

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

██████████, 2023
SIGNATURE CONFIRMATION

██████████
██████████
REQUEST# 212639

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████, 2023, the Department of Social Services (the "Department") sent ██████████ (the "Appellant"), a Notice of Action ("NOA") stating that the Appellant's Supplemental Nutrition Assistance Program ("SNAP") benefits will be discontinued due to exceeding the gross income limit effective ██████████, 2023.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the discontinuance of SNAP.

On ██████████, 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████, 2023.

On ██████████, 2023, the Appellant contacted OLCRAH and requested to reschedule the administrative hearing.

On ██████████, 2023, OLCRAH issued a notice rescheduling the administrative hearing for ██████████, 2023.

On ██████████, 2023, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals participated in the hearing:

[REDACTED], Appellant
 [REDACTED], Appellant's Representative
 Shannon Shlash, Department's Representative
 Melissa Prisavage, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP benefits due to exceeding the gross income limit effective [REDACTED] 2023.

FINDINGS OF FACT

1. The Appellant's household consists of one person. She is [REDACTED]-years-old [DOB [REDACTED]] and she is not disabled. (Appellant's Testimony)
2. On [REDACTED], 2022, the Department sent the Appellant a Notice of Renewal of Eligibility ("W-1ERL") with a Renewal Notice ("W-1ER") form enclosed requesting completion due by [REDACTED] 2022, to prevent a delay in the renewal process under the SNAP. The SNAP benefit period is from [REDACTED] 2022 through [REDACTED], 2022. (Exhibit 16: Notice of Renewal of Eligibility)
3. On [REDACTED] 2022, the Appellant submitted an online renewal form ("ONRE") with the Appellant's electronic signature requesting continued benefits under the SNAP for a household of one. (Exhibit 1: ONRE)
4. On [REDACTED], 2022, the Department processed the Appellant's ONRE and issued a notice to the Appellant informing her to contact the Department to conduct an interview. (Exhibit 17: Case Note dated [REDACTED], 2022)
5. On [REDACTED], 2022, the Department added earnings to the Appellant's case from [REDACTED], which were obtained from an online interface known as The Work Number, as follows:

Income Date	Amount	Hours Worked
[REDACTED]/2022	\$525.00	35
[REDACTED]/2022	\$210.00	14
[REDACTED]/2022	\$525.00	35
[REDACTED]/2022	\$0.00	0
[REDACTED]/2022	\$525.00	35

The pay date of [REDACTED], 2022 was excluded as unusually low. (Exhibit 14: The Work Number printout, Exhibit 20: Earned Income Worksheet)

6. The Department calculated the Appellant's monthly gross wages from [REDACTED] [REDACTED] as follows: $\$525.00 + \$210.00 + \$525.00 + \$525.00 = \$1,785.00$ / 4 checks = $\$446.25$ weekly x 4.3 weeks = $\$1,918.88$ monthly. (Exhibit 19: Federal SNAP Income Test)
7. The Appellant receives a monthly pension from the state of New York in the amount of $\$352.31$. (Appellant's Testimony, Exhibit C: Pension Statement)
8. The Department calculated the Appellant's total gross monthly income as $\$1,918.88$ wages + $\$352.31$ pension = $\$2271.19$. (Exhibit 19)
9. On [REDACTED], 2022, the Department issued a NOA to the Appellant stating that SNAP would be discontinued effective [REDACTED] 2023 for failure to complete the renewal process. (Exhibit 2: NOA dated [REDACTED], 2023)
10. On [REDACTED] 2023, the Appellant contacted the Department and a telephone interview was conducted. The SNAP remained closed, pending last day of work verification for [REDACTED], of which the Department notified the Appellant verbally. (Exhibit 17: Case Note dated [REDACTED] 2023)
11. On [REDACTED], 2023, the Department processed verifications which were received on [REDACTED], 2023. The Department updated the case to terminate old employment at [REDACTED] and stated that the SNAP remained closed due to excess income. (Exhibit 17: Case Note dated [REDACTED], 2023)
12. On [REDACTED], 2023, the Department issued a NOA to the Appellant stating that the SNAP was discontinued effective [REDACTED] 2023, citing the following reason: "The monthly gross income of your household is more than the limit for this program." (Exhibit 4: NOA dated [REDACTED] 2023)
13. On [REDACTED], 2023, a Fair Hearing Liaison for the Department confirmed that the employers [REDACTED] and [REDACTED] are the same employer, by comparing the Federal Employer Identification Numbers ("FEIN"). (Exhibit 13: Original Hearing Summary)
14. The issuance of this decision is timely under section 17b-61(a) of Connecticut General Statutes, 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] 2023. This decision, therefore, was due no later than [REDACTED] 2023. However, the hearing which was originally scheduled for [REDACTED], 2023, was rescheduled to [REDACTED], 2023, at the request of the Appellant, which caused a 15-day delay. The hearing record, which had anticipated to close on [REDACTED], 2023, did not close for the admission of evidence until [REDACTED], 2023, at the Appellant's request. This resulted in an additional delay of 4 days. Therefore, the decision is due by [REDACTED], 2023, and is timely.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statute provides the following: “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. 7 C.F.R § 273.1(a) provides the following: *General household definition*. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

The Department correctly determined that the Appellant is a household of one person.

