

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 ██████████  
Requests # 202178 & 203604

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 2022, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA) granting benefits under the Supplemental Nutrition Assistance Program effective ██████████ 2022.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the effective date of SNAP eligibility determined by the Department and contest the amount of SNAP benefits issued by the Department under her regular monthly allotment and the corresponding emergency allotment (“EA”) under the public health emergency (“PHE”).

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 an administrative hearing via teleconference at the request of the Appellant.

The following individuals called in for the hearing:

██████████ Appellant  
Andrena Wilson, Department Representative  
Lisa Nyren, Fair Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's [REDACTED] [REDACTED] 2022 eligibility determination to grant benefits under the SNAP effective [REDACTED] [REDACTED] 2022 was correct.<sup>1</sup>

The second issue to be decided is whether the Department's calculation of the Appellant's benefits under the SNAP beginning [REDACTED] [REDACTED] 2022 through [REDACTED] [REDACTED] 2022 is correct.<sup>2</sup>

### **FINDINGS OF FACT**

1. On [REDACTED] [REDACTED] 2022, the Department received an application for SNAP from the Appellant. The Appellant requested assistance for a household of four: herself, her son [REDACTED] ("young adult son"), her son [REDACTED] ("son"), and her daughter [REDACTED] ("daughter"). (Stipulated)
2. The Appellant is age [REDACTED] [REDACTED] and not disabled. (Appellant Testimony)
3. The young adult son is age [REDACTED] and not disabled. (Appellant Testimony)
4. The son is age [REDACTED] not disabled, and attends school full time. (Appellant Testimony)
5. The daughter is age [REDACTED] not disabled, and attends school full time. (Appellant Testimony)
6. The Appellant received \$288.00 per week unemployment compensation benefits ("UCB"). UCB eligibility ended for week ending [REDACTED] [REDACTED] 2022 with receipt of her last check in [REDACTED] 2022. The Department calculated the Appellant's monthly UCB as \$1,238.40. 288.00 per week x 4.3 weeks = 1,238.40. (Exhibits 3 – 5: Notice(s) of Action, Exhibit 11: Federal SNAP Income Test, Department Representative Testimony, and Appellant Testimony)
7. The young adult son terminated employment with [REDACTED] [REDACTED] (the "employer") on [REDACTED] [REDACTED] 2022 receiving his last check on [REDACTED] [REDACTED] 2022. (Exhibit 7: Disclosure of Gross Wages)

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<sup>1</sup> Hearing Request 203604

<sup>2</sup> Hearing Request 202178

8. The Appellant receives \$166.00 per week child support income (“CS”) for her son. The State of Connecticut Disbursement Unit collects and distributes such CS. (Stipulated)
9. The Department calculated monthly CS as \$719.33 by averaging the CS received between [REDACTED] 2022 through [REDACTED] 2022.  $\$830.00$  [REDACTED] 2022 +  $\$498.00$  [REDACTED] 2022 +  $\$830$  [REDACTED] 2022 =  $\$2,158.00$  / 3 months =  $\$719.33$ . Reference chart below. (Department Representative Testimony and Exhibit A: Child Support Disbursement)

Disbursement Date	Amount	Disbursement Date	Amount	Disbursement Date	Amount
[REDACTED]	\$166.00	[REDACTED]	\$166.00	[REDACTED]	\$166.00
[REDACTED]	\$166.00	[REDACTED]	\$166.00	[REDACTED]	\$166.00
[REDACTED]	\$166.00	[REDACTED]	\$166.00	[REDACTED]	\$166.00
[REDACTED]	\$166.00			[REDACTED]	\$166.00
[REDACTED]	\$166.00			[REDACTED]	\$166.00
Totals	\$830.00		\$498.00		\$830.00

10. For the months [REDACTED] 2022 through [REDACTED] 2022, the Appellant received the following CS as noted in the chart below. (Exhibit A: Child Support Disbursement)

