

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

[REDACTED] 2022  
Signature Confirmation

Case ID # [REDACTED]  
Client ID # [REDACTED]  
Request # 192489

**ADMINISTRATIVE DISQUALIFICATION HEARING  
NOTICE OF DECISION**

**PARTY**

[REDACTED]  
[REDACTED]  
[REDACTED]

**PROCEDURAL BACKGROUND**

The Department of Social Services (the "Department") requested an Administrative Disqualification Hearing ("ADH") to seek the disqualification of [REDACTED] (the "Defendant") from participating in the Supplemental Nutritional Assistance Program ("SNAP") for a period of 12 months. The Department alleges that the Defendant committed an Intentional Program Violation ("IPV") as a result of the Defendant's failure to report income from [REDACTED]. The Department proposes to recoup from the Defendant \$1177.00 in alleged overpaid SNAP benefits. This is the Defendant's first IPV offense in the SNAP program.

On [REDACTED] 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") notified the defendant of the initiation of the ADH process via certified mail. On [REDACTED], 2022, the Defendant signed for the certified letter per United States Postal Service ("USPS") tracking. The notification outlined the Defendant's rights in these proceedings. The ADH was scheduled for [REDACTED] 2022.

On [REDACTED] 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

Disqualification Hearing. The Defendant was not present at the hearing and did not provide good cause for not appearing.

The following individuals were present at the hearing:

Christopher Pinto, Department's Representative  
Scott Zuckerman, Hearing Officer

### **STATEMENT OF THE ISSUES**

1. The first issue to be decided is whether the Defendant committed an IPV in the SNAP program.
2. The second issue to be decided is whether the Department's proposal to recoup a SNAP overpayment is correct.

### **FINDINGS OF FACT**

1. On [REDACTED] 2019, the Department issued the Defendant a Notice of Action. The notice stated SNAP was approved for a household of one with a certification period from [REDACTED] 2019, through [REDACTED], 2020, and that the Defendant must report if his income is more than \$1354.00. The notice further stated that "You must report changes to us by the 10<sup>th</sup> day of the month following the month of the change." (Exhibit 13: Notice of Action dated [REDACTED], 2019)
2. On [REDACTED], 2020, the Defendant began employment with [REDACTED], [REDACTED] (Exhibit 4: Equifax employment and income report dated [REDACTED] 2021)
3. On [REDACTED] 2020, the Defendant received his first weekly gross pay of \$677.58 from [REDACTED]. (Exhibit 4: Equifax employment and income report dated [REDACTED], 2021)
4. In [REDACTED] 2020, the Defendant's gross income from [REDACTED] is \$3049.98 ([REDACTED]/2020 \$913.56 + [REDACTED] 2020 \$630.14 + [REDACTED] 2020 \$436.43; [REDACTED]/2020 \$754.52 + [REDACTED]/2020 \$315.33). (Exhibit 4)
5. On [REDACTED] 2020, the Defendant was issued \$194.00 in SNAP benefits for a household of one. (Exhibit 5: Benefit History)
6. In [REDACTED] 2020, the Defendant was paid \$2376.45 gross from employment at [REDACTED] ([REDACTED]/2020 \$678.97 + [REDACTED]/2020 \$560.90 + [REDACTED]/2020 \$610.00 + [REDACTED]/2020 \$526.58). (Ex. 4)

