

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

■■■■ 2022
Signature Confirmation

Client ID ■■■■
Case ID ■■■■
Request # 195333

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ■■■■ 2022, the Department of Social Services (the "Department") sent ■■■■ (the "Appellant") a Notice of Action ("NOA") closing her benefits under the Supplemental Nutritional Assistance Program ("SNAP") effective ■■■■ 2022.

On ■■■■ 2022, the Appellant requested an administrative hearing to contest the Department's decision to discontinue such benefits. Due to Covid-19 concerns, the Appellant requested a telephone hearing rather than an in person office hearing.

On ■■■■ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ■■■■ 2022 via teleconference.

On ■■■■ 2022, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing via teleconference.

The following individuals call in for the hearing:

■■■■ Appellant
Kristin Haggan, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to close the Appellant's benefits under the SNAP effective [REDACTED] 2022 was correct.

FINDINGS OF FACT

1. The Appellant received benefits under the SNAP for a household of two: the Appellant and her daughter [REDACTED] ("daughter"). (Hearing Record)
2. The Appellant is [REDACTED] ([REDACTED] years old and not disabled. The Appellant has Type 1 Diabetes but has not been diagnosed with a disability. The Appellant's medications are paid for through the Husky program. (Appellant's Testimony)
3. The daughter is [REDACTED] years old and not disabled. (Appellant's Testimony)
4. The Appellant is a full time college student at [REDACTED] [REDACTED] where she studies nursing. The Appellant receives financial aid which include grants and loans to pay her educational costs. (Appellant's Testimony)
5. On [REDACTED] 2022, the Appellant submitted an online change report to the Department, which the Department received the following day, [REDACTED] 2022. The Appellant reported her part time employment with [REDACTED] [REDACTED] ("employer") ended on [REDACTED] 2022 and full time employment with [REDACTED] [REDACTED] ("new employer") began on [REDACTED] 2022. The Appellant submitted two biweekly paystubs from the new employer with the online change report as listed below. (Exhibit 1: Online Change Report, Exhibit 2: Paystubs, and Exhibit 3: Work Number Verification, and Exhibit 5: Case Notes)

Check date	Hours	Gross Wages
[REDACTED] 2022	78.0	\$1,404.00
[REDACTED] 2022	71.0	\$1,278.00

6. On [REDACTED] 2022, the Department reviewed the Appellant's online change report and calculated the Appellant's monthly gross earnings as \$2,883.15. (pay date [REDACTED]/22 \$1,404.00 + pay date [REDACTED]/22 \$1,278.00 = \$2,682.00 / 2 = \$1,341.00 x 2.15 = \$2,883.15) (Exhibit 2: Paystubs, Exhibit 3: Work Number Verification, Exhibit 5: Case Notes, Exhibit 4: Notice of Action, and Department Representative's Testimony)
7. The SNAP gross income limit for a household of two equals \$2,686.00 under expanded categorical eligibility ("ECE"). (Department Representative's Testimony)

8. On [REDACTED] [REDACTED] 2022, the Department determined the household as not categorically eligible under ECE because the household's gross monthly income of \$2,883.15 exceeds 185% of the federal poverty level ("FPL") or \$2,686.00. (Exhibit 2: Paystubs, Exhibit 3: Work Number Verification, Exhibit 5: Case Notes and Department Representative's Testimony)
9. On [REDACTED] [REDACTED] 2022, the Department determined the household ineligible for benefits under the SNAP because the household's gross income of \$2,883.15 exceeds the SNAP gross income limit for household of two of \$2,686.00. (Department Representative's Testimony, Exhibit 4: Notice of Action, and Exhibit 5: Case Notes)
10. If a recipient of SNAP's income exceeds the SNAP gross income limit under ECE, expenses such as shelter expenses or car loans are not considered in the eligibility determination for SNAP. (Department Representative's Testimony)
11. On [REDACTED] [REDACTED] 2022, the Department issued a notice of action to the Appellant. The notice informed the Appellant her benefits under the SNAP will close on [REDACTED] [REDACTED] 2022 and listed the reasons for discontinuance as: "the monthly gross income of your household is more than the limit for this program [and] does not meet program requirements." (Exhibit 4: Notice of Action, Exhibit 5: Case Notes, and Department Representative's Testimony)
12. On [REDACTED] [REDACTED] 2022, the Appellant requested an administrative hearing to contest the Department's decision to close her benefits under the SNAP effective [REDACTED] [REDACTED] 2022. (Hearing Record)
13. On [REDACTED] [REDACTED] 2022, the Department reviewed the Appellant's SNAP benefits to prepare for the administrative hearing. The Department reviewed the Appellant's wages for [REDACTED] 2022 and determined the Appellant's gross household income of \$2,887.99 continues to exceed the SNAP gross income limit of \$2,686.00 resulting in ineligibility for SNAP. (Pay date [REDACTED]/22 \$1,273.50 + Pay date [REDACTED]/22 \$1,413.00 = \$2,686.50 / 2 weeks = \$1,343.25 x 2.15 = \$2,887.99 gross monthly income) (Exhibit 3: Work Number Verification, Department Representative's Testimony, and Exhibit 6: Notice of Action)
14. On [REDACTED] [REDACTED] 2022, the Department issued a notice of action to the Appellant. The notice informed the Appellant her benefits under the SNAP remain closed for [REDACTED] [REDACTED] 2022 and listed the reasons for closure as: "the monthly gross income of your household is more than the limit for this program [and] does not meet program requirements." (Department Representative's Testimony and Exhibit 6: Notice of Action)

15. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2022. Therefore, this decision is due not later than [REDACTED] [REDACTED] 2022.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statute ("Conn. Gen. Stat.") provides as follows:

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.

2. Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.1(a)(3) provides as follows:

General household definition. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

Federal regulation provides as follows:

Special household requirements—(1) Required household combinations. 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. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or stepparent(s).

7 C.F.R. § 273.1(b)(1)(ii)

The Department correctly determined a household of two: the Appellant and the daughter.

3. Federal regulation provides as follows:

A household subject to simplified reporting in accordance [paragraph \(a\)\(5\)\(i\)](#) of this section, whether or not it is required to submit a periodic report, must report when its monthly 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.

7 C.F.R. § 273.12(a)(5)(v)

Federal regulation provides as follows:

The State agency may establish a simplified reporting system in lieu of the change reporting requirements specified un paragraph (a)(1) of this section. The following requirements are applicable to simplified reporting systems: Included households. The state agency may income any household certified for at least 4 months within a simplified reporting system.

7 C.F.R. § 273.12(a)(5)(i)

“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, Guan 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)

The Department of Health and Human Services lists the annual 2021 Poverty Guideline for the 48 Contiguous States and the District of Columbia as \$17,420.00 for a household of two. [Federal Register, Vol. 86, No, 19, February 1, 2021 p 7733]

The United States Department of Agriculture (“USDA”), Food and Nutrition Service (“FNS”) lists the Gross Monthly Income Eligibility Standard (130 Percent of Poverty Level) for a household of two as \$1,888.00. [USDA FNS, SNAP FY 2022 Cost of Living Adjustments Without Maximum Allotments Policy Memo, August 9, 2021]

The Department correctly determined the Appellant subject to simplified reporting under the SNAP.

130% of the Federal Poverty Level (“FPL”) equals \$1,888.00. [17,420.00 / 12 months = \$1,451.6666 x 130% = \$1,887.1666]

On ■■■■ 2022, the Appellant correctly submitted an online change report form informing the Department her gross earnings exceeded the SNAP income eligibility standard or 130% of FPL as required under federal regulation.

4. Federal regulation provides as follows:

The State agency must act when the household reports that its gross monthly income exceeds the gross monthly income limit for its household size. For other changes, the State agency need not act if the household reports a change for another public assistance program in which it is participating and the change does not trigger action in that other program but results in a decrease in the household's SNAP benefit. The State agency must act on all other changes reported by a household outside of a periodic report in accordance with one of the following two methods: The State agency must act on any change in household circumstances in accordance with paragraph (c) of this section.

7 C.F.R. § 273.12(a)(5)(vi)(A)

Federal regulation provides as follows:

The State agency shall take prompt action on all changes to determine if the change affects the household's eligibility or allotment. However, the State agency has the option to disregard a reported change to an established deduction in accordance with [paragraph \(c\)\(4\)](#) of this section. If a household reports a change in income, and the new circumstance is expected to continue for at least one month beyond the month in which the change is reported, the State agency may act on the change in accordance with [paragraphs \(c\)\(1\)](#) and [\(c\)\(2\)](#) of this section. The time frames in [paragraphs \(c\)\(1\)](#) and [\(c\)\(2\)](#) of this section apply to these actions. During the certification period, the State agency shall not act on changes in the medical expenses of households eligible for the medical expense deduction which it learns of from a source other than the household and which, in order to take action, require the State agency to contact the household for verification. The State agency shall only act on those changes in medical expenses that it learns about from a source other than the household if those changes are verified upon receipt and do not necessitate contact with the household. Even if there is no change in the allotment, the State agency shall document the reported change in the casefile, provide another change report form to the household, and notify the household of the receipt of the change report. If the reported change affects the household's eligibility or level of benefits, the adjustment shall also be reported to the household. The State agency shall also advise the household of additional verification requirements, if any, and state that failure to provide verification shall result in increased benefits reverting to the original allotment. The State agency shall document the date a change is reported, which shall be the date the State agency receives a report form or is advised of the change over the telephone or by a personal visit. Restoration of lost benefits shall be provided to any household if the State agency fails to take action on a change which increases benefits within the time limits specified in [paragraph \(c\)\(1\)](#) of this section.

