

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

CASE ID # ██████████  
CLIENT ID # ██████████  
REQUEST # ██████████

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████, 2023, the Department of Social Services (the "Department") sent ██████████  
██████████ (the "Appellant") a Notice of Action ("NOA") regarding the discontinuance of  
her household's Supplemental Nutritional Assistance Program ("SNAP") benefits due  
to excess income.

On ██████████, 2023, the Appellant requested an administrative hearing to contest the  
Department's decision to discontinue the SNAP.

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

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

██████████, Appellant  
Maria Bernal, Administrative Hearing Liaison  
Joseph Alexander, Administrative Hearing Officer

## STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's household's SNAP benefits due to excess income.

## FINDINGS OF FACT

1. On [REDACTED] 2023, the Appellant contacted the Department's Benefit Center to report she had recently become employed while her spouse's employment had recently ended. The Appellant was instructed verbally to submit a letter verifying the reported information. (Exhibit 11: Case Note dated [REDACTED])
2. On [REDACTED] 2023, the Appellant contacted the Department's Benefit Center a second time to report her employment and her spouses lack of employment. The Appellant was instructed verbally to upload the appropriate verification(s) to her online account. (Exhibit 11: Case Note dated [REDACTED])
3. On [REDACTED] 2023, the Appellant submitted an online change report to the Department which listed her employment with [REDACTED] (30 hours per week earning \$28.00 per hour) and the termination of temporary disability insurance benefits effective [REDACTED], 2023. (Exhibit 6: Online Change Report)
4. On [REDACTED], 2023, the Department mailed a Periodic Report Form ("PRF") to the Appellant for completion (Exhibit 7: PRF sent [REDACTED], 2023)
5. On [REDACTED], 2023, the Department reviewed the Online Change Report and noted verification of the termination of temporary disability insurance was needed and the Department contacted the Appellant and discussed the need for verification. Following the conversation, the Department sent a W-3016 "Notification from the Department of Social Services" letter to the Appellant requesting she provide verification of the effective date the temporary disability insurance payments had been terminated. (Exhibit 9: W-3016, Exhibit 11: Case Note dated [REDACTED], 2023)
6. On [REDACTED] 2023, the Department determined the household's total gross monthly income exceeded the SNAP income limit for a household consisting of five individuals (Appellant, spouse, and three minor children) none of which are elderly or disabled, effective [REDACTED] 2023. The Department used the following income to make this determination:

[REDACTED] (Appellant), [REDACTED] [REDACTED] \$2,655.31 ([REDACTED] [REDACTED] earnings statements used as follows: [REDACTED] \$526.13 + [REDACTED] \$1,943.93 = \$2,470.06 / 2 = \$1,235.03 x 2.15)

[REDACTED], temporary disability insurance \$430.00 (existing income used)

[REDACTED] (Appellant Spouse), [REDACTED] \$2,828.69 (\$1,315.67 biweekly x 2.15)

Total Household Income: \$5,914.00.

(Exhibit 1: SNAP Federal Income Test [REDACTED] 2023, Exhibit 10: [REDACTED] Earnings Statements, Appellant Statement [household composition])

7. On [REDACTED] 2023, the Department received a completed PRF which reported the following: The Appellant resides with her spouse and three minor children (no one is elderly or disabled), a biweekly income of \$1,235.03 for the Appellant from [REDACTED] [REDACTED] (no change in income indicated), the termination of temporary disability insurance effective [REDACTED], 2023 (no verification provided), and biweekly income of \$1,315.67 for the Appellant's spouse from [REDACTED] (no change in income indicated). (Exhibit 8: PRF Received [REDACTED] 2023)
8. On [REDACTED] 2023, the Appellant requested an administrative hearing to dispute the Department's decision to discontinue the household's SNAP benefits effective [REDACTED] [REDACTED] 2023, due to excess income. (Hearing Record)
9. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a) which requires that a decision be issued within [REDACTED] days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2023, making this decision is due no later than [REDACTED] 2023. (Hearing Record)

### 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."

#### **The Department has the authority to administer the SNAP.**

2. 7 C.F.R § 273.9(a) provides for the following: *Participation*. 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))."