7. On [REDACTED] 2020, the Defendant was issued \$194.00 in SNAP benefits for a household of one. (Exhibit 5: Benefit History)
8. In [REDACTED] 2020, the Defendant earned \$3587.44 gross wages from [REDACTED] ([REDACTED]/2020 \$453.69 + [REDACTED]/2020 \$560.90 + [REDACTED]/2020 \$610.00 + [REDACTED]/2020 \$500.00 + [REDACTED]/2020 \$739.70 + [REDACTED]/2020 \$827.31). (Ex. 4)
9. On [REDACTED] 2020, the Defendant was issued \$194.00 in SNAP benefits for a household of one. (Exhibit 5: Benefit History)
10. In [REDACTED] 2020, the Defendant earned \$1,680.79 gross wages from [REDACTED] ([REDACTED]/2020 \$567.00 + [REDACTED]/2020 \$477.03 + [REDACTED]/2020 \$636.76). (Ex. 4)
11. On [REDACTED] 2020, the Defendant was issued \$194.00 in SNAP benefits for a household of one. (Exhibit 5: Benefit History)
12. On [REDACTED] 2020, the Defendant was issued a \$38.80 SNAP supplement benefit. (Exhibit 5)
13. In [REDACTED] 2020, the Defendant earned \$2168.33 gross wages from [REDACTED] ([REDACTED]/2020 \$612.97 + [REDACTED]/2020 \$707.91 + [REDACTED]/2020 \$325.13 + [REDACTED] 2020 \$522.32). (Ex. 4)
14. On [REDACTED] 2020, the Defendant was issued \$204.00 in SNAP benefits for a household of one. (Exhibit 5: Benefit History)
15. On [REDACTED] 2020, the Department received the Defendant's W-1ER, Notice of Renewal of Eligibility. The Defendant did not report any income from work. (Exhibit 2: W-1ER, [REDACTED] 2020)
16. On [REDACTED], 2020, the Defendant contacted the Department and completed the SNAP telephone interview. The Department discovered the Defendant's unreported employment at [REDACTED] per the Work Number database. (Exhibit 7: Case Notes)
17. In [REDACTED] 2020, the Defendant earned \$1,643.91 gross wages from [REDACTED] ([REDACTED]/2020 \$785.38 + [REDACTED]/2020 \$580.07 + [REDACTED]/2020 \$278.46). (Ex. 4)
18. On [REDACTED] 2020, the Defendant signed and submitted the certification and signature page of the W-1ER. The Defendant certified that, "I certify under penalty of perjury that all of the information given on this form is true and complete to the best of my knowledge" and "I understand that I can be criminally or civilly prosecuted under state or federal law if I knowingly give incorrect information or fail to report something I should report." (Exhibit 6:

Missing Signature Notice for Renewals and Certifications and signature page, [REDACTED], 2020)

19. On [REDACTED], 2020, the Department's investigations unit received a referral for a suspected IPV of the SNAP program. The referral stated the Defendant misrepresented his income by not reporting employment at [REDACTED] and when the income was over 130% of the Federal Poverty Level ("FPL"). (Exhibit 1: Impact – Update Referral)
20. On [REDACTED], 2020, the Defendant was issued \$197.00 in SNAP benefits for a household of one. (Exhibit 5: Benefit History)
21. On [REDACTED] 2020, the Defendant was issued a \$7.00 SNAP supplement benefit. (Exhibit 5: Benefit History)
22. In [REDACTED] 2020, the Defendant earned \$1132.00 gross wages from [REDACTED] [REDACTED]/2020 \$482.40 + [REDACTED] 2020 \$400.32 + [REDACTED]/2020 \$249.28). (Ex. 4)
23. On [REDACTED] 2021, the Department conducted an investigation and determined the Defendant began employment at [REDACTED] on [REDACTED] 2020, and received his final paycheck on [REDACTED], 2020. The Department determined the Defendant intentionally misstated on his redetermination forms that he was not employed and overpayments would be pursued going back to when he exceeded 130% of the Federal Poverty Level ("FPL") in [REDACTED] 2020. (Department's testimony and Exhibit 1: W-262CF, Report of Suspected Intentional Program Violation)
24. The Department calculated SNAP overpayments as a result of the unreported income. (Hearing Record)
25. As of [REDACTED] 2020, the threshold for reporting income changes under the SNAP equaled \$1354.00 / 130% of the Federal Poverty Limit ("FPL"), for a household of one. Under expanded categorical eligibility, the gross income limit for a household of one equaled \$1926.00/185% of the FPL
26. The SNAP overpayments were calculated as follows:

Month	SNAP received	SNAP eligible	Overpayment
[REDACTED] 2020	\$194.00	\$0.00	\$194.00
[REDACTED] 2020	\$194.00	\$0.00	\$194.00
[REDACTED] 2020	\$194.00	\$0.00	\$194.00
[REDACTED] 2020	\$194.00	\$0.00	\$194.00
[REDACTED] 2020	\$204.00	\$0.00	\$204.00
[REDACTED] 2020	\$197.00	\$0.00	\$197.00
			<b>Total \$1177.00</b>

(Hearing Summary, Exhibit 6, and Exhibit 11)