Disburse Date	Amount	Disburse Date	Amount	Disburse Date	Amount	Disburse Date	Amount
[REDACTED]	166.00	[REDACTED]	166.00	[REDACTED]	166.00	[REDACTED]	166.00
[REDACTED]	166.00	[REDACTED]	166.00	[REDACTED]	166.00	[REDACTED]	166.00
[REDACTED]	166.00	[REDACTED]	166.00	[REDACTED]	166.00	[REDACTED] 2	166.00
[REDACTED]	166.00	[REDACTED]	166.00	[REDACTED]	166.00	[REDACTED]	166.00
		[REDACTED] 9	166.00			[REDACTED]	166.00
[REDACTED] Total	664.00	[REDACTED] Total	830.00	[REDACTED] Total	664.00	[REDACTED] Total	830.00

11. The Appellant and her children live with the Appellant’s parents. The Appellant pays her parents \$400.00 per month rent which can fluctuate based on cost of household utilities. (Appellant Testimony and Exhibit 9: Case Notes)
12. On [REDACTED] 2022, the Department issued the Appellant an Interview Notice confirming receipt of her application for SNAP benefits and requesting she call the Benefit Center by [REDACTED] 2022 to complete an application interview, or the application would be denied on [REDACTED] 2022. The notice informs an applicant of the following: “Your application will be denied if you do not have your interview and send us all of the required proofs we asked for by the denial date(s).” (Exhibit 1: Interview Notice and Department Representative Testimony)

13. On [REDACTED] [REDACTED] 2022, the Department issued the Appellant a Request for Verification form listing the due date for the information as [REDACTED] [REDACTED] 2022. The Department requested proof of the young adult son's last date worked with his employer. (Department Representative Testimony)
14. The Appellant received both the [REDACTED] [REDACTED] 2022 Interview Notice and the [REDACTED] [REDACTED] 2022 Request for Verification form. (Appellant Testimony)
15. On [REDACTED] [REDACTED] 2022, the Department issued the Appellant a Notice of Missed Interview ("NOMI") reminding her to contact the Benefit Center to complete the application interview. The notice informs an applicant of the following: "Your application will be denied if you do not have your interview and send us all of the required proofs we asked for by the denial date(s)." The Appellant received the NOMI. (Exhibit 2: Notice of Missed Interview)
16. On [REDACTED] [REDACTED] 2022, the Appellant contacted the Benefit Center and completed the SNAP application interview with the Department. The Appellant confirmed UCB, CS, rent, utilities, and termination date of the young adult son's employment. The Appellant requested assistance obtaining written proof of termination of the young adult son's employment with his employer from the Department. (Exhibit 9: Case Notes, Exhibit 7: Disclosure of Gross Wages, Department Representative's Testimony, and Appellant's Testimony)
17. On [REDACTED] [REDACTED] 2022, the Department sent the employer a W-35 Certification of Disclosure of Gross Wages on behalf of the Appellant. The Department listed the due date for the information as [REDACTED] [REDACTED] 2022. (Exhibit 7: Disclosure of Gross Wages)
18. On [REDACTED] [REDACTED] 2022, the Department denied the Appellant's application for SNAP benefits for the following reasons: "You did not return all of the required proofs by the date we asked [and] does not meet program requirements." The Department issued a NOA the same day informing the Appellant the Department denied her [REDACTED] [REDACTED] 2022 application. The Appellant received the [REDACTED] [REDACTED] 2022 NOA. (Exhibit 3: Notice of Action, Exhibit 9: Case Notes, and Department Representative's Testimony)
19. On [REDACTED] [REDACTED] 2022, the Department received the completed W-35 Certification of Disclosure of Gross Wages from the employer confirming the young adult's last date of employment as [REDACTED] [REDACTED] 2022 and last check as [REDACTED] [REDACTED] 2022. (Exhibit 7: Disclosure of Gross Wages, Exhibit 9: Case Notes, and Department Representative's Testimony)
20. On [REDACTED] [REDACTED] 2022, the Department reviewed the W-35 Certification of Disclosure of Gross Wages received on [REDACTED] [REDACTED] 2022 and determined the

