

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 # 219042

NOTICE OF DECISION

PARTY

██  
██  
██  
██

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) sent ██████████ ██████████ (the “Appellant”), a Notice of Action (“NOA”) denying her application for Supplemental Nutrition Assistance Program (“SNAP”) benefits because her household income exceeds the limit for the program.

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

On ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling a telephonic 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. The following individuals participated in the hearing:

██, Appellant  
██, Appellant’s Spouse  
Shannon Shlash, Department’s Representative  
Carla Hardy, Hearing Officer

## STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's SNAP application for exceeding the income limit for the program.

## FINDINGS OF FACT

1. On [REDACTED] 2023, the Department received the Appellant's application for SNAP assistance. (Hearing Record)
2. The Appellant's household includes six members, the Appellant, age 43; her spouse, age 46; adult child, age 22; and three minor children, ages 15, eight, and three. (Exhibit 1: Application; Exhibit 13: Application Addendum)
3. None of the household members are disabled. (Appellant's Testimony)
4. The 22-year-old is a full-time student at [REDACTED] ([REDACTED]). (Hearing Record)
5. The Appellant submitted her lease, 2021 [REDACTED] document, wage stubs for the 22-year-old from [REDACTED], and the 2022 Income Tax Return ("ITR"). (Hearing Record)
6. The Appellant and her spouse own [REDACTED] [REDACTED] is a partnership enterprise. (Exhibit 3: 2022 Income Tax Return; Appellant's Testimony)
7. The Appellant submitted the Schedule E with the ITR. She did not submit Schedule 1065 or Schedule K-1. (Exhibit 3)
8. The Department reported the ITR incomplete because the Appellant did not submit a Schedule C. (Hearing Summary)
9. A Schedule C lists the profit and loss information for a sole proprietorship.
10. A Schedule E lists the profit and loss information for a partnership. (Exhibit 3)
11. The Appellant reported the household's monthly self-employment income from [REDACTED] is \$4,000.00. (Exhibit 1)
12. The Appellant's 22-year-old child is employed by [REDACTED]. He earns \$280.00 weekly and received the following paystubs:

Date	Amount
[REDACTED] 23	\$280.00
[REDACTED] 23	\$280.00

████/23	\$280.00
████23	\$280.00

(Exhibit 1; Exhibit 2: Paystubs)

13. The Appellant's rent is \$2,498.00 monthly. (Hearing Record)
14. The Appellant's heat is included in the rent. She has an air conditioner and pays for electricity. (Appellant's Testimony)
15. The Department used the Standard Utility Allowance ("SUA") in the calculation for the SNAP benefits. (Exhibit 18: SNAP Income Test; Department's Testimony)
16. The Department searched The Work Number and found current wages equaling \$200.00 weekly from █████ for the 22-year-old adult child. (Exhibit 12: The Work Number Query)
17. The Department calculated the 22-year-old earns \$800.00 monthly from █████ (Exhibit 18: SNAP Income Test)
18. The Appellant's 22-year-old child stopped working for █████ in 2022. (Exhibit 15: Case Notes; Appellant's Testimony)
19. The 22-year-old last worked at █████ on █████ 2022. █████ tax accountant is in the process of amending █████ income tax return. (Exhibit 20: Letter from █████ Tax Accountant, █████ 23)
20. The wages attributed to the 22-year-old from █████ after █████ 2022 are in error. (Fact 19)
21. The Appellant is a Lawful Permanent Resident ("LPR") with an █████, 2021, entry date. She does not meet the citizenship criteria to qualify for SNAP. (Exhibit 16: Save Query; Department's Testimony)
22. The Appellant's household has five members that meet the citizenship or asylee eligibility criteria for SNAP. (Department's Testimony)
23. On █████ 2023, the Department requested the Appellant submit proof of shelter expenses, earnings from █████ and █████ for the 22-year-old, proof of self-employment income and expenses, and financial aid information. The requested information was due on █████ 2023. (Exhibit 5: Proofs We Need, █████/23)
24. The Department did not request the Schedule 1065 or the Schedule K-1 from the Appellant. (Exhibit 5)
25. On █████ 2023, the Department noted the Appellant reported that the 22-year-old was no longer employed by █████ (Exhibit 15: Case Notes)

26. The hearing record is silent as to when and if the Department requested proof of when the 22-year-old's employment with ██████████ ended. (Hearing Record)
27. On ██████████ 2023, the Department denied the SNAP application for exceeding the gross income limit for the household. The Department included \$4,000 in self-employment income from ██████████, \$1,204.00 in wages from ██████████ and \$800.00 in wages from ██████████ ██████████ for the household. (Exhibit 14: NOA ██████████23)
28. The Department denied the SNAP application before ██████████ 2023, the due date for the requested information. (Exhibit 14)
29. On ██████████ 2023, ██████████, the tax accountant for ██████████ signed a letter reporting the 22-year-old child last worked for ██████████ on ██████████ ██████████ 2022. They apologized for the error. (Exhibit 20: Letter from ██████████ ██████████, 8/8/23)
30. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a hearing. The Appellant requested an administrative hearing on ██████████, 2023. The record remained open until ██████████ 2023, for the Department to submit additional information and for the Appellant to review it. Because of this seven-day delay, the decision is due no later than ██████████, 2023. (Hearing Record)

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("C.F.R.") section 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 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(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 Federal income poverty levels as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

Title 7 C.F.R. § 271.2 provides that an elderly household member is one who is 60 years of age or older.