27. For the period of [REDACTED] 2020 through [REDACTED] r 2020, the Department determined the Defendant ineligible for the earned income disregard under the SNAP allotment calculation because he did not report his income timely. (Exhibit 8: SNAP computation sheets)

28. For the period of [REDACTED] 2020 through [REDACTED] 2020, the Department determined the Defendant eligible for the standard deduction of \$167.00 for the SNAP allotment calculation. (Exhibit 8)

29. From [REDACTED] 2020 through [REDACTED] 2020, the Department determined the Defendant's adjusted gross income as follows:

Month	[REDACTED] 2020	[REDACTED] 2020	[REDACTED] 2020	[REDACTED] 2020	[REDACTED] 2020	[REDACTED] 2020
Gross income	\$2376.45	\$3587.44	\$1,680.79	\$2168.33	\$1,643.91	\$1132.00
minus standard disregard	\$167.00	\$167.00	\$167.00	\$167.00	\$167.00	\$167.00
Adjusted gross inc	\$2209.45	\$3420.44	\$1513.79	\$2001.33	\$1476.91	\$965.00

30. The Department determined the Defendant's total shelter costs as \$227.00 (\$200.00 rent + \$27.00 Telephone Utility Allowance).

31. The Department determined the Defendant's shelter hardship as follows:

Month	[REDACTED] 2020	[REDACTED] 2020	[REDACTED] 2020	[REDACTED] 2020	[REDACTED] 2020	[REDACTED] 2020
Shelter costs	\$227.00	\$227.00	\$227.00	\$227.00	\$227.00	\$227.00
-50% adjusted gross inc	\$1,104.72	\$1710.22	\$\$756.89	\$1066.00	\$738.45	\$482.50
Equals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Shelter Hardship	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

32. For the period of [REDACTED] 2020 through [REDACTED] 2020, the Department determined the Defendant ineligible SNAP benefits for the reason 30% of

the Defendant's net adjusted gross income exceeds the maximum SNAP allotment for a household one. (Exhibit 8: SNAP computation sheets)

Month	██████████ 2020	██████████ 2020	██████████ 2020	██████████ 2020	██████████ 2020	██████████ 2020
Adjusted gross inc	\$2209.45	\$3420.44	\$1513.79	\$2001.33	\$1476.91	\$965.00
(shelter hardship)	(\$0.00)	(\$0.00)	(\$0.00)	(\$0.00)	(\$0.00)	(\$0.00)
Net adjusted income	\$2209.45	\$3420.44	\$1513.79	\$2001.33	\$1476.91	\$965.00
30% NAI	\$663.00	\$1041.00	\$454.00	\$600.00	\$444.00	\$290.00
Thrifty Food Plan	\$194.00	\$194.00	\$194.00	\$194.00	\$197.00	\$197.00

33. On ██████████, 2021, the Department sent the Defendant a Notice of Prehearing interview, Food Stamp Program. The notice stated that the Defendant received \$1177.00 in SNAP benefits to which he was not entitled because he did not report employment that started on ██████████, 2020. The pre-hearing interview was scheduled for ██████████, 2021. (Exhibit 10: W-1448, Notice of Prehearing interview, ██████████ 2021)
34. On ██████████, 2021, the Department sent the Defendant a W-1449, Waiver of Disqualification Hearing SNAP Program. The Waiver stated the Department believes the Defendant broke the rules of the SNAP program on purpose and that this intentional program violation caused an overpayment of \$1,177.00 and that the Defendant may be disqualified from the program for one year. The form states by signing the waiver the Defendant gives up her right to an administrative disqualification hearing. (Exhibit 9: Waiver of Disqualification Hearing SNAP program)
35. Effective ██████████ 2020, the Defendant's monthly income exceeds 130% of the Federal Poverty Level for a Household of one of \$1354.00. (Hearing Summary)
36. The Defendant did not attend the pre-hearing interview and did not sign the Waiver of Disqualification Hearing. (Hearing Record).
37. The Defendant has no prior intentional program violations of the SNAP program. (Department's testimony)
38. The issuance of this decision is timely under Title 7 Section 273.16€(2)(iv) of the code of Federal Regulations, which requires that a decision be issued within 90 days of the initiation of the ADH process. On ██████████, 2022, the

OLCRAH mailed the Defendant notification of the initiation of the ADH process. Therefore, this decision is due not 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.
2. Section 17b-88 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to recover any public assistance overpayment and take such other action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings.
3. State statute provides as follows:

If a beneficiary of assistance under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program, state-administered general assistance program, food stamp program or supplemental nutrition assistance program receives any award or grant over the amount to which he is entitled under the laws governing eligibility, the Department of Social Services (1) shall immediately initiate recoupment action and consult with the Division of Criminal Justice to determine whether to refer such overpayment, with full supporting information, to the state police, to a prosecuting authority for prosecution or to the Attorney General for civil recovery, or (2) shall take such other action as conforms to federal regulations, including, but not limited, to, conducting administrative disqualification hearings for cases involving alleged fraud in the food stamp program, supplemental nutrition assistance program, the aid to families with dependent children program, the temporary family assistance program or the state-administered general assistance program.

Conn. Gen. Stat. § 17b-8

4. Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.16(a)(1) provides as follows:

The State agency shall be responsible for investigating any case of alleged intentional Program violation, and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or referral to a court of appropriate jurisdiction in accordance with the procedures outlined

in this section. Administrative disqualification procedures or referral for prosecution action should be initiated by the State agency in cases in which the State agency has sufficient documentary evidence to substantiate that an individual has intentionally made one or more acts of intentional Program violation as defined in paragraph (c) of this section. If the State agency does not initiate administrative disqualification procedures or refer for prosecution a case involving an overissuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the overissuance by establishing an inadvertent household error claim against the household in accordance with the procedures in §273.18. The State agency should conduct administrative disqualification hearings in cases in which the State agency believes the facts of the individual case do not warrant civil or criminal prosecution through the appropriate court system, in cases previously referred for prosecution that were declined by the appropriate legal authority, and in previously referred cases where no action was taken within a reasonable period of time and the referral was formally withdrawn by the State agency. The State agency shall not initiate an administrative disqualification hearing against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of appropriate jurisdiction, if the factual issues of the case arise out of the same, or related, circumstances. The State agency may initiate administrative disqualification procedures or refer a case for prosecution regardless of the current eligibility of the individual.

“The State agency shall conduct administrative disqualification hearings for individuals accused of intentional Program violation in accordance with the requirements outlined in this section.” 7 C.F.R. § 273.16(e)

5. Federal regulation provides as follows:

The State agency shall base administrative disqualifications for intentional Program Violations on the determinations of hearing authorities arrived at through administrative disqualification hearings in accordance with paragraph (e) of this section or on determinations reached by courts of appropriate jurisdiction in accordance with paragraph (g) of this section. However, any State agency has the option of allowing accused individuals either to waive their rights to administrative disqualification hearings in accordance with paragraph (f) of this section or to sign disqualification consent agreements for cases of deferred adjudication in accordance with paragraph (h) of this section. Any State agency which chooses either of these options may base administrative disqualifications for intentional Program violation on the waived right to an administrative disqualification hearing or on the signed disqualification consent agreement in cases of deferred adjudication.



7 C.F.R. § 273.16(a)(3)

6. Federal regulation provides as follows:

*General.* No household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14(a)

7. Federal regulation provides as follows:

*Application.* The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of §273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in §273.2(b)(2) and provide the household with a notice of required verification as specified in §273.2(c)(5).

8. 7 C.F.R. § 273.14(b)(2)

9. Federal regulation provides as follows:

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.

10.7 C.F.R. § 273.2(e)(2)

**The Department correctly determined that the Defendant failed to report on his ██████████ 2020, recertification of his employment at ██████████**

11.7 CFR 273.12 (a)(1)(i)(H)(v) provides for reporting when gross income exceeds 130 percent of poverty and states that a household subject to simplified reporting in accordance with paragraph (a)(5)(i) of this section, whether or not it is required to submit a periodic report, must report when its gross income exceeds the monthly gross income limit for its household size, as defined at 273.9(a)(1). The household shall use the monthly gross income limit for the household size that existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.

12. Federal regulation provides as follows:

130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.

7 C.F.R. § 273.9(a)(3)(i)

“The income eligibility limits, as described in this paragraph, are revised each ██████████ 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.” 7 C.F.R. § 273.9(a)(3)

Effective ██████████ 2019, the FPL for a household of one equals \$12,490.00 / 12 months = \$1041.00 monthly (Federal Register: ██████████ 2019 [Volume 84, Number 22, page 1168]).

