

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

██████████  
SIGNATURE CONFIRMATION

Case ID # ██████████  
Client ID # ██████████  
Request # 208496

**NOTICE OF DECISION**  
**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ the Department of Social Services (the "Department") issued a Notice of Action ("NOA") to ██████████ (the "Appellant") denying her Supplemental Nutrition Assistance Program ("SNAP") benefits because her household's gross income exceeded the program limit and she did not return all the required verifications by the due date.

On ██████████ the Appellant requested an administrative hearing to contest the Department's denial of her SNAP benefits.

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

On ██████████ in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone.

The following individuals participated in the hearing:

██████████ Appellant  
Javier Rivera, Department's Representative  
Sara Hart, Hearing Officer

**STATEMENT OF THE ISSUE**

The issue is whether the Department correctly denied the Appellant's SNAP benefits.

**FINDINGS OF FACT**

1. On [REDACTED] the Appellant submitted an online application ("ONAP") for SNAP benefits. *(Exhibit 2: ONAP)*
2. The Appellant's household consists of five members, including the Appellant, age [REDACTED] (DOB [REDACTED]), [REDACTED] (the "spouse"), age [REDACTED] (DOB [REDACTED]), and their three minor children. *(Exhibit 2, Appellant's Testimony)*
3. On [REDACTED] the Department processed the Appellant's ONAP and interviewed the Appellant. *(Hearing Summary)*
4. On [REDACTED] the Department issued a W1348 Proofs We Need form requesting proof of self-employment income. The notice provided examples of acceptable documentation and a due date of [REDACTED] *(Exhibit 4: W1348 [REDACTED])*
5. The Appellant is self-employed and reported an average gross monthly income of \$600.00 on her ONAP. *(Exhibit 2)*
6. On [REDACTED] the Appellant submitted completed form W38 as verification of her self-employment income. The Appellant reported \$10,289.50 in gross sales and \$7,020.00 total expenses covering a 9-month time period. *(Exhibit 12: [REDACTED] [REDACTED] email containing completed W38, Appellant's Testimony)*
7. As of the date of the administrative hearing, the Department had not processed the Appellant's self-employment verification documents and had determined the Appellant's self-employment income equaled \$600.00 per month *(Department's Testimony, Hearing Record)*
8. [REDACTED] employs the spouse and he is paid biweekly. He received the following wages:

Pay Date	Gross Earnings
[REDACTED]	\$2,307.69
[REDACTED]	\$2,307.69
[REDACTED]	\$2,307.69

*(Exhibit 10: Worknumber Results)*

9. The Department calculated the spouse's earned income as \$4,961.53 per month. *(Exhibit 7: Federal SNAP Income Test)*

10. There are no disabled household members or household members over the age of sixty. (*Exhibit 2, Appellant's Testimony*)
11. There are no other sources of income for the household. (*Appellant's Testimony*)
12. On [REDACTED], the Department issued a NOA denying the Appellant's SNAP application for the following reasons: the monthly gross income of your household is more than the limit for this program, you did not return all of the required proofs by the date we asked, and does not meet program requirements. (*Exhibit 6: NOA [REDACTED]*)
13. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15(c)(1) which provides that the State agency shall issue a decision within 60 days of the date of the request for a hearing. The Appellant requested an administrative hearing on [REDACTED], therefore, this decision is due no later than [REDACTED]. (*Hearing Record*)

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statutes provides that 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 C.F.R. § 273.2(c)(1)(iv) provides for recording the filing date. 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.

**The Department correctly determined a SNAP application date of [REDACTED]**

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

**The Department correctly determined the Appellant's SNAP household consisted of five members, including the Appellant, her spouse, and their three children.**

4. 7 C.F.R. § 273.2(j)(2)(i) provides the following households are categorically eligible for SNAP benefits unless the entire household is institutionalized as defined in §273.1(e) or disqualified for any reason from receiving SNAP benefits. (E) any household in which all members receive or are authorized to receive PA and/or SSI benefits in accordance with paragraphs (j)(2)(i)(A) through (j)(2)(i)(D) of this section.