3. 7 C.F.R. § 271.2 defines an elderly or disabled member as a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.

The Department correctly determined that the Appellant’s household does not contain an elderly or disabled individual.

4. Title 7 of the Code of Federal Regulations (“C.F.R”) § 273.10(f) provides the following: *Certification periods*. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.
5. 7 C.F.R § 273.14(a) provides the following: *General*. No household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of

expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

The Department correctly issued a W-1ER Renewal of Eligibility to the Appellant on [REDACTED], 2022.

6. 7 C.F.R § 273.2(c)(1)(iv) provides the following: *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. For telephonic applications, the date of application is the date on which the household member provides verbal assent.
7. 7 C.F.R § 273.2(e)(1) provides the following: 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. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. 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 advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a

time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

8. 7 CFR § 273.2(e)(2) provides the following: 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.

The Department correctly notified the Appellant that an interview was required and conducted an interview with the Appellant.

9. 7 C.F.R. § 273.9 (b) provides for the definition of income. (1) 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.

10. 7 C.F.R § 273.9(b)(2)(ii) provides the following: Unearned income shall include, but not be limited to: Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in § 272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

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

11.7 C.F.R § 273.10 (c)(2)(i) provides that 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.

The Department correctly calculated the Appellant's average monthly wages as \$1,918.88 (\$525.00 + \$210.00 + \$525.00 + \$525.00 = \$1,785.00/ 4 checks = \$446.25 weekly x 4.3 weeks = \$1,918.88)

12.7 C.F.R. § 273.2(j)(2)(ii)(A) provides that "The State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purposes of the Food and Nutrition Act of 2008: (A) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determining to confer categorical eligibility."

Households in Connecticut with incomes below 200% of the federal poverty level ("FPL") qualify for the State's "Help for People in Need" program which is funded with money counted for TANF MOE purposes and meet the requirements in Title 7 C.F.R. § 273.2(j)(2)(ii). As such, the Department extends broad-based categorical eligibility for SNAP to all households that qualify for the "Help for People in Need".

200% of the FPL for a household of one person was \$2,265.00 (\$13,590.00 * 200% = \$27,180.00/12 months = \$2,265.00).

The Department correctly determined that the Appellant's gross income of \$2,271.19 exceeded the SNAP program limits for a household of one person.

13. The standards used in SNAP are adjusted each year on the first day of October. The Federal Poverty Standards applicable to the Appellant's SNAP eligibility determination effective November 10, 2022, are published in the Federal Register, Vol. 87, No. 14 / Friday January 21, 2022, pp. 3315-3316.

14. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes to the Income Eligibility Standards (see: www.fns.usda.gov/snap/allotment/COLA):

“The following tables provide the monthly income eligibility standards for FY 2023 (effective October 1, 2022, through September 30, 2023).”

Gross Monthly Income Limit (130% of Federal Poverty Level)

Household Size	Income Limit (130% FPL)
1	\$1,473
2	\$1,984
3	\$2,495
4	\$3,007
5	\$3,518
6	\$4,029
7	\$4,541
8	\$5,052
Each Additional Member	+\$512

DISCUSSION

Although the Department correctly calculated the Appellant’s income on [REDACTED], 2022 and correctly determined the income exceeded the gross income limit for SNAP for a household of one person, the SNAP was not discontinued due to exceeding the gross income limit until [REDACTED] 2023. At that time, the wages used previously were more than 30 days old. Furthermore, the most recent 4 weeks of wages were available to the Department via the online interface, The Work Number. The most recent 4 weeks of wages that were available at that time are as follows:

Income Date	Amount	Hours Worked
[REDACTED]/2022	\$525.00	35
[REDACTED]/2023	\$315.00	21
[REDACTED]/2023	\$210.00	14
[REDACTED]/2023	\$517.50	34.5

The gross income as of [REDACTED] 2023, using the most recent gross wages of \$1,685.08 ($\$525.00 + \$315.00 + \$210.00 + \$517.50 = \$1,567.50/4 \text{ weeks} = \$391.88 * 4.3 \text{ weeks} = \$1,685.08$) and the gross monthly pension of \$352.31 equals \$2,037.39 ($\$1,685.08 + \$352.31 = \$2,037.39$) and does not exceed the SNAP gross monthly income limit for a household of one person, of \$2,265.00.

DECISION

The Appellant's appeal is **GRANTED**

ORDER

1. The Department shall reopen the closed SNAP effective [REDACTED] 2023.
2. The Department shall update the Appellant's income in IMPACT to reflect the most recent wages that were available as of [REDACTED], 2023.
3. The Department shall run eligibility to determine if the Appellant meets all other criteria to be determined eligible for a SNAP benefit, and if so, grant the SNAP accordingly.
4. Compliance with this order is due to the undersigned no later than 10 days after the date of this decision.

Melissa Prisavage

**Melissa Prisavage
Fair Hearing Officer**

CC: Tim Latifi, Ralph Filek, Sarah Chmielicki, DSS Operations Manager, New Haven Regional Office
Shannon Shlash, DSS Liaison, New Haven 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.