Effective [REDACTED] 2019, the threshold to report income changes for a household of one is \$1354.00 (130% FPL for a household of one) [\$1041 FPL x 30%].

Under expanded categorical eligibility, the gross income limit for a household of one equaled \$1926.00 / 185% of the FPL effective [REDACTED] 2019.

Effective [REDACTED], 2020, the FPL for a household of one equals \$\$12,760.00 / 12 months = \$1,064.00 monthly (Federal Register: [REDACTED] [REDACTED] 2020 [Volume 85, Number 12, page 3060])

Effective [REDACTED] 2020, the threshold to report income changes for a household of one is \$1383.00 (130% FPL for a household of one) [\$1064.00 FPL x 30%]

Under expanded categorical eligibility, the gross income limit for a household of one equaled \$1968.00 /185% of the FPL effective [REDACTED] 2020.

- 13.7 C.F.R. § 273.12 (d) If the State agency discovers that the household failed to report a change as required by paragraph (a) of this section and, as a result, received benefits to which it was not entitled, the State agency shall file a claim against the household in accordance with § 273.18. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if the household's benefits are reduced. A household shall not be held liable for a claim because of a change in household circumstances which it is not required to report in accordance with § 273.12(a)(1). Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the disqualification procedures specified in § 273.16.
14. Title 7 of the Code of Federal Regulations ("CFR") 273.16(e) provides that the State agency shall conduct administrative disqualification hearings for individuals accused of Intentional Program Violation. Uniform Policy Manual ("UPM") Section 7050 outlines the Administrative Disqualification Hearing process.
- 15.7 CFR 273.16(c) defines intentional Program violation as follows: For purposes of determining through administrative disqualification hearings whether or not a person has committed an intentional Program violation, intentional Program violations shall consist of having intentionally: (1) made a false or misleading statement, or misrepresented, concealed or withheld facts, or (2) committed any act that constitutes a violation of the Food Stamp Act, the Food Stamp Program Regulations, or any State statute relating to the use, presentation, transfer, acquisition, receipt, or possession

of Food Stamp coupons, authorization cards or reusable documents used as part of an automated benefit delivery system (access device).

16. 7 CFR 273.16(e)(6) defines the criteria for determining intentional program violation as follows: The hearing authority shall base the determination of Intentional Program Violation on clear and convincing evidence which demonstrates that the household member(s) committed, and intended to commit, an Intentional Program Violation.

**The hearing record clearly and convincingly established that the Defendant's error and misstatement of failing to report earnings over 130% of the FPL regarding the SNAP benefits was an intentional program violation.**

**The hearing record clearly and convincingly established that the Defendant did not report earnings over 130% of the FPL in [REDACTED] 2020 and the misstatement on his [REDACTED] 2020 renewal form that he had no income was an intentional program violation of the SNAP.**

17. 7 CFR 273.16(b)(1) Individuals found to have committed an intentional Program violation either through an administrative disqualification hearing or by a Federal, State or local court, or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the Program:
- (i) For a period of twelve months for the first intentional Program violation, except as provided under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section;
  - (ii) For a period of twenty-four months upon the second occasion of any intentional Program violation, except as provided in paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section; and
  - (iii) Permanently for the third occasion of any intentional Program violation.

**The Hearing record clearly and convincingly established that the Defendant intentionally failed to report to the Department his employment when his earnings exceeded 130% of the FPL.**

**The Department is correct to seek the disqualification of the Defendant from participating in the SNAP program for a period of 12 months.**

18. "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)

“Earned income shall include: (i) All wages and salaries of any employee.”  
7 C.F.R. § 273.9(b)(1)(i)

Federal regulation provides as follows:

The purpose 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. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by [§ 273.12](#).

7 C.F.R. § 273.10(c)(1)(i)

**The Department correctly included the Appellant's wages to determine the SNAP benefit level.**

19. Federal regulation provides as follows:

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)(2)(i)

20. Federal regulation provides as follows:

Participation in the Program shall be limited to those household whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Household which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Household 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. Household 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)).

7 C.F.R. § 273.9(a)

Federal regulation provides as follows:

Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determining to confer categorical eligibility.