Appellant eligible for SNAP benefits effective [REDACTED] 2022 because the requested verification was received within 60 days of the date of the application and eligibility begins the date the Department received the outstanding verification. (Exhibit 4: Notice of Action, Exhibit 9: Case Notes, and Department Representative Testimony)

21. On [REDACTED] 2022, the Department determined the Appellant's SNAP eligibility for [REDACTED] 2022 through [REDACTED] 2022 as \$325.00 for a household of four based on \$1,238.40 monthly UCB, \$719.33 monthly CS, \$400.00 monthly rent, and the standard utility allowance ("SUA"). (Exhibit 4: Notice of Action, Exhibit 8: Benefit Issuance Search, Exhibit 11: Federal SNAP – Income Test, and Department Representative's Testimony)
22. On [REDACTED] 2022, the Department determined the Appellant's SNAP eligibility beginning [REDACTED] 2022 through [REDACTED] 2022 as \$391.00 per month for a household of four based on \$1,238.40 monthly UCB, \$719.33 monthly CS, \$400.00 monthly rent, and the SUA. (Exhibit 4: Notice of Action, Exhibit 8: Benefit Issuance Search, Exhibit 11: Federal SNAP – Income Test, and Department Representative's Testimony)
23. On [REDACTED] 2022, the Department issued the Appellant a Notice of Action informing the Appellant of her eligibility for SNAP benefits beginning [REDACTED] 2022 through [REDACTED] 2023 granting SNAP of \$325.00 for [REDACTED] 2022 and \$391.00 per month beginning [REDACTED] 2022. The notice states, "your SNAP benefits are lower for July 2022 because you applied after the first day of the month and your first month's benefits are based on your application date." The Appellant did not receive this notice. (Exhibit 4: Notice of Action and Appellant's Testimony)
24. The Department incorrectly determined the Appellant's eligibility began [REDACTED] 2022. The correct begin date of eligibility under the SNAP is [REDACTED] 2022, the date of application because the Department received the outstanding verification necessary to determine eligibility on the 30<sup>th</sup> processing day under SNAP and therefore a determination of eligibility should have been made as of [REDACTED] 2022. (Department Representative Testimony)
25. Due to the PHE, the Department issues supplemental emergency SNAP benefits referred to as EA to all Connecticut SNAP eligible households. The benefit issued by the Department equals \$95.00 for those households currently at the maximum benefit level or the difference between what the household received in the month and what the maximum benefit amount is for the household size whichever is greater. (Exhibit 10: POGA Communication and Department Representative's Testimony)

26. The Department determined the Appellant's eligibility for SNAP EA benefits for a household of four as listed in the chart below. (Department Representative's Testimony, Exhibit 8: Benefit Issuance Search, and Exhibit 10: POGA Communication)

Month	Maximum Benefit	Minus	Regular	Equals	EA
██████	\$835.00	-	\$325.00	=	\$510.00
██████	\$835.00	-	\$391.00	=	\$444.00
██████	\$835.00	-	\$391.00	=	\$444.00

27. On ██████ 2022, the Department issued \$716.00 to the Appellant under the SNAP. The Department determined the Appellant eligible for the following SNAP benefits:

- \$325.00 for regular ██████ 2022 through ██████ 2022
- \$391.00 for regular ██████ 2022 through ██████ 2022
- \$325.00 ██████ + \$391.00 ██████ = \$719.00.

(Benefit Issuance Search and Department Representative Testimony)

28. On ██████ 2022 the Department issued \$510.00 SNAP EA benefit for the period ██████ 2022 through ██████ 2022. The Appellant's total SNAP benefit for ██████ 2022 equals \$835.00. Refer to Finding of Fact ("FOF") #25 and #26. (Benefit Issuance Search and Department Representative Testimony)

29. On ██████ 2022, the Department issued \$444.00 SNAP EA benefit for the period ██████ 2022 through ██████ 2022. The Appellant's total SNAP benefit for ██████ 2022 equals \$835.00. Refer to FOF #25 and #26. (Benefit Issuance Search and Department Representative Testimony)