**No one in the Appellant's household is disabled or elderly. The Appellant must meet the gross income eligibility standard.**

3. Title 7 C.F.R. § 273.9(b)(1) provides that 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 good or equipment related to the business, excluding the costs of doing business as provided in paragraph (c) of this section.

Title 7 C.F.R. § 273.9(c)(19)(ii) provides in relevant part that that gross income from a self-employment enterprise, including the types of income referenced in paragraph (b)(1)(ii) of this section, must be calculated in accordance with § 273.11(a)(2).

**The Department correctly determined that self-employment income and wages are calculated to determine eligibility for the SNAP.**

4. Title 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. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d)(1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in § 272.4(b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.

Title 7 C.F.R. § 273.2(f)(4)(i) provides that 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. Documentary evidence consists of a written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts, and utility bills. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. Whenever documentary evidence cannot be obtained or is insufficient to make a firm determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits. For example, documentary evidence may be considered insufficient when the household presents pay stubs which do not represent an accurate picture of the household's income (such as out-dated pay stubs) or identification papers that appear to be falsified.

Title 7 C.F.R. § 273.2(h)(i)(C) provides for cases where verifications are incomplete, the State agency must have provided the household with a statement of required verification

and offered to assist the household with 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 verification that was missing.

**The Department issued a Proofs We Need to the Appellant requesting additional information with a [REDACTED] 2023, due date.**

**The Department did not request a Form 1065 or the Schedule K-1 from the Appellant.**

**The Department did not properly inform the Appellant what information was required to determine eligibility for SNAP.**

5. "Income eligibility standards for the 48 contiguous States and the District of Columbia, Guan, 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)(1)(i)

"The State agency, at its option, may extend categorical eligibility to the following households . . ."

(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 . . ."

(B) "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 . . ." 7 CFR § 273.2(j)(2)(ii)

6. Households in Connecticut with incomes below 200% of the federal poverty level qualify for the State's "Help for People in Need" program, which meets the requirements outlined in 7 CFR § 273.2(j)(2)(ii), allowing the Department to extend broad-based categorical eligibility for SNAP to all such qualifying households.

**Effective October 2022, 200% of the Federal Poverty Level for Expanded Categorical Eligibility for a household with five persons is \$5,412.00.**

7. Title 7 C.F.R. § 273.10(c)(1)(i) provides that 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.

Title 7 C.F.R. § 273.10(c)(1)(ii) provides in 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.

Title 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.

Title 7 C.F.R. § 273.11(a)(2) provides for determining monthly income from self-employment. (i) 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. The monthly net self-employment income must be added to any other earned income received by the household to determine total monthly earned income.

Title 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 calculated that the 22-year-old's monthly gross earned income from [REDACTED] equals \$1,204.00 ( $\$280.00 \times 4.3 = \$1,204.00$ )**

**The Department incorrectly calculated that the 22-year-old's monthly earnings from [REDACTED] equals \$800.00 ( $\$200.00 \times 4 = \$800.00$ ).**

**The Department failed to verify the Appellant's self-employment income and applicable deductions. They incorrectly calculated that the Appellant's monthly self-employment income equals \$4,000.00.**

**The Department incorrectly calculated that the Appellant's monthly household income equals \$6,004.00 [ $\$4,000.00 + \$1,204.00 + \$800.00 = \$6,004.00$ ].**

On [REDACTED] 2023, the Department incorrectly denied the SNAP because the Appellant's household income exceeded the income limit.

### DISCUSSION

The Department incorrectly required the Appellant to submit a Schedule C with her 2022 Income Tax Return. A Schedule E reports the profit or loss information for partnerships, which is what the Appellant has and provided with her application. Additional tax documents are required to calculate the Appellant's self-employment income. The Department did not request those documents. The Department relied on the Appellant's self-declared self-employment income as reported on her application.

The Work Number listed \$200.00 in weekly wages for the Appellant's 22-year-old son based on erroneous information submitted by the 22-year-old's previous employer, [REDACTED]. The Department included this income, the self-declared self-employment income, and the 22-year-old's earnings from [REDACTED] in the eligibility determination. The Appellant testified that her son stopped working at [REDACTED] in 2022 and provided a letter from [REDACTED] after the date of the hearing. Although this information was not available to the Department at the time of the eligibility determination, there was no evidence provided showing that the Department requested proof of his termination date from [REDACTED]. Based on the information provided, the Appellant's monthly income cannot be determined.

### DECISION

The Appellant's appeal is GRANTED.

### ORDER

1. The Department shall rescreen the Appellant's SNAP application back to the [REDACTED] 2023, application date.
2. The Department shall request the information required to determine the Appellant's self-employment income and afford her 10 days to provide such documentation.
3. Compliance with this order shall be forwarded to the undersigned by [REDACTED] 2023.

\_\_\_\_\_*Carla Hardy*\_\_\_\_\_

Carla Hardy  
Hearing Officer

Pc: Sarah Chmielecki, Tim Latifi, Ralph Filek, Operations Manager, Shannon Shlash, Hearing Liaison, Department of Social Services, New Haven 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 060105-3725.

### **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 06105-3725. 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.