

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# 193517

NOTICE OF DECISION

PARTY

██████████  
██████████  
██████████

PROCEDURAL BACKGROUND

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

On ██████████ 2022, the Appellant requested an Administrative Hearing to appeal the Department’s decision to discontinue the 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 per the Appellant’s request. The following individuals participated in the hearing:

██████████ Appellant  
Billy Cordero, Department’s Representative  
Jessica Gulianello, Hearing Officer

The hearing record remained open to allow the Department time to submit additional information. Additional documents were received and on ██████ 2022, the hearing record closed.

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's action to discontinue the SNAP benefits was correct.

### **FINDINGS OF FACT**

1. On ██████ 2022, the Department issued the Appellant a Notice of Renewal of Eligibility ("Renewal Notice") with a renewal form ("W-1ER") enclosed. The Renewal Notice reflected the SNAP certification period that began on ██████ 2021, was ending on ██████ 2022. The notice stated, "You must complete your form and submit all required proofs by ██████ 2022, or your benefits may stop." (Exhibit 10: Renewal Notice, Hearing Record)
2. On ██████ 2022, the Department issued the Appellant a NOA informing him the SNAP benefits were closed as of ██████ 2022, for the following reasons, "Renewal form was not submitted", "renewal process was not completed", "no household members are eligible for this program" and "does not meet program requirements". (Exhibit 2: NOA, ██████/2022, Hearing Record)
3. On ██████ 2022, the Department received a completed online renewal ("ONRE"). (Exhibit 11: ONRE, Hearing Record)
4. On ██████ 2022, the Department reviewed the ONRE and registered the Appellant's request for the SNAP benefits in the online eligibility management system, ("ImpaCT"). (Exhibit 14: Case Notes, Hearing Record)
5. On ██████ 2022, the Department determined the Appellant was eligible for expedited SNAP benefits. The Department issued the Appellant a NOA informing him that he was determined eligible for the SNAP for the benefit period start date of ██████ 2022, and the benefit period end date of ██████ 2022, in the amount of \$241. The NOA stated the following, "To keep getting SNAP after ██████ 2022, you will need to interview by ██████ 2022 and give us the required proofs by ██████ 2022." (Exhibit 4: NOA, ██████/2022, Hearing Record)
6. On ██████ 2022, the Department issued the Appellant an Interview Notice. The Interview Notice requested the Appellant contact the Department by ██████ 2022, to complete the mandatory interview required for the SNAP. (Exhibit 3: Interview Notice, ██████/2022, Hearing Record)

7. On [REDACTED] 2022, the Department issued the Appellant a Proofs We Need form (“W-1348”) requesting proof of his shelter expenses and [REDACTED] benefits due by [REDACTED] 2022, to establish SNAP eligibility. (Exhibit 5: W-1348, Hearing Record)
8. On [REDACTED] 2022, the Department issued the Appellant a Notice of Missed Interview (“NOMI”). The NOMI stated, “If you still want to apply for benefits, you must call the Benefit Center at 1-855-626-6632 and have your interview by the denial date [REDACTED]/2022) to complete your application.” (Exhibit 6: NOMI, Hearing Record)
9. On [REDACTED] 2022, the Department received a letter dated [REDACTED] 2022, from [REDACTED] confirming the Appellant’s residence at [REDACTED] and his [REDACTED] rental expense of \$170 with utilities; food, and phone expenses not included. (Exhibit 13: Documents received on [REDACTED]/22, Hearing Record)
10. On [REDACTED] 2022, the Department issued the Appellant a NOA informing him the SNAP benefits were closed as of [REDACTED] 2022, for the following reasons: “No household members are eligible for this program”, “Individual did not provide the information, report changes, or meet the requirements necessary to determine eligibility” and “Does not meet program requirements”. (Exhibit 7: NOA, [REDACTED]/2022)
11. On [REDACTED] 2022, the Appellant submitted a hearing request online with the following statement, “I did return all the paperwork needed”. (Exhibit A: Hearing Request)
12. On [REDACTED] 2022, the Department contacted the Appellant and completed the SNAP interview by phone. The Appellant reported he returned to work with [REDACTED]. (Exhibit 14: Case Notes, Hearing Record)
13. On [REDACTED] 2022, the Department verified the Appellant’s [REDACTED] benefits stopped on [REDACTED] 2021. (Exhibit 14: Case Notes, Exhibit 15: [REDACTED], Hearing Record)
14. On [REDACTED] 2022, the Department verified the Appellant’s wages with [REDACTED] via the [REDACTED] & [REDACTED]. The Department utilized wages from the following [REDACTED] pay period [REDACTED]:

Pay Date:	Gross Wages:	Hours Worked:	Overtime paid:
[REDACTED]/2022	\$600	40	No
[REDACTED]/2022	\$792	48	Yes
[REDACTED]/2022	\$960	56	Yes

Anticipated average weekly wages were calculated as follows: \$600 + \$792 + \$960 = \$2,352 / 3 checks = \$784 per week x 4.3 = \$3,371.20 per month.