7 C.F.R. § 273.2(j)(2)(ii)(C)

Department policy provides for the gross income limit for SNAP under expanded categorical eligibility as 185% of the Federal Poverty Level ("FPL"). UPM § P-5520.36

For the period ██████████ 2019 through ██████████ 2020, the gross income limit for a household of one under Expanded Categorical Eligibility ("ECE") equaled \$1,926.00. ( $\$12,490.00 / 12 \text{ months} = \$1041.00 \text{ FPL} \times 185\% \text{ monthly} = \$1926.00$ ).

For the period of ██████████ 2019, through ██████████ 2020, net (applied) income limit for a household of one is \$1041.00 (100% FPL)

For the period ██████████ 2020, through ██████████ 2021, the gross income limit for a household of one under ECE equals \$1,968.00. ( $\$12,760.00 \text{ annual FPL} / 12 \text{ months} = \$1,064.00 \text{ monthly FPL} \times 185\% \text{ ECE} = \$1,968.00$ )

For the period [REDACTED] 2019, through [REDACTED], 2021, the net (applied) income limit for a household of one is \$1064.00. (100% FPL)

For the period [REDACTED] 2020, through [REDACTED], 2020, the Department correctly calculated the Defendant's gross monthly household income.

21. For the months of [REDACTED] 2020, [REDACTED] 2020 and [REDACTED] 2020, the Defendant's gross household income exceeded the SNAP income limit of \$1926.00 under ECE and therefore the household was ineligible for benefits for those months. It was not necessary for the Department to complete a SNAP calculation for months [REDACTED] 2020, [REDACTED] 2020 and [REDACTED] 2020 as the household was not categorically eligible under ECE and therefore subject to the gross income eligibility standards under the SNAP as follows:

Month	[REDACTED] 2020	[REDACTED] 2020	[REDACTED] 2020
Gross Income	\$2376.45	\$3587.44	\$2168,33
185% ECE	\$1,926.00	\$1,926.00	\$1,926.00

22. Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs as described in § 273.9." 7 C.F.R. § 273.10(d)

Federal regulation provides as follows:

Deductions shall be allowed only for the following household expenses:

Notwithstanding paragraphs (d)(1)(i) and (d)(1)(ii) of this section, the standard deduction for FY 2009 for each household in the 48 States and the District of Columbia, Alaska, Hawaii, Guam and the U.S. Virgin Islands shall not be less than \$144, \$246, \$203, \$289, and \$127, respectively. Beginning FY 2010 and each fiscal year thereafter, the amount of the minimum standard deduction is equal to the unrounded amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

7 C.F.R. § 273.9(d)(1)(iii)

Federal regulation provides as follows:

*Excess shelter deduction.* Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1)

through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in §271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

- A. Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.
- B. Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.
- C. The cost of fuel for heating; cooling (i.e., the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.
- D. The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.
- E. Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

7 C.F.R. § 273.9(d)(6)(ii)



Federal regulation provides as follows:

A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

7 CFR 273.9(d)(6)(iii)(A)

With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. The LUA must include expenses for at least two utilities. However, at its option, the State agency may include the excess heating and cooling costs of public housing residents in the LUA if it wishes to offer the lower standard to such households. The State agency may use different types of standards but cannot allow households the use of two standards that include the same expense. In States in which the cooling expense is minimal, the State agency may include the cooling expense in the electricity component. The State agency may vary the allowance by factors such as household size, geographical area, or season. Only utility costs identified in [paragraph \(d\)\(6\)\(ii\)\(C\)](#) of this section must be used in developing standards.

7 C.F.R. § 273.9(d)(6)(iii)(C)

The State agency must review the standards annually and make adjustments to reflect changes in costs, rounded to the nearest whole dollar. State agencies must provide the amounts of standards to FNS when they are changed and submit methodologies used in developing and updating standards to FNS for approval when the methodologies are developed or changed.