7 C.F.R. § 273.12(c)

On [REDACTED] [REDACTED] 2022, the Department correctly took prompt action and reviewed the Appellant's [REDACTED] [REDACTED] 2022 changes reported online to determine if the changes affect the household's SNAP eligibility.

5. *“Definition of income.* 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: All wages and salaries of an employee.” 7 C.F.R. § 273.9(b)(1)(i)

Federal regulation provides as follows:

Determining income—(1) 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)(i)

Federal regulation provides as follows:

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 countable gross earnings as \$2,883.15 per month. Refer to Finding of Fact (“FOF”) # 6.

6. Federal regulation provides as follows:

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)

Federal regulation provides as follows:

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.
- B. Subject to FNS approval, 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 three and four of the TANF block grant, as set forth in Section 401 of P.L. 104-193, and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.

7 C.F.R. § 273.2(j)(2)(ii)

“Any household in which one member receives or is authorized to receive benefits according to paragraphs (j)(2)(i)(B), (j)(2)(i)(C), (j)(2)(ii)(A) and (j)(2)(ii)(B), of this section and the State agency determines that the whole household benefits.” 7 C.F.R. § 273.2(j)(2)(iii)

“The department’s uniform policy manual is the equivalent of a state regulation and, as such, carries the force of law.” *Bucchere v. Rowe*, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat, § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712(1990))

Section 2545.05(A)(2) of the Uniform Policy Manual (“UPM”) provides that “an assistance unit is considered categorically eligible for the SNAP program if at least one member of the assistance unit receives or is authorized to receive TANF-funded services under the Help for People in Need Program”

Department policy provides for the gross income limits for SNAP Expanded Categorical Eligibility as 185% of the Federal Poverty Level. UPM P-5520.36

Under expanded categorical eligibility, the Department correctly calculated the gross income limit for a household of two as \$2,686.00. [$\$17,420.00 / 12 \text{ months} = \$1,451.666 \times 185\% = \$2,685.583$]

7. “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).” 7 C.F.R. § 273.10(e)(1)(i)(A)

The Department correctly determined the gross household income as \$2,883.15. ($\$2,883.15 \text{ gross earnings} + \$00.00 \text{ gross unearned income} = \$2,883.15 \text{ gross household income}$)

The Department correctly determined the SNAP household as not categorically eligible under ECE because the household income of \$2,883.15 exceeds the SNAP income limit of \$2,686.00 for a household of two under ECE.

The Department correctly determined the SNAP household is subject to the gross income test because the household is not categorically eligible.

8. Federal regulation provides as follows:

If the household's benefit level decreases or the household becomes ineligible as a result of the change, the State agency shall issue a notice of adverse action within 10 days of the date the change was reported unless one of the exemptions to the notice of adverse action in § 273.13 (a)(3) or (b) applies. When a notice of adverse action is used, the decrease in the benefit level shall be made effective no later than the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. When a notice of adverse action is not used due to one of the exemptions in § 273.13 (a)(3) or (b), the decrease shall be made effective no later than the month following the change. Verification which is required by [§ 273.2\(f\)](#) must be obtained prior to recertification.

7 C.F.R. § 273.12(c)(2)

On ■■■ ■■ 2022, the Department correctly determined the household is ineligible for benefits under the SNAP because the household income of \$2,883.15, exceeds the SNAP gross income limit under ECE of \$2,686.00 and issued a Notice of Action closing the Appellant's benefits effective ■■■ ■■ 2022.

On ■■■ ■■ 2022, upon reviewing the Appellant's ineligibility, the Department correctly determined the Appellant's SNAP benefits remain closed after recalculating household income as \$2,887.99 which remains over the SNAP income limit of \$2,686.00. Refer to FOF #13 & #14.

DECISION

The Appellant's appeal is denied.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Cheryl Stuart, DSS RO 40
Kristin Haggan, DSS RO 40

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.