not excluded from the tests specified in 7 CFR § 273.2(j)(2)(v) and (4)(iii)(A)-(B) & 7 CFR § 273.8(a) & 7 CFR § 273.9(a)

6. 7 CFR § 273.2(j)(2)(ii)(A)-(B) and (iii) provides for Expanded Categorical Eligibility (“ECE”). EDGs not RCE, who’s gross income is below 185% of the Federal Poverty Level (“FPL”), are ECE because all household members are authorized to receive TFA-funded referral services. EDGs are notified of the referral services through receipt of the “Help for People in Need Brochure” at application and renewal.

7. 7 CFR § 273.2(j)(2)(v) and (4)(iii)(A)-(B) & 7 CFR § 273.8(a) & 7 CFR § 273.9(a) provides for ECE excluded tests. ECE EDGs are not required to meet the:

- Asset limit, including transferred resources policy
- 130% gross income limit
- Net income limit

The Department correctly determined the Appellant does not meet the ECE criteria specified in 7 CFR § 273.2(j)(2)(ii)(A)-(B) and (iii) as her gross income of \$2,029.00 exceeds 185% of the FPL (figure referenced in Conclusion of Law # 8) therefore she is not excluded from the tests specified in 7 CFR § 273.2(j)(2)(v) and (4)(iii)(A)-(B) & 7 CFR § 273.8(a) & 7 CFR § 273.9(a)

8. The income limits and standards used in the SNAP are adjusted each year on the first day of October. The current figures used for the SNAP are effective from October 1, 2021 through September 30, 2022.

185% of the FPL for a household consisting of one person is \$1,986.00 monthly. The Department correctly determined the Appellant’s household’s gross monthly income is \$2,029.00.

9. “For purposes of determining the household’s eligibility and level of benefits the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period....” 7 CFR §273.10(c)(1)(i).

10. "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...." 7 CFR §273.10(c)(1)(ii).
11. 7 CFR §273.9(b)(2)(ii) and (b)(5)(i) & (c)(8) instruct the Department the count Social Security Benefits as unearned income. Furthermore, the Department is instructed to count the gross amount even if Social Security tax or Medicare premium is withheld.

The Department correctly determined the Appellant's gross SSA of \$2,029.00 should be counted as unearned income.

12. 7 CFR § 273.2(j)(2)(ii)(A)-(B) and (iii) & 7 CFR § 273.8 provides for the SNAP asset limits and specifies that the asset limits only apply to EDGs with an elderly or disabled member with gross income greater than the 185% of the FPL

The Department correctly determined the Appellant is subject to the SNAP asset limit as she is considered to be elderly, and her gross income exceeds 185% of the FPL

13. 7 CFR § 273.8(b) provides that EDGs with an elderly or disabled member are not eligible for SNAP benefits if countable assets total more than \$3,500.00.
14. 7 CFR § 273.2(j)(2)(v) and (4)(iii)(A) & 7 CFR § 273.8(a) and (e)(17) instructs the Department to exclude the assets of any EDG member who receives any of the following:
- AABD
 - SAGA
 - SSI
 - TFA
 - TFA-funded federal services (Help for People in Need Brochure)

The Department correctly determined the Appellant does not receive any of benefits listed in 7 CFR § 273.2(j)(2)(v) and (4)(iii)(A) & 7 CFR § 273.8(a) and (e)(17).

15. 7 CFR § 273.8(e)(2) provides that the cash value of a life insurance policy is an excluded asset.

The Department properly excluded the cash value of the Appellant's life insurance policy.

16. 7 CFR § 273.8(f)(4)(i)-(v) provides that all licensed and unlicensed vehicles are excluded assets.

The Department properly excluded the value of the Appellant's vehicle(s)

17. 7 CFR § 273.8(e)(2) provides for Pension Plans/Retirement Accounts and instructs the Department to exclude the funds as long as they remain in the plan or account, even if accessible, and whether or not the individual is still employed.

The Department improperly included the value of the Appellant's Individual Retirement Account ("IRA") when determining SNAP eligibility.

18. 7 CFR 273.10(e)(2)(ii) provides for the minimum benefits for EDGS of one or two members. The minimum monthly benefit for a household of one to two members is \$20.00

DISCUSSION

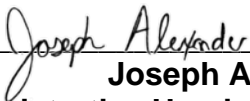
The Department incorrectly counted the value of the Appellant's IRA which prompted the discontinuance of her SNAP effective [REDACTED] 2022. With the exclusion of the IRA value and with the consideration of all information remaining the same as shown within this decision, the Appellant is eligible for SNAP under 7 CFR 273.10(e)(2)(ii) (Conclusions of Law # 18)

DECISION

The Appellant's appeal is **REMANDED** to the Department.

ORDER

1. The Department shall exclude the Appellant's IRA value from being counted toward SNAP eligibility.
2. The Department shall recalculate the SNAP benefit beginning [REDACTED] 2022, and issue a new Notice of Action based on the new SNAP calculation.
3. Compliance with this order is due to the undersigned by [REDACTED], 2022.



Joseph Alexander
Administrative Hearing Officer

CC: Musa Mohamud, Operations Manager, DSS, Manchester Regional Office
Javier Rivera, Administrative Hearing Liaison, DSS, Manchester 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.