30. On ██████ 2022, the Department issued the Appellant \$391.00 regular SNAP allotment for ██████ 2022 through ██████ 2022. (Exhibit 8: Benefit Issuance Search and Department Representative's Testimony)

31. On ██████ 2022, the Department issued the Appellant \$444.00 EA SNAP benefit for the period ██████ 2022 through ██████ 2022. The Appellant's total SNAP benefit for ██████ 2022 equals \$835.00. Refer to COL #25 and #26. (Exhibit 8: Benefit Issuance Search and Department Representative's Testimony)

32. On ██████ 2022, the Appellant reported termination of UCB to the Department. The Department recalculated ongoing benefits increasing the Appellant's ██████ 2022 monthly SNAP allotment to \$939.00. Effective ██████ 2022, the regular monthly SNAP allotment for a

household of four increased from \$835.00 per month to \$939.00 per month. (Exhibit 9: Case Notes – Details, Department Representative Testimony, and Appellant Testimony)

33. The Appellant is seeking SNAP eligibility beginning [REDACTED] 2022, the date of her application for benefits. The Appellant is seeking SNAP benefits due her beginning [REDACTED] 2022. (Appellant's Testimony)
34. The Appellant disagrees with the Department's calculations of her regular monthly benefits starting with the date of application, [REDACTED] 6, 2022. The Appellant believes she meets the eligibility criteria for the maximum SNAP allotment for a household of four under her regular monthly allotment and therefore entitled to the additional \$95.00 supplemental pandemic benefits or EA rather than the difference between the maximum allotment and the regular calculated allotment beginning [REDACTED] 2022. The Appellant seeks all SNAP benefits due her beginning [REDACTED] 2022. (Appellant's Testimony)
35. 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] 2022. Therefore, this decision is due not later than [REDACTED] 2022.

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes 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 Section 273.2(a)(2) of the Code of Federal Regulations ("C.F.R.") provides as follows:

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.

Federal regulation provides as follows:

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.

7 C.F.R. § 273.2(c)(1)(i)

**On ██████ ■ 2022, the Appellant correctly submitted an application for benefits under the SNAP to the Department.**

3. Federal regulation provides as follows:

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.

7 C.F.R. § 273.2(c)(1)(iv)

**The Department correctly determined the Appellant's SNAP application date as ██████ ■ 2022.**

4. Federal regulation provides as follows:

To determine eligibility, the application form must be completed and signed, the household or its authorized representative must be interviewed, and certain information on the application must be verified. If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed not merely failing to appear for the interview. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied, and the agency shall provide assistance required by [paragraph \(c\)\(5\)](#) of this section. The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews



generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates with the State agency. The State agency shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification. The State agency shall not consider individuals identified as nonhousehold members under [§ 273.1\(b\)\(2\)](#) as individuals outside the household.

7 C.F.R. § 273.2(d)(1)

5. Federal regulation provides in pertinent part as follows:

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. ... 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 conduct the interview as an official and confidential discussion of household circumstances.”

7 C.F.R. § 273.2(e)(1)

Federal regulation provides as follows:

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.

7 C.F.R. § 273.2(e)(2)

Federal regulation provides as follows:

The State agency must schedule an interview for all applicant households who are not interviewed on the day they submit their applications. To the extent practicable, the State agency must schedule the interview to accommodate the needs of groups with special circumstances, including working households. The State agency must schedule all interviews as promptly as possible to [ensure] eligible households receive an opportunity to participate within 30 days after the application is filed. The State agency must notify each household that misses its interview appointment that it missed the scheduled interview and that the household is responsible for rescheduling a missed interview. If the household contacts the State agency within the 30 day application processing period, the State agency must schedule a second interview. The State agency may not deny a household's application prior to the 30th day after application if the household fails to appear for the first scheduled interview. If the household requests a second interview during the 30-day application processing period and is determined eligible, the State agency must issue prorated benefits from the date of application.

