

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

██████████ 2023  
Signature confirmation

Case: ██████████  
Client: ██████████  
Request: 211380

NOTICE OF DECISION

PARTY

██████████  
██████████  
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued ██████████ (the “Appellant”) a *Notice of Action* denying his ██████████ 2023 Supplemental Nutrition Assistance Program (“SNAP”) application.

On ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the Appellant’s online hearing request.

On ██████████ 2023, the OLCRAH scheduled the administrative hearing for ██████████, 2023. The OLCRAH granted the Appellant’s request for a postponement.

On ██████████ 2023, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, and Section 273.15 (a) of Title 7 of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held an administrative hearing by telephone and videoconferencing. The following individuals participated:

██████████, Appellant  
Irene Berry, Department Representative  
Eva Tar, Hearing Officer

The hearing record closed ██████████, 2023.

## STATEMENT OF ISSUE

The issue is whether the Department's denial of the Appellant's [REDACTED] 2023 SNAP application was in accordance with Federal regulations governing the SNAP.

## FINDINGS OF FACT

1. The Appellant resides at [REDACTED], Connecticut (the "address"). (Appellant Testimony) (Appellant Exhibit A)
2. The Appellant and his wife have difficulties receiving mail at the address. (Appellant Testimony)
3. The Appellant's most recent SNAP certification period ran from [REDACTED] 2022 through [REDACTED] 2022. (Department Representative Testimony)
4. On [REDACTED] 2023, the Department received the Appellant's online SNAP application, submitted during non-business hours. (Dept. Exhibit 1)
5. On the [REDACTED] 2023 SNAP application, the Appellant reported self-employment as an Uber driver, averaging \$2,400.00 per month in gross income. (Dept. Exhibit 1)
6. On [REDACTED] 2023, the Department mailed a *Proofs We Need* document to the Appellant at his address, requesting the submission by [REDACTED] 2023 of proof of his self-employment income (profits and expenses) with [REDACTED] for the months of [REDACTED] 2022 through [REDACTED] 2022 via invoices, receipts, business records, and or his current or prior year's tax return. (Dept. Exhibit 2)
7. The [REDACTED] 2023 Department mailing included a *Self-Employment Income Verification* form to be completed by the Appellant; the form required a listing of his gross receipts and business expenses for a maximum of 12 months and the Appellant's signature attesting that the information on the form was completed to the best of his knowledge. (Dept. Exhibit 2)
8. On [REDACTED] 2023, the Appellant submitted to the Department Uber Weekly Statements (dated [REDACTED] 2022; [REDACTED], 2022; [REDACTED] 2023; and [REDACTED] 2023) and a [REDACTED] 2023 receipt for a \$21.82 [REDACTED] gasoline purchase. (Dept. Exhibit 4) (Department Representative Testimony)
9. The Appellant did not submit to the Department three months' worth of his gross receipts from [REDACTED]. (Department Representative Testimony)
10. On [REDACTED] 2023, the Department issued a *Notice of Action* to the address, denying the Appellant's SNAP application, citing as the reason for denial "You did not return all the required proofs by the date we asked." (Dept. Exhibit 3)

11. On the [REDACTED], 2023 hearing, the Appellant submitted the following to the Department: a copy of his 2022 federal tax returns (signed [REDACTED], 2023) and an undated, notarized chart listing weekly amounts from [REDACTED] 2023 through [REDACTED] 2023. (Appellant Exhibits A and B)
12. Title 7, Section 273.15 (c)(1) of the Code of Federal Regulations (“C.F.R.”) provides: “Within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision....”

Title 7, Section 273.15 (c)(4) of the Code of Federal Regulations provides: “The household may request and is entitled to receive a postponement of the scheduled hearing. The postponement shall not exceed 30 days and the time limit for action on the decision may be extended for as many days as the hearing is postponed. For example, if a State level hearing is postponed by the household for 10 days, notification of the hearing decision will be required within 70 days from the date of the request for a hearing.”

On [REDACTED] 2023, the OLCRAH received the Appellant’s online hearing request. The OLCRAH granted the Appellant a 40-day postponement of the initially scheduled hearing, which exceeded the maximum postponement of 30 days. This hearing decision would have become due by no later than [REDACTED], 2023, i.e., 90 days from the date of the hearing request. This decision is timely.

### **CONCLUSIONS OF LAW**

1. The Department is the state agency for the administration of the SNAP pursuant to the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

**The Department has the authority under State statute to administer the SNAP in Connecticut.**

2. Household income shall mean all income from whatever source excluding only items specified in [paragraph \(c\)](#) of this section. (1) Earned income shall include: (i) ...; (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....” 7 C.F.R. § 273.9 (b)(1)(ii).

**The Department correctly determined that the Appellant’s self-employment income through Uber was counted household income for the purposes of the SNAP.**

3. “For the period of time over which self-employment income is determined, the State agency must add all gross self-employment income (either actual or anticipated, as provided in [paragraph \(a\)\(1\)\(i\)](#) of this section) and capital gains (according to [paragraph \(a\)\(3\)](#) of this section), exclude the costs of producing the self-employment income (as determined in [paragraph \(a\)\(4\)](#) of this section), and divide the remaining amount of self-

employment income by the number of months over which the income will be averaged. This amount is the monthly net self-employment income....” 7 C.F.R. § 273.11(a)(2)(i).

**The Department correctly requested verification of multiple months of the Appellant’s self-employment income and expenses, as his monthly net self-employment income was an essential factor in determining his household’s eligibility to participate in the SNAP.**

4. “The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information....” 7 C.F.R. § 273.2 (f)(5)(i).

“State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence or through a collateral contact, without a requirement being imposed that documentary evidence must be the primary source of verification....” 7 C.F.R. § 273.2 (f)(2)(i).

**The Appellant had the primary responsibility to provide evidence to the Department to support his reported self-employment income.**

5. “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 provide required verification....” 7 C.F.R. § 273.2 (f).

**The Department correctly gave the Appellant at least 10 days to submit the requested verification, as memorialized by its [REDACTED] 2023 *Proofs We Need*.**

**The Department’s denial of the Appellant’s SNAP application arose from the Appellant’s failure to provide verification of three months of his self-employment income to the Department by its [REDACTED], 2023 deadline.**

**The Department’s denial of the Appellant’s [REDACTED] 2023 SNAP application was in accordance with Federal regulations governing the SNAP.**

#### DECISION

The Appellant’s appeal is DENIED.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

Cc: Irene Berry, DSS-Stamford  
Shahar Thadal, DSS-Stamford

### **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.