

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

[REDACTED] 2023
Signature Confirmation

[REDACTED]

NOTICE OF DECISION

PARTY

[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2023, the Department of Social Services (the "Department") sent [REDACTED] (the "Appellant") a Notice of Action ("NOA") discontinuing his Supplemental Nutritional Assistance Program ("SNAP") benefits for being over the income limit, effective [REDACTED] 2023.

On [REDACTED] 2023, the Appellant requested an administrative hearing to contest the Department's decision to discontinue his benefits.

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

On [REDACTED], 2024, in accordance with sections 17b-60, 17-61 and 4-176e to 4-184 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing.

The following individuals participated in the hearing:

[REDACTED], Appellant
Alexis Rodriguez, Department Representative
Gerald Remy, Department Observer
Amy MacDonough, Hearing Officer

The hearing record remained open for the submission of additional evidence from the Department. On [REDACTED] 2023, the undersigned received the requested information and the hearing record closed.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly discontinued the Appellant's SNAP benefits for being over the income limit.

FINDINGS OF FACT

1. On [REDACTED] 2023, the Appellant submitted an online Periodic Report Form ("PRF") for SNAP benefits. The Appellant reported changes on the form. (*Department's Testimony; Exhibit 2: Online PRF*)
2. The Appellant's SNAP certification period is from [REDACTED] 2023 through [REDACTED] 2024. (*Department's Testimony*)
3. The Appellant's SNAP household consists of five (5) members; the Appellant, [REDACTED] (his "partner"), and their three (3) minor children. (*Appellant's Testimony; Exhibit 1: Notice of Action; Exhibit 2*)
4. On [REDACTED] 2023, the PRF stated income for the Appellant's partner of \$529.12 twice monthly from [REDACTED]. The Appellant stated this income had not changed. (*Department's Testimony; Appellant's Testimony; Exhibit 2*)
5. On [REDACTED] 2023, the Appellant submitted four weekly paystubs from his employment with [REDACTED]. The paystubs received are as follows:

Pay Date:	Gross Wages:	Hours Worked:
[REDACTED]/2023	\$1,009.61	No hours listed
[REDACTED]/2023	\$1,009.61	No hours listed
[REDACTED]/2023	\$1,009.61	No hours listed
[REDACTED]/2023	\$1,009.61	No hours listed

(*Exhibit 4: [REDACTED] Paystubs; Exhibit 6: Case Notes*)

6. On [REDACTED], 2023, the Appellant submitted four weekly paystubs from his part time employment with the [REDACTED]. The paystubs received are as follows:

Pay Date:	Gross Wages:	Hours Worked:
[REDACTED]/2023	\$130.00	6.5
[REDACTED]/2023	\$140.00	7.0
[REDACTED]/2023	\$200.00	10.0

████████/2023	\$130.00	6.5
(Exhibit 3: ██████████ Paystubs; Exhibit 6)		

7. The Department excluded the █████/2023 paystub from the █████ in the income calculation because it was not consecutive with the other pay dates. (*Department's Testimony; Exhibit 3: █████ Paystubs; Exhibit 6*)
8. The Appellant's household has no other sources of income. There are no elderly or disabled household members. (*Appellant's Testimony*)
9. On █████, 2023, the Department reviewed the Appellant's PRF and updated the Appellant's income. The Department determined the Appellant's total gross income to be \$6,073.22 monthly. (*Department's Testimony; Exhibit 1*)
10. The SNAP gross income limit for a household of five (5) is \$5,412.00. (*Department's Testimony; Exhibit 5: DSS Program Standards Chart*)
11. On █████ 2023, the Department issued a NOA to the Appellant discontinuing his SNAP benefits effective █████ 2023, for the household's income exceeding the SNAP program income limits. (*Department's Testimony; Exhibit 1*)
12. 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 within 60 days of the 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 is notified of the decision. The Appellant requested an administrative hearing on █████ 2023; therefore, this decision is due no later than █████ 2023.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes, provides 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.

The Department has the authority to review the Appellant's SNAP eligibility and determine benefit amounts.

2. 7 C.F.R. § 273.1(a) provides for general household definition. A household is composed of one of the following individuals or group 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.

7 C.F.R. § 273.1(b)(1) provides in relevant part for required household combinations. 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.

- i. Spouses;
- 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 as a size of five (5); the Appellant, the Appellant's partner, and their three (3) children.

3. 7 C.F.R. § 273.12(a)(5)(iii)(B) provides for periodic report and states submission of periodic reports by non-exempt households. Households that are certified for longer than 6 months, except those households described in § 273.12(a)(5)(iii)(A), must file a periodic report between 4 months and 6 months, as required by the State agency. Households in which all adult members are elderly or have a disability with no earned income and are certified for periods lasting between 13 months and 24 months must file a periodic report once a year. In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households that have reported changes that will reduce or terminate benefits will receive adequate notice of action on the report in the first month of the new reporting period.

The Department received the completed PRF on [REDACTED] 2023.