7 C.F.R. § 273.2(e)(3)

**On [REDACTED] [REDACTED] 2022, the Department correctly issued the Appellant a notice of interview informing her of the SNAP eligibility requirement to complete an application interview before [REDACTED] [REDACTED] 2022 and prior to [REDACTED] [REDACTED] 2022.**

**On [REDACTED] [REDACTED] 2022, the Department correctly issued a Notice of Missed Interview informing the Appellant she failed to complete an application interview prior to the [REDACTED] [REDACTED] 2022 due date.**

**On [REDACTED] [REDACTED] 2022, the Department correctly conducted an application interview with the Appellant via telephone within the 30-day processing period.**

6. Federal regulation provides as follows:

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(c)(5)

Federal regulation provides as follows:

Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provides required verification. Paragraph (i)(4) of this section contains verification procedures for expedited service cases.

7 C.F.R. § 273.2(f)

Federal regulation provides as follows:

State agencies shall verify the following information prior to certification for households initially applying: Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the State agency, and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information.

7 C.F.R. § 273.2(f)(1)(i)

Federal regulation provides as follows:

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)(2)(i)

**The Department correctly determined proof of employment termination from the young adult son as an eligibility factor since employment income can affect a household's eligibility and benefit level.**

**On [REDACTED] 2022, the Department correctly issued the Appellant a request for verification document requesting the Appellant submit verification of the young adult son's last date of work with the employer. The Department correctly allowed a minimum of 10-days to submit the documentation.**

7. Federal regulation provides as follows:

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. 7 C.F.R. § 273.2(f)(5)(i)

**The Department correctly determined the Appellant has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information.**

On ██████ 2022, the Department correctly determined the Appellant continued to cooperate in the application process and offered assistance to the Appellant in obtaining the requested verification by sending the young adult son's employer a wage disclosure form to complete and return to obtain the young adult son's employment termination date. The Department listed the due date to return the wage disclosure form as ██████ 2022, allowing the employer a minimum of 10-days to return the document. Refer to Conclusion of Law ("COL") # 4 and 6.

8. Federal regulation provides as follows:

The State agency shall provide eligible households that complete the initial application process an opportunity to participate (as defined in [§ 274.2\(b\)](#)) as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and SNAP benefits prior to release from the institution in accordance with [§ 273.11\(i\)](#). An application is filed the day the appropriate SNAP office receives an application containing the applicant's name and address, which is signed by either a responsible member of the household or the household's authorized representative. Households entitled to expedited processing are specified in [paragraph \(i\)](#) of this section. For residents of public institutions who apply for SNAP benefits prior to their release from the institution in accordance with [§ 273.11\(i\)](#), the State agency shall provide an opportunity to participate as soon as possible, but not later than 30 calendar days from the date of release of the applicant from the institution.

7 C.F.R. § 273.2(g)(1)

Federal regulation provides as follows:

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. 7 C.F.R. § 273.2(g)(3)

**On [REDACTED] [REDACTED] 2022, the Department incorrectly denied the Appellant's SNAP application. Federal regulations allow for a delay in processing if good cause is established. The Department failed to consider good cause for the delay in obtaining information. By issuing the employer a form to complete and return confirming the young adult son's employment termination date, the Department accepted responsibility to assist the Appellant in securing the documentation. The Department listed the due date for this document as [REDACTED] [REDACTED] 2022. The Department received the completed employer documentation on [REDACTED] [REDACTED] 2022, within the 30-day SNAP processing period and before the [REDACTED] [REDACTED] 2022 due date listed on the form. Additionally federal regulation specifically states, "The State agency shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification." The employer is outside of the household.**

9. Federal regulation provides as follows:

Whenever a delay in the initial 30-day period is the fault of the State agency, the State agency shall take immediate corrective action. Except as specified in [§§ 273.2\(f\)\(1\)\(ii\)\(F\)](#) and [273.2\(f\)\(10\)\(i\)](#), the State agency shall not deny the application if it caused the delay, but shall instead notify the household by the 30th day following the date the application was filed that its application is being held pending. The State agency shall also notify the household of any action it must take to complete the application process. If verification is lacking the State agency has the option of holding the application pending for only 30 days following the date of the initial request for the particular verification that was missing.