The Appellant worked more than forty hours on two of the three pay dates reflected; therefore, the Department determined the pay was countable for the SNAP. (Exhibit 16: [REDACTED], Hearing Record)

15. The Appellant is [REDACTED] and he has not been determined disabled by [REDACTED]. (Hearing Record)
16. The gross income limit for the SNAP for a household of one individual is \$1,986 per month. (Exhibit 17: Federal SNAP – Income Test, Hearing Record)
17. On [REDACTED] 2022, the Department determined the Appellant's gross income of \$3,371.20 exceeded the gross income limit of \$1,986 per month for a one-person household. The Department issued the Appellant a NOA advising the SNAP closed as of [REDACTED] 2022, for the following reasons: "The monthly gross income of your household is more than the limit for this program" and "Does not meet program requirements". (Exhibit 8: NOA, [REDACTED]/2022, Hearing Record)
18. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which requires that a decision must be reached, and the household notified within 60 days of receipt of a requested fair hearing. The Appellant requested an Administrative Hearing on [REDACTED], 2022, making this decision due no later than [REDACTED], 2022, and is therefore, timely. (Hearing Record)

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statute provides the following: "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."

#### **The Department has the authority to administer the SNAP.**

2. Title 7 of the Code of Federal Regulations ("C.F.R") § 273.10(f) provides the following: *Certification periods*. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

**The Department complied with the Federal Regulation and correctly determined the Appellant eligible for a 12-month SNAP certification period with a begin date of [REDACTED], 2021, and an end date of [REDACTED], 2022.**

3. 7 C.F.R § 273.14(a) provides the following: *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.

**The Department complied with the Federal Regulation and correctly issued the Appellant a renewal notice, a W-1ER requesting completion, and informed the Appellant the SNAP certification cycle expired on [REDACTED], 2022.**

**The Appellant failed to timely complete the mandatory renewal process required to establish a new SNAP certification period.**

**The Department complied with the Federal Regulation and correctly determined the Appellant was not eligible for SNAP benefits beyond the established certification period and issued the Appellant a NOA on [REDACTED], 2022, informing the Appellant of the SNAP closure effective [REDACTED], 2022.**

4. 7 C.F.R § 273.2(c)(1)(i) provides the following: Households must file SNAP applications by submitting the forms to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission.

**The Appellant filed a late ONRE, and the Department treated it as a SNAP application.**

5. 7 C.F.R § 273.2(c)(1)(iv) provides the following: *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.

**The Department complied with the Federal Regulation and correctly determined the SNAP application date to be [REDACTED] 2022.**

6. 7 CFR § 273.2(a)(2) provides the following: *Application processing*. The application process includes filing and completing an application form, being interviewed, and having certain information verified. The State agency must act promptly on all applications and provide SNAP benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

7 CFR § 273.2(i)(1) provides the following: *Entitlement to expedited service*. The following households are entitled to expedited service:

- (i) Households with less than \$150 in monthly gross income, as computed in § 273.10 provided their liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, and lump sum payments as specified in § 273.9(c)(8)) do not exceed \$100;
- (ii) Migrant or seasonal farmworker households who are destitute as defined in § 273.10(e)(3) provided their liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, and lump sum payments as specified in § 273.9(c)(8)) do not exceed \$100;

Households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage, and utilities (including entitlement to a SUA, as appropriate, in accordance with § 273.9(d)).

**The Department complied with the Federal Regulations and correctly evaluated the Appellant's eligibility for expedited SNAP service.**

7. 7 C.F.R § 273.14(b)(1)(i) provides the following: The State agency shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The State agency shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly processed PA and GA households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their PA or GA redetermination.

**On [REDACTED] 2022, the Department complied with the Federal Regulation and correctly issued the Appellant an NOE informing him of the SNAP expiration on [REDACTED] 2022.**

8. 7 C.F.R § 273.2(e)(1) provides the following: 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. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

7 CFR § 273.2(e)(2) provides the following: 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.

**The Department complied with the Federal regulations and correctly determined an interview was required to establish SNAP eligibility.**

**The Department issued the Appellant an Interview Notice on [REDACTED] 2022.**

**The Department issued the Appellant a NOMI on [REDACTED] 2022.**

**The Appellant successfully completed the interview by phone on [REDACTED] 2022.**

9. 7 C.F.R. § 273.2(c)(5) provides the following: *Notice of Required Verification*. The State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d)(1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in § 272.4(b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.

