

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

██████████
Signature Confirmation

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

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, the Department of Social Services (the "Department") issued a Notice of Action ("NOA") to ██████████ (the "Appellant") denying her application for Supplemental Nutrition Assistance Program ("SNAP") benefits.

On ██████████, the Appellant requested an administrative hearing to contest the Department's denial of her SNAP application.

On ██████████, the Office of Legal Counsel, Regulations, and Administrative Hearings, ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████
██████████

On ██████████, 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.

The following individuals participated in the hearing:

██████████, Appellant

Chris Filek, Department's Representative
[REDACTED], Language Link Interpreter
Sara Hart, Hearing Officer

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. On [REDACTED], the Appellant applied for SNAP benefits. (*Exhibit 9: W1ES Application*)
2. On [REDACTED], the Department reviewed the Appellant's SNAP application. (*Exhibit 1: Case Notes*)
3. On [REDACTED], the Department conducted a SNAP telephone interview with the Appellant. (*Exhibit 1*)
4. The Appellant is [REDACTED] years old (DOB [REDACTED]) and resides alone. She is not disabled. (*Appellant's Testimony*)
5. The Appellant is the mother of [REDACTED], age [REDACTED] (DOB [REDACTED]) and [REDACTED], age [REDACTED] (DOB 1[REDACTED]). The Appellant's children do not reside with the Appellant. (*Appellant's Testimony*)
6. From [REDACTED] through [REDACTED], the State of Connecticut disbursed the following child support payments to the Appellant: \$200.00 in [REDACTED] \$101.54 in [REDACTED], and \$304.62 in [REDACTED]. (*Exhibit 4: CCSES Disbursement Search*)
7. The Department calculated the Appellant's monthly child support as ($\$606.16/3 = \202.05). (*Exhibit 1, Department's Testimony*)
8. The Appellant's child support payments are deposited into a Bank of America account owned by the Appellant and her mother. (*Exhibit 7: Bank of America Statement, Appellant's Testimony*)
9. The Appellant distributes the child support payments to [REDACTED] and [REDACTED] [REDACTED] (*Appellant's Testimony*)
10. The Appellant receives Unemployment Compensation Benefits ("UCB") in the amount of \$434.00 per week. The Department calculated her monthly UCB as ($\$434.00*4.3$

= \$1866.20). (*Exhibit 2: CT Department of Labor Document, Exhibit 5: UCB Details, Appellant's Testimony, Department's Testimony*)

11. The Department calculated the Appellant's total household income as \$2068.25 (\$1866.20 + \$202.05). (*Department's Testimony*)
12. On [REDACTED], the Department issued the Appellant a NOA denying her application for SNAP benefits because the household's gross income exceeded the limit. (*Exhibit 3: NOA [REDACTED]*)
13. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R") § 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]; therefore, this decision is due no later than [REDACTED]. (*Hearing Record*)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides that 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. Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.9(a) provides 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 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)).

The Department correctly determined the Appellant's household is not categorically eligible for SNAP benefits; therefore, the household must meet both the net and gross income eligibility standard.

3. 7 C.F.R. § 273.1(b)(1)(ii) provides for required household composition. The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.

- ii. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

The Department correctly determined the Appellant's SNAP household size of one member.

4. 7 C.F.R. § 273.9(b) states that "Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section."

7 C.F.R. § 273.9(b)(2)(ii) addresses which types of unearned income are included in the calculation of the SNAP allotment, and provides that annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in §272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week shall be considered unearned income.

7 C.F.R. § 273.9(b)(2)(iii) provides in part that unearned income shall include, but not limited to: support or alimony payments made directly to the household from non-household members.

7 C.F.R. § 273.9(c)(19) provides for income exclusions. At the State agency's option, any types of income that the State agency excludes when determining eligibility or benefits for TANF cash assistance as defined by 45 CFR 260.31(a)(1) and (a)(2), or medical assistance under Section 1931 of the SSA, (but not for programs that do not evaluate the financial circumstances of adults in the household and programs grandfathered under Section 404(a)(2) of the SSA). The State agency must exclude for SNAP purposes the same amount of income it excludes for TANF or Medicaid purposes. A State agency that chooses to exclude income under this paragraph (c)(19) must specify in its State plan of operation that it has selected this option and provide a description of the resources that are being excluded. The State agency shall not exclude:

- (vi) Child support payments, support or alimony payments made to the household from a nonhousehold member;

The Department correctly determined that the Appellant's UCB income and child support income must be included in the household's income determination.

5. 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.

7 C.F.R. § 273.10(c)(1)(ii) provides in relevant part for anticipating income. 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. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income.

7 C.F.R. § 273.10(e)(1)(i)(A) provides for calculating net monthly income. To determine a household's net monthly income, the State agency shall: Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income.

The Department correctly determined the Appellant's average monthly gross UCB income equals \$1866.20 per month.

The Department correctly determined the Appellant's average monthly child support equals \$202.05.

The Department correctly determined the Appellant's total gross household income is \$2068.25.

6. 7 C.F.R. § 273.9(a)(1) provides the gross income eligibility standards for the Food Stamp Program 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."

7 C.F.R. § 273.9(a)(3) states that "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 Federal Poverty Guideline for the 48 Contiguous States and the District of Columbia for a household of one is \$12,880.00 annually. [*Federal Register/Vol. 86, No. 19 / [REDACTED], page 7733*]

7 C.F.R. § 273.10(e)(2)(i)(B) provides for eligibility and benefits. In addition to meeting the net income eligibility standards, households which do not contain an elderly or


disabled member shall have their gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, compared to the gross monthly income standards defined in § 273.9(a)(1) for the appropriate household size to determine eligibility for the month.

The gross monthly income limit for SNAP for a household of one person, which is equal to 130% of the FPL, is \$1,396.00.

The Department correctly denied the Appellant's application for SNAP because the Appellant's total monthly income of \$2068.25 exceeded the SNAP gross income limit for a household size of one person.

DECISION

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



Sara Hart
Hearing Officer

Cc: Chris Filek, Middletown Regional Office
Brian Sexton, Middletown Regional Office

RIGHT TO REQUEST RECONSIDERATION

The defendant 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 defendant 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 defendant 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 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 defendant resides.