7 C.F.R. § 273.9(d)(6)(iii)(B)

23. Effective [REDACTED] 2019, through [REDACTED] 2020, the standard deduction for the 48 States & District of Columbia for a household of 1 equaled \$167.00 per month. The maximum shelter allowance equaled \$569.00. (United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2019 Standard Deductions, [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap), Memorandum SNAP – Fiscal Year 2018 Cost-of-Living Adjustments, [REDACTED] 2019)
24. Effective [REDACTED], 2020, through [REDACTED], 2021, the standard deduction for the 48 States and District of Columbia for a household of 1 equaled \$167.00 per month. The maximum shelter allowance equaled \$586.00. (United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2019 Standard Deductions, [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap), Memorandum SNAP – Fiscal Year 2019 Cost-of-Living Adjustments, [REDACTED] 2020)

**For the months [REDACTED] 2020 through [REDACTED] 2020 the Department correctly determined the standard disregard as \$167.00 for a household of one.**

**For the period [REDACTED] 2018 through [REDACTED] 2018, the Telephone Utility Allowance (“TUA”) in Connecticut equaled \$27.00.**

**For the months [REDACTED] 2020 through [REDACTED] 2020, the Department correctly determined the Defendant’s shelter costs as \$207.00.**

25. Federal regulation provides the following:

To determine a household’s net monthly income, the State agency shall:

- A. 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. Net losses from the self-employment income of a farmer shall be offset in accordance with §273.11(a)(2)(iii).

- B. Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with §273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income.
- C. Subtract the standard deduction.
- D. If the household is entitled to an excess medical deduction as provided in §273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.
- E. Subtract allowable monthly dependent care expenses, if any, as specified under § 273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with §273.9(d)(5), subtract allowable monthly child support payments in accordance with §273.9(d)(5).
- G. Subtract the homeless shelter deduction, if any, up to the maximum of \$143.
- H. Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section.
- I. Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

7 C.F.R. § 273.10(e)(1)(i)

Federal regulation provides as follows:

Do not apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this action is the basis for the claim.

7 C.F.R. § 273.18(c)(1)(ii)(B)

“In calculating net monthly income, the State agency shall use one of the following two procedures: Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents.” 7 C.F.R. § 273.10(e)(1)(ii)(A)

Federal regulation provides as follows:

Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways: the state agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

26. Federal regulation provides for the Thrifty Food Plan (TFP) and Maximum SNAP Allotments:

Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at [www.fns.usda.gov/fsp](http://www.fns.usda.gov/fsp).

7 CFR § 273.10(e)(4)(i)

United States Department of Agriculture Food and Nutrition Services provides as follows:

Effective [REDACTED] 2019, through [REDACTED] 2020, the maximum monthly SNAP allotment for the 48 States & District of Columbia for a household one equaled \$194.00. The minimum SNAP allotment equaled \$16.00. (United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2018 Standard Deductions, [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap), Memorandum SNAP – Fiscal Year 2018 Cost-of-Living Adjustments, [REDACTED], 2019)

Effective [REDACTED] 2020, through [REDACTED], 2021, the maximum monthly SNAP allotment for the 48 States & District of Columbia for a household of one equaled \$204.00. The minimum SNAP allotment equaled \$16.00. (United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2019 Standard Deductions, [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap), Memorandum SNAP – Fiscal Year 2019 Cost-of-Living Adjustments, [REDACTED] 2020)

“Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.”  
7 C.F.R. § 273.10(e)(2)(ii)(C)

“Except as provides in paragraphs (a)(1), (e)(2)(ii)(B), and (e)(2)(vi)(C) of this section, one- and two-person households shall be provided with at least the minimum benefit.” 7 C.F.R. § 273.10(e)(2)(vi)(B)

For the month of [REDACTED] 2020, the Department incorrectly determined the Appellant’s SNAP benefit as \$0.00. The Defendant’s gross income of \$1132.00 was under 185% FPL and the Defendant’s net income of \$965.00 was under the net (applied) income limit of \$1064.00. Because the Defendant was categorically eligible under Expanded categorical eligibility, the Defendant was entitled to the minimum monthly benefit of \$16.00.

[REDACTED] 2020	
Earned Income	\$1,132.00
Less earned income deduction	<u>-\$00.00</u>
<b>Net earnings</b>	<u>\$1,132.00</u>
Plus Unearned Income	<u>+\$00.00</u>
<b>Total household income</b>	\$1,132.00
Less standard deduction	<u>-\$167.00</u>
<b>Adjusted gross income</b>	\$965.00
<b>SHELTER COSTS</b>	
Rent	\$200.00
TUA	<u>+\$27.00</u>
<b>Total shelter costs</b>	\$227.00
<b>SHELTER HARDSHIP</b>	
Shelter costs	\$227.00
Less 50% of adjusted gross income (965 / 2)	<u>-\$482.50</u>