7 C.F.R. § 273.2(h)(3)(i)

Federal regulation provides as follows:

If the household is found to be eligible during the second 30-day period, the household shall be entitled to benefits retroactive to the month of application. If, however, the household is found to be ineligible, the State agency shall deny the application.

7 C.F.R. § 273.2(h)(3)(ii)

**The Department incorrectly determined the Appellant caused the delay to obtain verification. Although the primary responsibility to provide verification belongs to the Appellant, the Department allowed the employer 10-days to provide the Department with the**

documentation confirming the young adult son no longer works. The 10<sup>th</sup> day was [REDACTED] [REDACTED] 2022, 2 days after [REDACTED] [REDACTED] 2022. The Department's failure to act on the [REDACTED] [REDACTED] 2022 verification until [REDACTED] [REDACTED] 2022 caused the delay.

On [REDACTED] [REDACTED] 2022, the Department incorrectly determined the Appellant's date of eligibility under the SNAP as [REDACTED] [REDACTED] 2022, the date the Department received the outstanding verification. The Appellant's SNAP eligibility begins [REDACTED] [REDACTED] 2022, the date of application. The State agency shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but no later than 30 calendar days following the date the application was filed. The Appellant completed the initial application process by [REDACTED] [REDACTED] 2022, the 30th day following the [REDACTED] [REDACTED] 2022, date of application.

Although the Department Representative testified, the correct begin date of SNAP eligibility as [REDACTED] [REDACTED] 2022, the Department took no action to correct this.

10. Federal regulation provides as follows:

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(a)(1)(i)

11. Federal regulation provides as follows:

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)

12. Federal regulation provides as follows:

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)(1)(ii)

Federal regulation provides as follows:



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)

Federal regulation provides as follows:

The State agency must obtain information through IEVS in accordance with procedures specified in [§ 272.8 of this chapter](#) and use it to verify the eligibility and benefit levels of applicants and participating households.

7 C.F.R. § 273.2(f)(9)(i)

Federal regulation provides as follows:

The State agency shall take action, including proper notices to households, to terminate, deny, or reduce benefits based on information obtain through the IEVS which is considered verified upon receipt. This information is social security and SSI benefit information obtained from SSA, and TANF benefit information and UIB information obtained from the agencies administering those programs. If the State agency has information that the IEVS-obtained information about a particular household is questionable, this information shall be considered unverified upon receipt and the State agency shall take action as specified in [paragraph \(f\)\(9\)\(iv\)](#) of this section.

7 C.F.R. § 273.2(f)(9)(iii)

**On ██████ ███ 2022, the Department incorrectly calculated the Appellant's ██████ 2022 UCB as 1,238.40, multiplying 288.00 weekly UCB by 4.3. Although this method is correct for calculating weekly anticipated income, UCB is considered verified upon receipt and the Department had access to obtain the exact monthly amount and the UCB termination date. The hearing record confirms UCB eligibility ended in June with one additional check issued in ██████ 2022. Federal regulation provides that "in no event shall the State agency automatically attribute to the household the amounts of past income [and] the state agency shall not use past income as an indicator of**

anticipated income when changes in income have occurred.” Federal regulation provides for the use of the exact monthly figure if it can be anticipated for each month of the certification period. As the Department did not process this application until ██████ 2022, 65-days after the date of application, it is unclear why the Department failed to reconfirm income eligibility and ensure a correctly calculated benefit.

On ██████ 2022, the Department incorrectly calculated the Appellant’s ██████ CS as \$719.33 averaging the CS received during a three month period, ██████ 2022 through ██████ 2022. Although this method is correct for ongoing eligibility, the Department has access to CS income as administered by the CS Disbursement Unit. For ██████ 2022, the Appellant received 4-weekly CS checks of \$166.00 or \$664.00 and for ██████ 2022, the Appellant received 5-weekly CS checks of \$166.00 or \$830.00. Calculating the three month average would have been appropriate for ██████ 2022 eligibility on ██████ 2022, the date the Department took action.

