

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

██████████ 2022
Signature confirmation

Case: ██████████
Client: ██████████
Request: 193753

NOTICE OF DECISION

PARTY

██████████
██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) issued a *Notice of Action* to ██████████ (the “Appellant”) denying her Supplemental Nutrition Assistance Program (“SNAP”) application.

On ██████████ 2022, the Appellant filed an online request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”).

On ██████████ 2022, the OLCRAH scheduled the administrative hearing for ██████████ 2022. The OLCRAH granted the Appellant’s request for a postponement of the hearing.

On ██████████ 2022, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, and Section 273.15 of Title 7 of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held an administrative hearing. The following individuals participated by telephone conferencing:

██████████ Appellant
Taneisha Hayes, Department Representative
Eva Tar, Hearing Officer

The hearing record closed ██████████ 2022.

STATEMENT OF ISSUE

The issue is whether the Department correctly determined that the Appellant’s household was ineligible to participate in the SNAP.

FINDINGS OF FACT

1. The Appellant is ■ years old. (Appellant Testimony)
2. The Appellant and her ■-year-old daughter live together; there are no other individuals living with the Appellant. (Appellant Testimony)
3. Neither the Appellant nor her ■ year-old daughter are disabled. (Department Exhibit 7)
4. On ■ 2022, the Department received the Appellant's online SNAP application, submitted on ■ 2022 after hours. (Department Exhibit 8)
5. The Appellant has been an ■ employee since ■ 2021. (Department Exhibit 9)
6. In ■ 2022, the Appellant grossed \$4,015.31 in wages. (Department Exhibits 1 and 9)
7. On ■ 2022, the Department denied the Appellant's ■ 2022 SNAP application. (Department Exhibit 8)
8. In ■ 2022, the Appellant grossed \$2,798.81 in wages. (Department Exhibits 1 and 9)
9. On ■ 2021, the Appellant submitted an electric bill with her current address, verification of her daycare payment, and wage stubs to the Department. (Department Exhibit 1)
10. The Department reopened the Appellant's SNAP application effective ■ 2022, the date the Department had received the Appellant's submissions. (Department Representative Testimony) (Department Exhibit 1)
11. On ■ 2022, the Department denied the Appellant's SNAP application a second time. (Department Exhibit 3)
12. The SNAP gross monthly income limit for a household of two equals \$2,686.00. (Department Exhibit 2)
13. Title 7, Code of Federal Regulations ("C.F.R.") section 273.15 (c)(1) provides in part that "[w]ithin 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision...."

"The household may request and is entitled to receive a postponement of the scheduled hearing. The postponement shall not exceed 30 days and the time limit for action on the decision may be extended for as many days as the hearing is postponed. For example, if a State level hearing is postponed by the household for 10 days, notification of the hearing decision will be required within 70 days from the date of the request for a hearing." 7 C.F.R. § 273.15 (c)(4).

On ██████ 2022, the OLCRAH received the Appellant's hearing request. The issuance would have been due by ██████ 2022. The Appellant requested and received a 25-day postponement of the administrative hearing as well as a three-day extension to the close of the hearing record, which extended the deadline by 28 days to ██████ 2022. This decision is timely.

CONCLUSIONS OF LAW

1. The Department of Social Services is the designated state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

The Department has the authority to administer the SNAP in Connecticut.

2. Title 7, Code of Federal Regulations ("C.F.R.") Section 273.1 (a) provides: "A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption."

"The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. (i) ...; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); (iii)" 7 C.F.R. § 273.1 (b)(1).

The Appellant and her minor child are a SNAP household of two.

3. "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." 7 C.F.R. § 273.9 (b)(1)(i).

The Appellant's wages are earned income.

4. "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...." 7 C.F.R. § 273.10 (c)(1)(i).

"Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period...." 7 C.F.R. § 273.10 (c)(1)(ii).

The Department correctly reviewed the Appellant's gross wages as part of its evaluation of the Appellant's eligibility to participate in the SNAP.

5. "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...." 7 C.F.R. § 273.9 (a).

As a condition of SNAP eligibility, the Appellant's SNAP household is subject to the Program's gross monthly income limit, as the household contains no elderly or disabled members.

6. "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).

Title 7, Code of Federal Regulations, Section 273.2 (j)(2)(ii) and (iii) addresses the State option of extending categorical eligibility to further the purposes of the Food and Nutrition Act of 2008.

Under Expanded Categorical Eligibility, Connecticut utilizes a SNAP gross income limit of 185 percent of the Federal Poverty Level. *POGA Communication to DSS Eligibility Staff, 9/7/2021.*

The Appellant's gross monthly wages in [REDACTED] 2022 and in [REDACTED] 2022 exceeded \$2,686.00, or 185 percent of the Federal Poverty Level for a household of two, the gross income limit under Connecticut's implementation of Expanded Categorical Eligibility.

The Department correctly determined that the Appellant's household was ineligible to participate in the SNAP, based on the household's gross income exceeding the Program's gross income limit for a household of two.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Taneisha Hayes, DSS-Hartford
Musa Mohamud, DSS-Hartford
Josephine Savastra, DSS-Hartford
Jessica Carroll, DSS-Hartford
Jay Bartolomei, DSS-Hartford

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.