7 C.F.R § 273.2(h)(1)(i)(C) provides the following: In cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing.

**The Department complied with the Federal Regulations and correctly issued the Appellant a W-1348 on [REDACTED] 2022. The due date of [REDACTED] 2022, afforded the Appellant [REDACTED] days to provide the requested documents.**

- 10.7 CFR § 273.2(f)(2)(i) provides the following: The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant



farmworkers or American Indians for more intensive verification under this provision.

7 C.F.R § 273.2(f)(5)(i) provides the following: The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under paragraph (d)(1) of this section. Households may supply documentary evidence in person, through the mail, by facsimile or other electronic device, or through an authorized representative. The State agency must not require the household to present verification in person at the SNAP office. The State agency must accept any reasonable documentary evidence provided by the household and must be primarily concerned with how adequately the verification proves the statements on the application. However, the State agency has primary responsibility for verifying fleeing felon and parole or probation violator status in accordance with § 273.11(n). If a SNAP applicant's attestation regarding disqualified felon status described in § 273.2(o) is questionable, the State agency shall verify the attestation. Each element of a questionable attestation - that the individual has been convicted of a crime listed at § 273.11(s), and that the individual is not in compliance with the terms of their sentence - shall be verified by the State agency. The State agency shall determine whether an attestation is questionable based on the standards established under § 273.2(f)(2)(i). In conducting verifications of questionable attestations under this paragraph, the State agency shall establish reasonable, consistent standards, evaluate each case separately, and document the case file accordingly.

**The Department complied with Federal Regulation and accepted the documentation received on [REDACTED] 2022, as acceptable proof of the Appellant's residency.**

**The Department correctly used [REDACTED] to verify the Appellant stopped collecting [REDACTED] benefits.**

11. 7. CF.R § 273.9(b) provides the following: *Definition of income*. Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee.

**The Department complied with Federal Regulation and correctly determined the Appellant's gross wages with [REDACTED] are countable for the SNAP.**

12. 7 C.F.R § 273.10(a)(1)(i) provides the following: *Month of application – Determination of eligibility and benefit levels*. A household's eligibility shall be determined for the month of application by considering the household's

circumstances for the entire month of application. Most households will have the eligibility determination based on circumstances for the entire calendar month in which the household filed its application. However, State agencies may, with the prior approval of FNS, use a fiscal month if the State agency determines that it is more efficient and satisfies FNS that the accounting procedures fully comply with certification and issuance requirements contained in these regulations. A State agency may elect to use either a standard fiscal month for all households, such as from the 15th of one calendar month to the 15th of the next calendar month, or a fiscal month that will vary for each household depending on the date an individual files an application for the Program. Applicant households consisting of residents of a public institution who apply jointly for SSI and SNAP benefits prior to release from the public institution in accordance with § 273.11(i) will have their eligibility determined for the month in which the applicant household was released from the institution.

7 C.F.R § 273.10(c)(1)(i) provides the following: *Determining income - Anticipating income.* (i) For 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) (ii) provides the following: 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. Similarly, if the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income. The State agency shall exercise particular

caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the State agency automatically attribute to the household the amounts of any past income. The State agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

7 C.F.R § 273.10(c)(2)(i) provides the following: *Income only in month received.* 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)(3)(i) provides the following: *Income averaging.* Income may be averaged in accordance with methods established by the State agency to be applied Statewide for categories of households. When averaging income, the State agency shall use the household's anticipation of monthly income fluctuations over the certification period. An average must be recalculated at recertification and in response to changes in income, in accordance with § 273.12(c), and the State agency shall inform the household of the amount of income used to calculate the allotment. Conversion of income received weekly or biweekly in accordance with paragraph (c)(2) of this section does not constitute averaging.

**The Department incorrectly converted the Appellant's gross wages earned over a [REDACTED] period of employment to a monthly average rather than using a 30-day (4-week) period as outlined in the Federal Regulations.**

**On [REDACTED] 2022, when the Department calculated the Appellant's income the following [REDACTED] pay should have been used to anticipate the Appellant's average monthly income: [REDACTED]/2022: \$600 + [REDACTED]/2022: \$600 + [REDACTED]/2022: \$792 + [REDACTED]/2022: \$960= \$2,952/ 4 checks = \$738 x 4.3 weeks= \$3,173.40 per month.**

13. 7 C.F.R § 273.9(c)(2) provides the following: *Income exclusions.* Only the following items shall be excluded from household income and no other income shall be excluded: Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but not in excess of \$30 in a quarter.