4. 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 for income eligibility standards and states 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 established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

- (1) The gross income eligibility standards for SNAP shall be as follows:

- (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.
- (ii) The income eligibility standards for Alaska shall be 130 percent of the Federal income poverty levels for Alaska.
- (iii) The income eligibility standards for Hawaii shall be 130 percent of the Federal income poverty levels for Hawaii.
- (2) The net income eligibility standards for SNAP shall be as follows:
 - (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.
 - (ii) The income eligibility standards for Alaska shall be the Federal income poverty levels for Alaska.
 - (iii) The income eligibility standard for Hawaii shall be the Federal income poverty levels for Hawaii.
- (3) 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 for Hawaii.
 - (i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.
 - (ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.
- (4) The monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at www.fns.usda.gov/snap

The Department correctly determined that the Appellant's household is not categorically eligible for SNAP benefits and therefore, is subject to both the gross income and net income eligibility tests.

5. 7 C.F.R. § 273.9(b)(1)(i) provides for definition of income and states household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. Earned income shall include: All wages and salaries of an employee.

The Department correctly determined that the Appellant's and the Appellant's partners wages are considered earned income and used in the calculation of the household's SNAP benefit.

6. 7 C.F.R. § 273.10(c)(2)(i) provides for income only in month received and states 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)(iii) provides for income only in month received and states households receiving income on a recurring monthly or semimonthly basis shall not have their monthly income varied merely because of changes in mailing cycles or pay dates or because weekends or holidays cause additional payments to be received in a month.

The Department correctly calculated the Appellant's monthly earned income from [REDACTED] as \$4,341.32 (\$1,009.61+ \$1,009.61+ \$1,009.61+ \$1,009.61= \$4,038.44/4= \$1,009.61x 4.3=\$4,341.32).

The Department correctly calculated the Appellant's monthly earned income from the [REDACTED] as \$673.66 (\$140.00+ \$200.00+ \$130.00= \$470.00/ 3= \$156.66x 4.3= \$673.66).

The Department correctly calculated the Appellant's partners monthly earned income from [REDACTED] as \$1,058.26 (\$529.13x 2= \$1,058.26).

7. 7 C.F.R. § 273.10(e)(2)(i)(B) provides for eligibility and benefits and states in addition to meeting the net income eligibility standards, households which do not contain an elderly or disabled member shall have their gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, compared to the gross monthly income standards defined in § 273.9(a)(1) for the appropriate household size to determine eligibility for the month.

The Department correctly determined that the household's gross income of \$6,073.24 exceeds the gross income limit of \$5,412.00.

8. 7 C.F.R. § 273.12(a)(5)(iv) provides for processing periodic reports and states in selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households will receive adequate notice of action on the report in the first month of the new reporting period. The State agency shall provide the household a reasonable period after the end of the last month covered by the report in which to return the report. The State agency shall provide the household a reasonable period after the end of the last month covered by the report in which to return the report. Benefits should be issued in accordance with the normal issuance cycle if a complete report was filed timely.

9. 7 C.F.R. § 273.12(a)(5)(iii)(D) provides for periodic report and states if the household files a complete report resulting in reduction or termination of benefits, the State agency shall send an adequate notice, as defined in § 271.2 of this chapter. The notice must be issued so that the household will receive it no later than the time that its benefits are normally received. If the household fails to provide sufficient information or verification regarding a deductible expense, the State agency will not terminate the household, but will instead determine the household's benefits without regard to the deduction.

7 C.F.R. § 271.2 provides for definitions and states adequate notice in a periodic reporting system such as monthly reporting or quarterly reporting means a written notice that includes a statement of the action the agency has taken or intends to take; the reason for the intended action; the household's right to request a fair hearing; the name of the person to contact for additional information; the availability of continued benefits; and the liability of the household for any overissuances received while awaiting a fair hearing if the hearing official's decision is adverse to the household. Depending on the timing of a State's system and the timeliness of report submission by participating households, such notice may be received prior to agency action, at the time reduced benefits are received, or, if benefits are terminated, at the time benefits would have been received if they had not been terminated. In all cases, however, participants will be allowed ten days from the mailing date of the notice to contest the agency action and to have benefits restored to their previous level. If the 10-day period ends on a weekend or a holiday and a request is received the day after the weekend or holiday, the State agency shall consider the request to be timely.

7 C.F.R. § 273.13(a)(3) provides for notice of adverse action and states the State agency may notify a household that its benefits will be reduced or terminated, no later than the date the household receives, or would have received, its allotment, if the following conditions are met:

- (i) The household reports the information which results in the reduction or termination.
- (ii) The reported information is in writing and signed by the household.
- (iii) The State agency can determine the household's allotment or ineligibility based solely on the information provided by the household as required in paragraph (a)(3)(ii) of this section.
- (iv) The household retains its right to a fair hearing as allowed in § 273.15.
- (v) The household retains its right to continued benefits if the fair hearing is requested within the time period set by the State agency in accordance with § 273.13(a)(1).
- (vi) The State agency continues the household's previous benefit level, if required, within five working days of the household's request for a fair hearing.

The Department correctly issued a NOA on [REDACTED], 2023, informing the Appellant of the discontinuance of the household's SNAP benefits, effective [REDACTED] 2023.

DECISION

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



Amy MacDonough
Fair Hearing Officer

CC: Shahar Thadal, Operations Manager, DSS, Stamford Regional Office
Alexis Rodriguez, Hearing Liaison, DSS, Stamford 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.