

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 # 196840

**NOTICE OF DECISION**

**PARTY**

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

**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.

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

On ██████ 2022, the Appellant requested a continuance which OLCRAH granted.

On ██████ 2022, the 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 an administrative hearing via teleconference at the Appellant's request.

The following individuals call in for the hearing:

██████████ Appellant  
 Rose Montinat, 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 ██████████ 2022 was correct.

### **FINDINGS OF FACT**

1. The Appellant received benefits under the SNAP for a household of two: the Appellant and her daughter ██████████ (the "daughter"). (Hearing Record)
2. The Appellant's SNAP certification period began ██████████ 2021 and scheduled to end on ██████████ 2022. (Hearing Record)
3. The Appellant is ██████████) years old and not disabled. (Exhibit 2: Online Renewal Application and Appellant's Testimony)
4. The daughter is ██████████ years old and not disabled. (Exhibit 2: Online Renewal Application and Appellant's Testimony)
5. The Appellant works full time for ██████████ (the "employer") earning \$18.50 per hour working 40 hours per week. The Appellant earned the following bi-weekly gross wages: Pay date ██████████ 2022 \$1,533.56 and Pay date ██████████ 2022 \$1,542.95. (Stipulated)
6. On ██████████ 2022, the Department received the Appellant's online renewal application requesting continued benefits under the SNAP for herself and her daughter. The Appellant reported working for the employer, earning \$18.50 per hour, working 40 hours per week with gross income per pay period listed as \$1,600.00. (Exhibit 2: Online Renewal Application)
7. On ██████████ 2022, the Department reviewed the Appellant's online renewal application and calculated the Appellant's monthly gross earnings as \$3,307.29. Pay date ██████████ 2022 \$1,533.56 + Pay date ██████████ 2022 \$1,542.95 = \$3,076.55 / 2 = 1,538.28 biweekly wages x 2.15 = \$3,307.29 average monthly wages. (Department Representative's Testimony,

Exhibit 1: Case Notes, Exhibit 3: Federal SNAP Income Test, and Exhibit 4 Notice of Action)

8. The SNAP gross income limit for a household of two equals \$2,686.00 or 185% of the Federal Poverty Level ("FPL"). (Exhibit 3: Federal SNAP Income Test 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 \$3,307.29 exceeds the SNAP gross income limit for household of two of \$2,686.00. (Department Representative's Testimony, Exhibit 1: Case Notes, Exhibit 3: Federal SNAP Income Test, and Exhibit 4: Notice of Action)
10. 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 and Department Representative's Testimony)
11. 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. However, the hearing which was originally scheduled for [REDACTED] [REDACTED] 2022 was rescheduled to [REDACTED] 2022 at the request of the Appellant causing a [REDACTED] day delay. Because this [REDACTED] day delay resulted from the Appellant's request, this decision is not due until [REDACTED] 2022 and therefore timely.

### **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:

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.

7 C.F.R. § 273.14(a)

Federal regulation provides for timely application for recertification as follows:

Other households reporting required changes in circumstances that submit applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.

7 C.F.R. § 273.14(c)(2)

**On [REDACTED] [REDACTED] 2022, the Appellant correctly submitted an online application for SNAP recertification timely.**

4. *“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's countable gross earnings as \$3,307.29 per month by averaging the Appellant's biweekly wages and multiplying that figure by 2.15 converting the**

**Appellant's biweekly wage to a monthly wage as per federal regulation.**

**████████ 2022 \$1,533.56 + ██████████ 2022 \$1,542.95 = \$3,076.55 / 2 pay periods = \$1,538.275 average bi-weekly wage x 2.15 weeks = \$3,307.29125 Household Income**

5. 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

The Department of Health and Human Services lists the annual 2021 Poverty Guidelines 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]

**Under expanded categorical eligibility (“ECE”), the Department correctly determined the gross income limit for a household of two as \$2,686.00. [\$17,420.00 annual poverty guideline / 12 months = \$1,451.666 monthly poverty guideline x 185% = \$2,685.5832 gross income limit under ECE]**

6. “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 \$3,307.29. (\$3,307.29 gross earnings + \$00.00 gross unearned income = \$3,307.29 gross household income)**

**The SNAP household is not categorically eligible under ECE because the household income of \$3,307.29 exceeds the SNAP income limit of \$2,686.00 for a household of two under ECE.**

**The SNAP household is subject to the gross income test because the household is not categorically eligible.**

7. Federal regulation provides as follows:

Other households that have met all application requirements shall be notified of their eligibility or ineligibility by the end of their current certification period. In addition, the State agency shall provide households that are determined eligible an opportunity to participate by the household's normal issuance cycle in the month following the end of its current certification period.

7 C.F.R. § 273.14(d)(2)

**On ██████████ 2022, the Department correctly took prompt action and reviewed the Appellant's online application for recertification of SNAP benefits.**

**The Department correctly determined the household ineligible for benefits under the SNAP because the household's gross monthly income of \$3,307.29, exceeds the SNAP gross income limit \$2,686.00.**

**On ██████████ 2022, the Department correctly issued a Notice of Action informing the Appellant of her ineligibility beginning ██████████ 2022 prior to the end of her current certification period, ██████████ 2022. The Department correctly closed the Appellant's SNAP benefits effective ██████████ 2022.**

**DECISION**

The Appellant's appeal is denied.

*Lisa A. Nyren*

Lisa A. Nyren  
Fair Hearing Officer



CC: Josephine Savastra, SSOM RO #10  
Rose Montinat, FHL, RO #10

### **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.