

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 #210434

NOTICE OF DECISION  
PARTY

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

PROCEDURAL BACKGROUND

On ██████████, the Department of Social Services (the "Department") issued a Notice of Action ("NOA") to ██████████ (the "Appellant") discontinuing her Supplemental Nutrition Assistance Program ("SNAP") benefits because her household's gross income exceeded the program limit.

On ██████████, the Appellant requested an administrative hearing to contest the Department's discontinuance 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  
Garfield White, Department's Representative  
Sara Hart, Hearing Officer

**STATEMENT OF THE ISSUE**

The issue is whether the Department correctly discontinued the Appellant's SNAP benefits due to having a monthly gross income exceeding the program limit.

**FINDINGS OF FACT**

1. The Appellant was a recipient of SNAP benefits for the period of [REDACTED], through [REDACTED]. (*Exhibit 1: W1ERL – Notice of Renewal of Eligibility*)
2. The Appellant's household consists of three members: the Appellant, age [REDACTED] (DOB [REDACTED]), her child [REDACTED], age [REDACTED] (DOB [REDACTED]), and her child [REDACTED], age [REDACTED] (DOB [REDACTED]). (*Appellant's Testimony, Hearing Record*)
3. On [REDACTED], the Appellant submitted an online renewal for SNAP benefits. (*Exhibit 2: Online renewal*)
4. On [REDACTED], the Department processed the Appellant's renewal and interviewed the Appellant. (*Exhibit 1: Case Notes*)
5. [REDACTED] employs the Appellant and she is paid biweekly. She received the following gross wages:

Check Date	Gross Amount	Hours
[REDACTED]	\$1,254.34	54.99
[REDACTED]	\$1,993.22	73.42
[REDACTED]	\$650.00	0.00
[REDACTED]	\$2,143.07	80.42
[REDACTED]	\$1,892.78	82.92
[REDACTED]	\$1,116.57	44.56
[REDACTED]	\$1,788.21	78.08

(*Exhibit 6: Worknumber Report, Appellant's Testimony*)

6. The Department calculated the Appellant's monthly gross income as \$3,914.83, utilizing wages received beginning [REDACTED]. (*Exhibit 3: Federal SNAP Income Test, Department's Testimony*)
7. On [REDACTED], the Department reviewed the Appellant's renewal and updated the Appellant's income. The Department determined the Appellant's gross income exceeded the gross income limit for a household of three individuals. (*Exhibit 1*)
8. On [REDACTED], the Department issued a NOA closing the Appellant's SNAP benefits, effective [REDACTED], because her household's monthly gross income was more than the program limit. (*Exhibit 4: NOA [REDACTED]*)

9. There are no disabled household members or household members over the age of sixty. (*Appellant's Testimony, Hearing Record*)
10. There are no other sources of income for the household. (*Appellant's Testimony*)
11. 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 C.F.R. § 273.1(b)(1)(ii) 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.
  - 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 consists of three members, including the Appellant and her two children.**

3. 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.**

4. 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)(i) states that "Earned income shall include: (i) All wages and salaries of an employee."

**The Department correctly included the Appellant's wages in the determination of eligibility for SNAP benefits.**

5. 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. § 273.10(c)(2)(ii) provides in relevant part that 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.

**The Department incorrectly determined the Appellant's average monthly wages were \$3,914.83. The Appellant's average monthly wages equal \$3,419.13 ( $\$1,993.22 + \$1,254.34 = \$3,247.56 / 2 = \$1,623.78 * 2.15 = \$3,419.127$  rounded up)**

6. 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 October 1, 2022, the gross income limit for the SNAP increased to 200% of the Federal Poverty Level ("FPL") for SNAP households that do not contain an elderly or disabled household member.

The 2022 Poverty Guidelines for the 48 Contiguous States and the District of Columbia for a household of three is \$23,030.00 annually [*Federal Register/Vol. 87, No. 14/ Friday, January 21, 2022, page 3316*]

**200% of the FPL for a household of three persons was \$3,839.00 (\$23,030.00 \* 200% = \$46,606.00/12 months = \$3,838.33 rounded up ).**

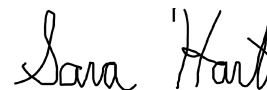
**The Department incorrectly determined that the Appellant's gross income exceeded the SNAP program limits for a household comprised of three individuals.**

### **DECISION**

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

### **ORDER**

1. The Department shall reopen the Appellant's SNAP benefit, effective [REDACTED], correct the Appellant's earned income calculation, and continue processing to determine ongoing SNAP eligibility.
2. The Department shall issue the Appellant an updated NOA.
3. Compliance with this order is due to the undersigned by [REDACTED], and shall consist of a complete NOA and documentation of the Appellant's recalculated earned income.



---

Sara Hart  
Hearing Officer

Cc: Garfield White, Department Representative, Hartford Regional Office  
Josephine Savastra, Operations Manager, Hartford Regional Office  
Lindsey Collins, Operations Manager, Hartford Regional Office  
Mathew Kalarickal, Operations Manager, Hartford Regional Office  
David Mazzone, Operations Manager, Hartford 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.