**The Appellant worked more than 40 hours in 2 of the 4 checks in question. Furthermore, the [REDACTED] confirms the Appellant frequently worked more than 40 hours. Overtime pay is therefore ineligible for exclusion and countable income for the SNAP.**

14. 7 C.F.R § 273.9(a) provides the following: *Income eligibility standards.* Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible as defined in § 273.2(j)(2) or 273.2(j)(4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

7 C.F.R § 273.9(a)(1)(i) provides the following: The gross income eligibility standards for SNAP shall be as follows: 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)(2)(i) provides the following: The net income eligibility standards for SNAP shall be as follows: The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

7 C.F.R § 273.9(a)(3) provides the following: 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. (i) 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. (ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary. (4) The monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap).

**The Department complied with the Federal Regulations and correctly determined the Appellant was subject to pass the gross income test followed by the net income limit test as he is not elderly or disabled.**

**The monthly gross income limit for a SNAP household size of one individual is \$1,986 per month.**

**The Department correctly determined the Appellant's monthly gross income with [REDACTED] exceeded the gross income limit for the SNAP based on his household size. Therefore, the net income test was not assessed.**

13.7 CFR § 273.10(g)(1)(ii) provides the following: *Notice of denial*. If the application is denied, the State agency shall provide the household with written notice explaining the basis for the denial, the household's right to request a fair hearing, the telephone number of the SNAP office (a toll-free number or a number where collect calls will be accepted for households outside the local calling area), and, if possible, the name of the person to contact for additional information. If there is an individual or organization available that provides free legal representation, the notice shall also advise the household of the availability of the service. A household which is potentially categorically eligible but whose SNAP application is denied shall be asked to inform the State agency if it is approved to receive PA and/or SSI benefits or benefits from a State or local GA program. In cases where the State agency has elected to use a notice of denial when a delay was caused by the household's failure to take action to complete the application process, as provided in § 273.2(h)(2), the notice of denial shall also explain: The action that the household must take to reactivate the application; that the case will be reopened without a new application if action is taken within 30 days of the date the notice of denial was mailed; and that the household must submit a new application if, at the end of the 30-day period, the household has not taken the needed action and wishes to participate in the program. If the State agency chooses the option specified in § 273.2(h)(2) of reopening the application in cases where verification is lacking only if household provides verification within 30 days of the date of the initial request for verification, the State agency shall include on the notice of denial the date by which the household must provide the missing verification.

7 CFR § 273.2(g)(3) *Denying the application*. Households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed. If the household has failed to appear for a scheduled interview and has made no subsequent contact with the State agency to express interest in pursuing the application, the State agency shall send the household a notice of denial on the 30th day following the date of application. The household must file a new application if it wishes to participate in the program. In cases where the State agency was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the State

agency may also deny the application on the 30th day if the State agency provided assistance to the household in obtaining verification as specified in paragraph (f)(5) of this section, but the household failed to provide the requested verification.

**The Department complied with the Federal Regulations and correctly issued the Appellant a NOA on [REDACTED] 2022, as the mandatory interview required to establish SNAP eligibility beyond the expedited SNAP expiration date of [REDACTED] 2022, was not completed timely.**

**Furthermore, on [REDACTED] 2022, following the completion of the SNAP interview the Department correctly issued the Appellant a NOA discontinuing the SNAP effective [REDACTED] 2022, as the Appellant's monthly gross income exceeded the limit for the SNAP program.**

#### **DISCUSSION:**

**The issue to be decided was the Department's action to discontinue the Appellant's SNAP benefits effective [REDACTED] 2022, for failure to provide information or meet the requirements necessary to determine eligibility. However, the Department acted following the Appellant's hearing request. The actions that were taken by the Department subsequently changed the issue of this hearing to SNAP discontinuance due to excess income.**

**The Department inaccurately computed the Appellant's gross wages to \$784 per week. The accurate wage calculation at the time the Department took the action was \$738 per week. However, I find the Department's action to deny the SNAP over the income limit is valid.**

**The Appellant testified he has been working extra hours due to [REDACTED] and typically is only scheduled to work 40 hours per week at a pay rate of \$15 per hour. It is worth noting that the Appellant's monthly gross income without overtime (40 hours x \$15= \$600 per week) appears to still exceed the SNAP income limit of \$1,986 per month for a household of one individual.**

**The Department correctly discontinued the SNAP as the Appellant's gross wages exceeded the program income limit.**

**DECISION**

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

*Jessica Gulianello*

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**Jessica Gulianello  
Administrative Hearing Officer**

CC: Rachel Anderson, Mathew Kalarickal, Lisa Wells, Billy Cordero, Department of Social Services, New Haven Office (DO 20)

### **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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 06105-3725.

### **RIGHT TO APPEAL**

The appellant has the right to appeal this decision to Superior Court with 45 days of the mailing of this decision, or 45 days after the agency denies 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 06105-3725. 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 appellant resides.