7 C.F.R. § 273.9(a) provides that 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 the Food Stamp Program. 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 the Food Stamp Program. Households that 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 levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

**The Department correctly determined the Appellant's household is not categorically eligible for SNAP benefits and that the household must meet both the net and gross income eligibility standards.**

5. 7 C.F.R. § 273.9(b) states that "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)(1) states that earned income shall include: (i) All wages and salaries of an employee. (ii) The gross income from a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the costs of doing business as provided in [paragraph \(c\)](#) of this section.

**The Department correctly considered the Appellant's self-employment income and the spouse's wages in the determination of eligibility for SNAP benefits.**

6. 7 C.F.R. § 273.2(f)(1) provides for mandatory verification of income. State agencies shall verify the following information prior to certification for households initially applying: (i) *Gross nonexempt income*. Gross nonexempt income shall be verified for all households prior to certification.

7 C.F.R. § 273.2(c)(5) provides that 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.

7 C.F.R. § 273.2(h)(1)(i)(C) provides for cases where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing.

**The Department required verification of income and correctly sent the Appellant the W1348 *Proofs We Need* form requesting verifications needed to determine eligibility and allowed 10 days for completion.**

7. 7 C.F.R § 273.2(f)(5)(i) provides for the responsibility of obtaining verification. The household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information. 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.

**The Appellant correctly provided self-employment income verification on [REDACTED]. The Department incorrectly determined that the Appellant failed to provide the requested documents timely.**

8. 7 C.F.R. § 273.10(c)(2)(i) provides for converting income into monthly amounts. 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. § 273.11(a) provides for self-employment income. The State agency must calculate a household's self-employment income as follows: (1) *Averaging self-employment income*. (i) Self-employment income must be averaged over the period the income is intended to cover, even if the household receives income from other sources. If the averaged amount does not accurately reflect the household's actual circumstances because the household has experienced a substantial increase or decrease in business, the State agency must calculate the self-employment income on the basis of anticipated, not prior, earnings.

7 C.F.R. § 273.11(b) provides for allowable costs of producing self-employment income. (1) Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor; stock; raw material; seed and fertilizer; payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods; interest paid to purchase income-

producing property; insurance premiums; and taxes paid on income-producing property.

**The Department correctly determined the spouse's monthly wages were \$4,961.53 (\$2,307.69 \* 2.15).**

**The Department incorrectly determined the Appellant's self-employment income equaled \$600.00 per month because it failed to consider the allowable costs for producing self-employment income. The Appellant's net self-employment income cannot be determined based on the hearing record.**

**The Department incorrectly determined the Appellant's total household income amount equaled \$5,561.53 (\$4,961.52+ \$600.00).**

9. 7 C.F.R. § 273.9(a)(1) discusses the gross income eligibility standards for the Food Stamp Program and provides that: (i) "The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia."

7 C.F.R. § 273.9(a)(4) provides that the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS website, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap).

Effective June 19, 2009, the Department implemented SNAP changes referred to as Expanded Categorical Eligibility ("ECE"). Effective July 1, 2009, the gross income limit for the SNAP increased to 185% of the Federal Poverty Level ("FPL") for SNAP households that do not contain an elderly or disabled household member. Effective October 1, 2022, the gross income limit for the SNAP increased to 200% of the FPL for households that do not contain an elderly or disabled member.

The 2022 Poverty Guidelines for the 48 Contiguous States and the District of Columbia for a household of five is \$32,470.00 annually [*Federal Register/Vol. 87, No. 14/ Friday, January 21, 2022, page 3316*]

**200% of the FPL for a household of five persons was \$5,412.00 (\$32,470.00 \* 200% = \$64,940.00/12 months = \$5,411.66 rounded up).**

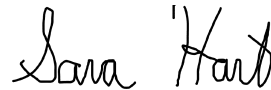
**The Department incorrectly determined that the Appellant's household income amount exceeded the SNAP program limits for a household comprised of five individuals.**

**DECISION**

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

**ORDER**

1. The Department shall review the Appellant's completed W38 self-employment income verification submitted on [REDACTED], and recalculate the Appellant's net self-employment income based on the allowable business expenses.
2. The Department shall reopen the Appellant's [REDACTED], SNAP application, continue processing to determine eligibility, and issue an updated NOA.
3. Compliance with this order is due to the undersigned no later than [REDACTED]



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Sara Hart  
Hearing Officer

Cc: Angelica Branfalt, Department Representative, Manchester Regional Office  
Javier Rivera, Department Representative, Manchester Regional Office

### **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.



