

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”) discontinuing his Supplemental Nutrition Assistance Program (“SNAP”) benefits due to excess income.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the Department’s decision to discontinue his 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, Garfield White
Hearing Officer, Joshua Couillard

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. On [REDACTED] 2022, the Appellant’s SNAP benefits closed for failure to complete a renewal form. (Department’s Testimony)
2. On [REDACTED] 2022, the Department rescreened the Appellant’s SNAP benefits as an application. (Department’s Testimony)
3. The Appellant is 28-years-old [DOB: [REDACTED] 1994]. He lives alone. (Appellant’s Testimony)
4. The Appellant is not employed. (Appellant’s Testimony, Exhibit 1: Case Notes, Hearing Record)
5. The Appellant is not disabled. (Appellant’s Testimony)
6. The Appellant is a full-time [REDACTED] [REDACTED] student at the [REDACTED] [REDACTED] [REDACTED] (Appellant’s Testimony, Exhibit 1, Hearing Record)
7. The Appellant’s total term fee for the [REDACTED] 2022 semester is \$13,725.00. (Exhibit 2: [REDACTED] Term Fee Bill)
8. The Appellant received four different types of financial aid, each with varying amounts, for the [REDACTED] 2022 semester. A breakdown of his financial aid is listed as follows:

Type of Financial Aid	Amount Received
[REDACTED] Loan	\$8,422.00
[REDACTED] Loan	\$5,500.00
[REDACTED] Remission	\$11,500.00
[REDACTED] Grant	\$1,287.00
Total:	\$26,709.00

(Exhibit 2, Appellant’s Testimony)

9. The Appellant received a financial aid refund of \$12,984.00 for the [REDACTED] 2022 semester. This figure represents the difference between the total financial aid received and the total cost of the semester. See the following calculation:

Total Financial Aid Amount	\$26,709.00
Subtract (-) Total Fees	\$13,725.00

Equals (Total Refund to Appellant) (Exhibit 2)	\$12,984.00
---	-------------

10. To calculate monthly income, the Department divided the total financial aid refund of \$12,984.00 by six (total months in the ██████████ 2022 semester).
 $\$12,984.00 / 6 \text{ months} = \$2,164.00 \text{ per month.}$
(Department's Testimony)
11. The Department incorrectly transposed the total financial aid refund numbers that were used in their calculation, which led to a lower monthly income figure. Instead of \$12,984.00, the Department used \$12,894.00 as the total refund amount. The calculation with the incorrect figure that was used on the case is listed below:
 $\$12,894.00 / 6 \text{ months} = \$2,149.00 \text{ per month.}$
(Exhibit 1, Exhibit 3: Federal SNAP Income Test Page, Hearing Record)
12. The gross income limit for a household of one is \$1,986.00 per month. (Exhibit 3, Department's Testimony)
13. On ██████████, 2022, the Department issued a NOA to the Appellant which discontinued his SNAP benefits, effective ██████████ 2022, due to excess income. (Exhibit 4)
14. 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 ██████████ 2022; therefore, this decision is due no later than ██████████ 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. "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))." Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.9(a)

The Department correctly determined that the Appellant's household does not contain an elderly or disabled member, and therefore is subject to both the net income and gross income eligibility tests.

3. "*Students. Applicability.* An individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for one of the exemptions contained in paragraph (b) of this section. An individual is considered to be enrolled in an institution of higher education if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required." 7 C.F.R. § 273.5(a)

The Department correctly determined that the Appellant is a full-time [REDACTED] student attending [REDACTED]

4. "*Income Exclusions.* Only the following items shall be excluded from household income and no other income shall be excluded: Educational assistance, including grants, scholarships, fellowships, work study, educational loans on which payment is deferred, veterans' educational benefits and the like." 7 C.F.R. § 273.9(c)(3)(i)
5. "To be excluded, educational assistance referred to in paragraph (c)(3)(i) must be: Received under 20 CFR 1087uu. This exemption includes student assistance received under part E of subchapter IV of Chapter 28 of title 20 and part C of subchapter I of chapter 34 of title 42, or under Bureau of Indian Affairs student assistance programs." 7 C.F.R. § 273.9(c)(3)(ii)(A)
6. "To be excluded, educational assistance referred to in paragraph (c)(3)(i) must be: Awarded to a household member enrolled at a Recognized institution of post-secondary education (meaning any public or private educational institution which normally requires a high school diploma or equivalency certificate for enrollment or admits persons who are beyond the age of compulsory school attendance in the State in which the institution is located, provided that the institution is legally authorized or recognized by the State to provide an educational program beyond secondary education in the State or provides a program of training to prepare students for gainful employment, including correspondence schools at that level). 7 C.F.R. § 273.9(c)(3)(ii)(B)(1)
7. "To be excluded, educational assistance referred to in paragraph (c)(3)(i) must be: Used for or identified (earmarked) by the institution, school, program, or other grantor for the following allowable expenses: (1) Tuition, (2) Mandatory school fees, including the rental or purchase of any equipment, material, and supplies related to the pursuit of the course of study involved, (3) Books, (4) Supplies, (5)

Transportation, (6) Miscellaneous personal expenses, other than normal living expenses, of the student incidental to attending a school, institution or program, (7) Dependent care, (8) Origination fees and insurance premiums on educational loans, (9) Normal living expenses which are room and board are not excludable. (10) Amounts excluded for dependent care costs shall not also be excluded under the general exclusion provisions of paragraph § 273.9(c)(5)(i)(C). Dependent care costs which exceed the amount excludable from income shall be deducted from income in accordance with paragraph § 273.9(d)(4) and be subject to a cap. 7 C.F.R. § 273.9(c)(3)(ii)(C)

The Department incorrectly counted the Appellant's two educational loans and one educational grant as income, despite the fact that the criteria for exclusion listed in the above regulations was met.

DISCUSSION

The Department incorrectly counted the Appellant's entire financial aid refund as income. As outlined in 7 C.F.R. § 273.9(c)(3)(i), educational loans and grants should be excluded from the Appellant's income calculation. By removing the [REDACTED] Loan of \$8,422.00, the [REDACTED] Loan of \$5,500.00 and the [REDACTED] Grant of \$1,287.00, the only remaining financial aid amount that should be counted by the Department is the [REDACTED] Remission of \$11,500.00.

However, the \$11,500.00 Remission is less than the [REDACTED] 2022 semester's total term fee of \$13,725.00; and would therefore not produce a refund to the Appellant.

Based on the testimony and evidence of the hearing, as well as the regulations outlined under 7 C.F.R. § 273.9(c)(3)(i), the Department incorrectly discontinued the Appellant's SNAP benefits due to excess income as no income should be counted on the case.

DECISION

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

ORDER

1. Reopen the Appellant's SNAP application, effective [REDACTED] 2022.
2. Remove the educational aid of \$2,149.00 from the Appellant's case.
3. Rerun eligibility.
4. Compliance with the above written order is **due no later than [REDACTED] 2022**.

Joshua Couillard

Joshua Couillard
Fair Hearing Officer

**CC: Greater Hartford Regional Office Operations Manager, Musa Mohamud
Greater Hartford Regional Office Operations Manager, Josie Savastra
Greater Hartford Regional Office Operations Manager, Lindsey Collins
Greater Hartford Regional Office Fair Hearing Liaison, Garfield White**

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.