

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

■■■■ 2023
Signature Confirmation

Client ID ■■■■
Case ID ■■■■
Request # 216087

NOTICE OF DECISION

PARTY

■■■■
■■■■
■■■■

PROCEDURAL BACKGROUND

On ■■■■ 2023, the Department of Social Services (the "Department") sent ■■■■ (the "Appellant") a Notice of Action ("NOA) closing her benefits under the Supplemental Nutrition Assistance Program ("SNAP") effective ■■■■ 2023.

On ■■■■ 2023, the Appellant requested an administrative hearing to contest the Department's decision to close such benefits.

On ■■■■ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling 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 an administrative hearing via teleconference at the Appellant's request.

The following individuals participated in the hearing:

■■■■ Appellant
Shannon Shlash, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to close the Appellant's benefits under the SNAP effective [REDACTED] 2023 was correct.

FINDINGS OF FACT

1. On [REDACTED] 2023, the Department received the Appellant's SNAP renewal application requesting continued benefits for herself and son, [REDACTED] ("minor child"). (Exhibit 1: Renewal Application, Exhibit 2: Paystubs, and Appellant Testimony)
2. The Appellant's SNAP certification period expired on [REDACTED] 2023. (Department Representative's Testimony)
3. The Appellant is [REDACTED]-[REDACTED] years old and not disabled. (Exhibit 1: Renewal Application and Appellant Testimony)
4. The minor child is [REDACTED] years old and not disabled. (Exhibit 1: Renewal Application and Appellant Testimony)
5. The Appellant works full time for [REDACTED] (the "employer") earning \$1,612.80 gross pay bi-weekly. (Exhibit 1: Renewal Application, Exhibit 2: Paystubs, and Appellant Testimony)
6. The Appellant received child support income for the minor child through the Office of Child Support Services which collects and distributes child support payments. At the administrative hearing, the Appellant reported child support income ended again in [REDACTED] 2023.

[REDACTED]	Amount	[REDACTED]	Amount	[REDACTED]	Amount
[REDACTED]/23	\$274.00	[REDACTED]/23	\$239.00	[REDACTED]/23	\$274.00
[REDACTED]/23	\$274.00	[REDACTED]/23	\$56.00	[REDACTED]/23	\$274.00
		[REDACTED]/23	\$73.00		
		[REDACTED]/23	\$274.00		
		[REDACTED]/23	\$333.00		
Total	\$548.00	Total	\$975.00	Total	\$548.00

(Exhibit 5: Child Support Disbursements)

7. The Appellant pays \$126.00 per week childcare costs for the minor child. (Exhibit 1: Renewal Application and Appellant Testimony)
8. The Appellant and minor child live with the Appellant's mother and stepfather. The Appellant pays rent of \$600.00 per month. Rent includes all utilities. Beginning [REDACTED] 2023, the Appellant's rent increased to

\$850.00 monthly. (Exhibit 1: Renewal Application and Appellant Testimony)

9. The gross income limit under the SNAP equals \$3,052.00 per month for a household of two. (Department Representative Testimony and Exhibit 6: DSS Program Income Chart)
10. On [REDACTED] [REDACTED] 2023, the Department determined the Appellant's gross monthly income of \$4,015.52 exceeds the SNAP gross income limit of \$3,052.00 resulting in ineligibility for continued benefits.
 - \$1,612.80 biweekly x 2.15 = \$3,467.52 gross monthly wages
 - \$548 average monthly child support
 - \$3,467.52 gross wages + \$548.00 child support = \$4,015.52 gross monthly income

(Department Representative's Testimony and Exhibit 3: Notice of Action)

11. On [REDACTED] [REDACTED] 2023, the Department issued the Appellant a Notice of Action informing her benefits under the SNAP will close on [REDACTED] [REDACTED] 2023 because her monthly gross household income is more than the program limit listing the Appellant's income as \$548.00 monthly child support and \$1,1612.80 biweekly earnings. (Exhibit 3: Notice of Action)
12. 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] [REDACTED] 2023. Therefore, this decision is due not later than [REDACTED] [REDACTED] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2(7) 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. Section 273.1(b)(1)(ii) of the Code of Federal Regulation (C.F.R.) provides as follows:

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. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or stepparent(s).

The Department correctly determined a household of two: the Appellant and the minor child.

3. "Definition of Income. 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)

"Earned income shall include all wages and salaries of an employee." 7 C.F.R. § 273.9(b)(1)(i)

The Department correctly determined the Appellant's earnings are counted under the SNAP.

"Unearned income shall include, but not be limited to: Payments from government-sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit." 7 C.F.R. § 273.9(b)(2)(v)

The Department correctly determined the child support is counted under the SNAP.

4. 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)

5. 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)

The Department correctly anticipated child support income as \$548.00 per month, excluding █████ 2023 as not reasonably certain to continue due to the fluctuations in child support rather than 3-month income averaging, a second option under federal regulation due to fluctuations in income to determine available household income.

6. 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)

The Department correctly calculated the Appellant's monthly gross wages as \$3,467.52. $\$1,612.80$ biweekly pay x 2.15 = \$3,467.52 per month.

7. Federal regulation provides as follows:

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 SNAP. 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 SNAP. Households which are categorically eligible as defined in [§ 273.2\(i\)\(2\)](#) 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 Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act ([42 U.S.C. 9902\(2\)](#)). 7 C.F.R. § 273.9(a)

Federal regulation provides as follows:

The State agency, at its option, may extend categorical eligibility to the following household 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.
- B. Subject to FNS approval, 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 three and four of the TANF block grant, as set forth in Section 401 of [P.L. 104-193](#), and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.

7 C.F.R. § 273.2(j)(2)(ii)

“The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska and Hawaii.” 7 C.F.R. § 273.9(a)(3)

The Department of Health and Human Services lists the 2022 Poverty Guideline for the 48 Contiguous States and the District of Columbia as \$18,310.00 annually for a household of two (2). [Federal Register, Vol. 87, No 14/Friday, January 21, 2022}

\$18,310.00 annual FPL / 12 months = \$1,525.8333
\$1,525.8333 x 200% = \$3,051.6666 or \$3,052.00

The Department correctly determined the SNAP gross income limit for a household of two equals \$3,052.00 per month (200% of FPL) under expanded categorical eligibility.

The Department correctly determined the household is subject to the gross income eligibility standards under the SNAP.

The Department correctly determined the Appellant’s gross household income of \$4,015.52 (\$3,467.52 wages + \$548.00 child Support) exceeds the SNAP gross income limit of \$3,052.00 per month. Refer to Finding of Fact #10.

Although child support may have ended, the Appellant’s earnings of \$3,467.52 exceed the SNAP gross income limit of \$3,052.00, therefore the Appellant remains ineligible under the SNAP at this time.

The Department correctly determined the Appellant’s household income exceeds the SNAP income limit and closed the Appellant’s benefits effective [REDACTED] 2023.

8. Federal regulation provides as follows:

Other households that have met all application requirements shall be notified of their eligibility or ineligibility by the end of their current certification period. In addition, the State agency shall provide households that are determined eligible an opportunity to participate by the household's normal issuance cycle in the month following the end of its current certification period.

7 C.F.R. § 273.14(d)(2)

On [REDACTED] [REDACTED] 2023, the Department correctly issued the Appellant a Notice of Action informing her of the closure of her SNAP benefits beginning [REDACTED] [REDACTED] 2023.

DECISION

The Appellant's appeal is DENIED.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Sarah Chmielecki, SSOM RO #20
Tim Latifi, SSOM RO #20
Ralph Filek, RO #20
Shannon Shlash, 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.