<b>Total shelter hardship</b>	\$0.00
<b>ADJUSTED NET INCOME</b>	
Adjusted gross income	\$965.00
Less shelter hardship	<u>-\$0.00</u>
<b>Net Adjusted Income (NAI)</b>	\$965.00
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for One	\$204.00
Less 30% of NAI	<u>-\$290.00</u>
<b>SNAP award \$16.00 min</b>	\$00.00

1. Federal regulation provides as follows:

If the State agency discovers that the household failed to report a change as required by paragraph (a) of this section and, as a result, received benefits to which it was not entitled, the State agency shall file a claim against the household in accordance with § 273.18. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if the household's benefits are reduced. A household shall not be held liable for a claim because a change in household circumstances which it is not required to report in accordance with § 273.12(a)(1). Individual shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the disqualification procedures specified in § 273.16.

7 C.F.R. § 273.12(d)

"A recipient claim is an amount owed because of benefits that are overpaid."

7 C.F.R. § 273.18(a)(1)(i)

"This claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency must establish and collect any claim by following these regulations." 7 C.F.R. § 273.18(a)(2)

*"Type of claim:* There are three types of claims: An Intentional Program violation (IPV) claim is any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in § 273.16". 7 C.F.R. § 273.18(b)(1)

**The Department correctly filed an IPV claim against the Defendant because the Defendant received benefits he was not entitled to in the months of █████ 2020 through █████ 2020.**

27. Federal regulation provides as follows:

*Calculating the claim amount-Claims not related to trafficking.* As a State agency, you must calculate a claim back to at least twelve months prior to when you become aware of the overpayment and for an IPV claim, the claim must be calculated back to the month the act of IPV first occurred and for all claims, don't include any amounts that occurred more than six years before you became aware of the overpayment.

7 C.F.R. § 273.18(c)(1)(i)

**28. The Department correctly determined the Defendant was overpaid beginning for the period █████ 2020, the month in which the Defendant failed to report his household income exceeded the SNAP gross income eligibility standard.**

**The Department incorrectly determined the total overpayment claim as \$1,177.00 for the period █████ 2020, through █████ 2020. The correct total overpayment claim equals \$1,161.00 for the period █████ 2020, through █████, 2020.**

Month	Received	Entitled	Overpayment	Subject to Recoupment
█████ 2020	\$194.00	\$0.00	\$194.00	\$194.00
█████ 2020	\$194.00	\$0.00	\$194.00	\$194.00
█████ 2020	\$194.00	\$00.00	\$194.00	\$194.00
█████ 2020	\$194.00	\$0.00	\$232.00	\$232.00
█████ 2020	\$204.00	\$0.00	\$204.00	\$177.00
█████ 2020	\$197.00	\$16.00	\$181.00	\$181.00
Totals	\$1,177.00	\$16.00	\$1,161.00	\$1,161.00

### **DISCUSSION**

The Department met its burden to establish by clear and convincing evidence that the Defendant committed an intentional program violation pertaining to the SNAP.

### **DECISION**

The Defendant is guilty of committing a first offense intentional program

violation in the SNAP program as the Defendant knowingly did not properly report his household earnings from employment at Amazon. **The Department's request is GRANTED.** The Department may disqualify the Defendant from participating in the SNAP for a period of 12 months.

Regarding whether the Department's proposal to pursue an overpayment claim under the SNAP for the period [REDACTED] 2020, through [REDACTED], the Department's appeal is granted. However, the Department miscalculated the claim amount as \$1,177.00. The correct amount of the claim equals \$1,161.00.

### ORDER

1. The Department must recalculate the Defendant's SNAP eligibility for the month of [REDACTED] 2020. The Defendant qualified for SNAP under ECE and entitled to the \$16.00 minimum SNAP allotment for [REDACTED] 2020, resulting in a decrease in the total overpaid claim from \$1,177.00 to \$1,161.00 for the period beginning [REDACTED] 2020, through [REDACTED] 2020.
2. Compliance is due 10-days from the date of this decision.

*Scott Zuckerman*

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Scott Zuckerman  
Hearing Officer

Cc: DSS, Quality Assurance



**RIGHT TO APPEAL**

The defendant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision. 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 06105-3725. 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 her 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.