13. Federal regulation provides for calculating net income and benefit levels as follows:

To determine a household’s net monthly income, the State agency shall:

- A. 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\(a\)\(2\)\(iii\)](#).
- B. Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with [§ 273.9\(c\)\(17\)](#), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income.
- C. Subtract the standard deduction.
- D. If the household is entitled to an excess medical deduction as provided in [§ 273.9\(d\)\(3\)](#), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.
- E. Subtract allowable monthly dependent care expenses, if any, as specified under [§ 273.9\(d\)\(4\)](#) for each dependent.
- F. If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with [§](#)

- [273.9\(d\)\(5\)](#), subtract allowable monthly child support payments in accordance with [§ 273.9\(d\)\(5\)](#).
- G. Subtract the homeless shelter deduction, if any, up to the maximum of \$143.
- H. Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with [paragraph \(e\)\(1\)\(i\)\(G\)](#) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to [paragraph \(e\)\(1\)\(i\)\(I\)](#) of this section.
- I. Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

7 C.F.R. § 273.10(e)(1)(i)

Federal regulation provides as follows:

In calculating net monthly income, the State agency shall use one of the following two procedures: Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.

7 C.F.R. § 273.10(e)(1)(ii)(B)

Federal regulation provides as follows:

Except as provided in [paragraphs \(a\)\(1\)](#), [\(e\)\(2\)\(iii\)](#) and [\(e\)\(2\)\(vi\)](#) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in [paragraph \(e\)\(1\)](#) of this section. If 30 percent of the household's net income ends in cents, the

State agency shall round in one of the following ways: The State agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

Federal regulation provides for the Thrifty Food Plan (TFP) and Maximum SNAP Allotments as follows:

Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in [§ 271.2](#), and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in [§ 272.7\(c\)](#). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at [www.fns.usda.gov/fsp](http://www.fns.usda.gov/fsp).

7 C.F.R. § 273.10(e)(4)(i)

**Based on the hearing record, the exact UCB amount for [REDACTED] and [REDACTED] 2022 is unknown. Therefore, the SNAP calculation cannot be determined for [REDACTED] and [REDACTED] 2022 with accuracy.**

**As the Department had access to UCB information on [REDACTED] [REDACTED] 2022 to confirm UCB termination prior to [REDACTED] the Department incorrectly counted UCB benefits for [REDACTED] 2022 and [REDACTED] 2022. The Department incorrectly determined the Appellant's SNAP benefit for [REDACTED] and [REDACTED] as \$391.00. The correct [REDACTED] and [REDACTED] 2022 regular benefit equals \$835.00. Reference chart below for correct [REDACTED] 2022 and [REDACTED] 2022 regular SNAP benefit calculation.**

**Because the Appellant received the maximum SNAP allotment for [REDACTED] 2022 and [REDACTED] 2022 through the regular SNAP benefits issued on [REDACTED] [REDACTED] 2022 and [REDACTED] [REDACTED] 2022 combined with the EA issued on [REDACTED] [REDACTED] 2022 and [REDACTED] [REDACTED] 2022, there is no underpayment due the Appellant under the regular SNAP allotment.**

<b>INCOME</b>	
Earned Income	00.00
Less 20%	
<b>Total</b>	<u>00.00</u>
Plus Unearned Income	<u>719.33</u>
<b>Total</b>	719.33
Less standard deduction	<u>184.00</u>
<b>Adjusted gross income</b>	535.33
<b><u>SHELTER COSTS</u></b>	
Rent	400.00
SUA	<u>783.00</u>
<b>Total shelter costs</b>	1,183.00
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	1,183.00
Less 50% of adjusted gross income	<u>267.67</u>
<b>Total shelter hardship</b>	915.34
Cannot exceed 597.00	
<b><u>ADJUSTED NET INCOME</u></b>	
Adjusted gross income	535.33
Less shelter hardship	<u>597.00</u>
<b>Net Adjusted Income (NAI)</b>	00.00
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 4 Person/s	835.00
Less 30% of NAI	<u>00.00</u>
<b>SNAP award</b>	835.00
<b>EA</b>	\$95.00

