

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

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”), a Notice of Action (“NOA”) which denied her Supplemental Nutrition Assistance Program (“SNAP”) benefits due to excess income.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the denial of her SNAP benefits due to excess income.

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, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals participated in the hearing:

Appellant, ██████████
Department’s Representative, Shannon Shlash
Hearing Officer, Joshua Couillard

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant’s SNAP benefits due to excess income.

FINDINGS OF FACT

1. On [REDACTED] 2022, the Appellant applied for SNAP benefits for a household of five – herself, her spouse and their three children. (Exhibit 1: Online Application, Department’s Testimony)
2. The Appellant is [REDACTED]-years-old [DOB: [REDACTED] [REDACTED]]. The Appellant’s spouse is [REDACTED]-years-old [DOB: [REDACTED], 1[REDACTED]]. Their oldest child is [REDACTED]-years-old [DOB: [REDACTED] [REDACTED]]. Their middle child is [REDACTED]-years-old [DOB: [REDACTED] [REDACTED]]. Their youngest child is [REDACTED]-year-old [DOB: [REDACTED] [REDACTED]]. (Exhibit 1)
3. On [REDACTED] 2022, the Department completed an interview with the Appellant. (Department’s Testimony)
4. The Appellant’s spouse is a legal permanent resident of the United States and has held that immigration status since 2019. (Appellant’s Testimony)
5. No one in the household is disabled. (Appellant’s Testimony)
6. The Appellant is employed at the [REDACTED]. She is paid biweekly. (Exhibit 5: Wage Stubs, Appellant’s Testimony)
7. The Appellant submitted two biweekly wage stubs from her job with the [REDACTED]. The following pay dates and gross amounts were used in the Department’s calculation:

Pay Date	Gross Amount
[REDACTED] 2022	\$2,023.20
[REDACTED] 2022	\$2,023.20

(Exhibit 5, Appellant’s Testimony)

8. There is no other income for the household. (Appellant’s Testimony, Exhibit 6: NOA)
9. The gross income limit for a household of four is \$4,086.00 per month. (Exhibit 8: Program Limits Chart, Department’s Testimony)
10. On [REDACTED] 2022, the Department issued the Appellant a NOA which denied her application for SNAP benefits due to excess income. (Exhibit 6)
11. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 60 days of the request for an administrative hearing. The hearing request was received on [REDACTED], 2022; 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. “*Recording the filing date.* The date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours. For telephonic applications, the date of application is the date on which the household member provides verbal assent.” Title 7 of the Code of Federal Regulations (“C.F.R.”) § 273.2(e)(iv)

The Department correctly screened the Appellant for SNAP benefits as of [REDACTED] 2022.

3. “*Interviews.* (1) Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so.” 7 C.F.R. § 273.2(e)(1)
4. “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.” 7 C.F.R. § 273.2(e)(2)

The Department correctly completed an interview with the Appellant on [REDACTED] 2022.

5. *"Citizenship and Alien Status.* Household members meeting citizenship or alien status requirements. No person is eligible to participate in the Program unless that person is: An individual who is both a qualified alien as defined in paragraph (a)(6)(i) of this section and an eligible alien as defined in paragraph (a)(6)(ii) or (a)(6)(iii) of this section. A qualified alien is an alien who is lawfully admitted for permanent residence under the INA." 7 C.F.R. § 273.4(a)(6)(i)(A)
6. "The following qualified aliens, as defined in paragraph (a)(6)(i) of this section, must be in a qualified status for 5 years before being eligible to receive SNAP benefits. The 5 years in qualified status may be either consecutive or nonconsecutive. Temporary absences of less than 6 months from the United States with no intention of abandoning U.S. residency do not terminate or interrupt the individual's period of U.S. residency. If the resident is absent for more than 6 months, the agency shall presume that U.S. residency was interrupted unless the alien presents evidence of his or her intent to resume U.S. residency. In determining whether an alien with an interrupted period of U.S. residency has resided in the United States for 5 years, the agency shall consider all months of residency in the United States, including any months of residency before the interruption: An alien age 18 or older lawfully admitted for permanent residence under the INA." 7 C.F.R. § 273.4(a)(6)(iii)(A)

The Department correctly determined that the Appellant's spouse has held legal permanent resident status within the United States for less than five years and therefore is not eligible for SNAP benefits.

The Department correctly determined that the assistance unit is considered a household size of four.

7. *"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; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act; (4) Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66; (5) Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act. (6) Is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code; (7) Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under title 38 of the United States Code; (8) Is a surviving spouse of a veteran and considered by

the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States Code; (9) Is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under title 38 of the United States Code *and* has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; or (10) Receives an annuity payment under: section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 *and* is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act. (11) Is a recipient of interim assistance benefits pending the receipt of Supplemented Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State general assistance benefits *provided* that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the State agency which are at least as stringent as those used under title XVI of the Social Security Act (as set forth at 20 CFR part 416, subpart I, Determining Disability and Blindness as defined in Title XVI)." 7 C.F.R. § 271.2

8. "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 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)

The Department correctly determined that no one in the household is elderly or disabled, therefore the household is subject to the gross and net income eligibility standards unless the household meets categorical eligibility requirements.

9. "*Income only in month received.* (i) 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)

The Department correctly determined the Appellant’s monthly earned income as \$4,349.88 ($\$2,023.20 \times 2.15 = \$4,349.88$)

10. “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: (A) 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)(A)

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”.

11. The standards used in SNAP are adjusted each year on the first day of October. The Federal Poverty Standards applicable to the Appellant’s SNAP eligibility determination effective [REDACTED] 2022, are published in the Federal Register, Vol. 86, No. 19 / [REDACTED], 2021, pp. 7732-7734

The Department correctly determined that 185% of the FPL for a household size of four is \$4,086 per month [$\$26,500$ (Federal Register FPL) / 12 months = $\$2,208.33 \times 1.85 = \$4,086$].

The Department correctly determined that the Appellant’s gross income of \$4,349.88 per month is over the allowable \$4,086 FPL Income Limit (185% of FPL) for a household of four seeking categorical eligibility.

12. “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.” 7 C.F.R. § 273.9 (a)(1)(i)

13. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes to the Income Eligibility Standards (see: www.fns.usda.gov/snap/allotment/COLA):

“The following tables provide the monthly income eligibility standards for FY 2022 (effective [REDACTED] 2021, through [REDACTED] 2022).”

Gross Monthly Income Limit (130% of Federal Poverty Level)

Household Size	Income Limit (130% FPL)
1	\$1,396
2	\$1,888
3	\$2,379
4	\$2,871
5	\$3,363
6	\$3,855
7	\$4,347
8	\$4,839
Each Additional Member	+\$492

The Department correctly determined that the Appellant’s total gross monthly income of \$4,349.88 exceeds the monthly SNAP income limit of \$2,871 for a household of four.

DECISION

The Appellant’s appeal is **DENIED**.



Joshua Couillard
Fair Hearing Officer

CC: New Haven Regional Office Manager, Rachel Anderson
New Haven Regional Office Manager, Mathew Kalarickal
New Haven Regional Office Manager, Ralph Filek
New Haven Regional Office Fair Hearing Liaison, Shannon Shlash

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.