14. On March 28, 2020, the United States Department of Agriculture (“USDA”) Food and Nutrition Service (“FNS”) approved the Department’s March 27, 2020 request to provide an emergency allotment to address temporary food needs to households to bring all households up to the maximum benefits due to pandemic related economic conditions under the Families First Coronavirus Response Act. [Andrea Gold-O’Connor, Director SNAP, Retailer and Issuance Policy, USDA, FNS, Memo, March 28, 2020]

Section 2302(a)(1) of the Families First Coronavirus Response Act of 2020, allows States to request COVID-19 Emergency Allotments (EA) “for households participating in the supplemental nutrition assistance program to address temporary food needs.” Pursuant to the interpretation that is

explained in detail in “FNS Determination of Enhanced Emergency Allotments April 1, 2021” and hereby incorporated by reference, FNS has adopted the following policy approach. [SNAP – Emergency Allotments, Emergency Allotment Guidance, USDA, FNS, April 1, 2021, Jessica Shahin, Associate Administrator, SNAP]

States shall calculate EA as follows:

EA Minimum Benefit

1. Determine the household’s base SNAP benefit level using the current temporary level of 115 percent of TFP.
2. EA is the difference between the SNAP household’s base benefit calculation and the maximum benefit for the household size; except that
3. All households receive EA of at least \$95
  - a) Those households currently receiving \$95 or more will continue to receive that same amount—no change in EA for these households
  - b) Those households receiving the maximum base SNAP benefit for their household size at the current temporary level of 115 percent of TFP will receive EA of \$95 per month.
  - c) Those households with a calculated EA amount less than \$95 will receive EA totaling \$95 per month.

State must continue to report EA separately from the base SNAP benefit amounts.

Approval for EA will continue to be granted when:

- The national public health emergency declaration that was extended on January 21, 2021, by the Secretary for Health and Human Services under section 319 of the Public Health Service Act remains in place, and
- The State-issued emergency or disaster declaration remains in place, and the State meets the conditions outlined in the EA request template that follows.

**Based on the hearing record, the appropriate EA cannot be determined for █████ 2022 and █████ 2022 until the Department recalculates the Appellant’s regular monthly SNAP benefits beginning █████ 2022 for these months.**

**However, the Department incorrectly determined the Appellant’s EA benefit as \$444.00 for █████ 2022 and █████ 2022. The correct EA benefit for █████ 2022 and █████ 2022 equals \$95.00 as the Appellant’s regular monthly SNAP benefit for these months equals the maximum SNAP allotment of \$835.00.**

**DECISION**

In reference to the effective date of SNAP eligibility, the Appellant's appeal is granted.

In reference to the SNAP benefit amounts issued under the regular monthly allotments and the EA, the Appellant's appeal is granted.

**ORDER**

1. The Department must correct the effective date of SNAP eligibility from [REDACTED] 2022 to [REDACTED] 2022 for the household.
2. The Department must issue the Appellant both regular and EA SNAP benefits due for the period [REDACTED] 2022 through [REDACTED] 2022.
3. The Department must calculate SNAP benefits using the exact income received for the months [REDACTED] 2022 through [REDACTED] 2022. However, since the Appellant received the maximum SNAP benefits for the period [REDACTED] 2022 through [REDACTED] 2022 through a combination of regular and EA issuances, the Appellant is not due additional regular benefits for this period.
4. The Department must recalculate SNAP eligibility for the EA for [REDACTED] 2022 through [REDACTED] 2022 and issue any EA benefits due the Appellant if appropriate.
5. The Department must issue \$95.00 EA under the SNAP to the Appellant for [REDACTED] 2022 and [REDACTED] 2022.
6. Compliance is due 10 days from the date of this decision.

*Lisa A. Nyren*

Lisa A. Nyren  
Fair Hearing Officer

CC: Rachel Anderson, SSOM RO #20  
Mathew Kalarickal, SSOM RO #20  
Lisa Wells, SSOM RO #20  
Andrena Wilson, FHL RO #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 § 4-181a (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.