3. 7 C.F.R § 273.2(j)(1)-(5) provides for the following: Regular Categorical Eligibility (“RCE”). 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. (A) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive cash through a PA program funded in full or in part with Federal money under Title IV-A or with State money counted for maintenance of effort (MOE) purposes under Title IV-A; (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 benefits or services from a program that is more 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 forward purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. (C) 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 benefits or services from a program that is more 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. (D) Any household in which all members receive or are authorized to receive SSI benefits, except that residents of public institutions who apply jointly for SSI and SNAP benefits prior to their release from the institution in accordance with § 273.11(i), are not categorically eligible upon a finding by SSA of potential SSI eligibility prior to such release. The State agency must consider the individuals categorically eligible at such time as SSA makes a final SSI eligibility and the institution has released the individual. (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.
  
4. 7 C.F.R § 273.2(j)(2)(ii)(A)-(B) and (iii) provide for the following: Expanded Categorical Eligibility (“ECE”). 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. (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. (iii) Any household in which one member receives or is authorized to receive benefits according to paragraphs (j)(2)(i)(B), (j)(2)(i)(C), (j)(2)(ii)(A) and (j)(2)(ii)(B), of this section and the State agency determines that the whole household benefits.

**The Department correctly determined the Appellant's household does not meet the RCE or ECE criteria. Therefore, the household is subject to both the gross and net income eligibility tests.**

5. 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.
6. 7 C.F.R. § 273.1(b)(1)(ii) provides the following: *General household definition*. 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 the Appellant's household is comprised of five individuals.**

7. 7 C.F.R § 273.9(b) provides the following: Definition of income. 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) All wages and salaries of an employee, (ii) the gross income from a self-employment enterprise, (iii) training allowances from vocational and rehabilitative programs recognized by Federal, State, or local governments, (iv) payment under Title I (VISTA, University Year of Action, etc.) of the Volunteer Service Act of 193 (Pub. L. 93-113 Stat., as amended), (v) earnings to individuals who are participating in on-the job training

programs under Title 1 of the Workforce Investment Act of 1998, (vi) educational assistance which has a work requirement (such as work study, an assistantship or fellowship with a work requirement).

8. 7 C.F.R § 273.9(b) provides the following: *Definition of income*. Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (2) Unearned income shall include, but not be limited to: (ii) 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 determined the Appellant's income from [REDACTED] [REDACTED] and temporary disability insurance, as well as her spouse's income from [REDACTED] should be considered countable income for determining SNAP eligibility.**

9. 7 C.F. R § 273.10(c)(2)(i) provides the following: *Determining Income*. 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 gross monthly income from [REDACTED] based on the earnings statements she provided for review (see Finding of Fact # 6 for income calculation)**

**The Department correctly calculated the Appellant's spouse's gross monthly income from [REDACTED] based on the information provided in the PRF (see Finding of Fact # 6 for income calculation). Additionally, the PRF submitted to the Department on [REDACTED] 2023, did not indicate any change in the amount of income from [REDACTED] (\$1,315.69 biweekly)**

Regarding the temporary disability insurance income, the Department had calculated this prior to the Appellant contacting the Benefit Center on [REDACTED], 2023. The PRF submitted to the Department on [REDACTED] 2023, stated the income from this source was terminated on [REDACTED] 2023, however no documentation to support this claim was submitted with the PRF or afterwards.

Based on the income information available to the Department, the household's gross monthly income was correctly calculated to be \$5,914.00.

10.7 C.F.R § 273.9(a)(1)(i)- (iii) provides for the following: *Income eligibility standards.* (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 poverty levels of Alaska. (iii) The income eligibility standards for Hawaii shall be 130 percent of the Federal income poverty levels for Hawaii.

7 C.F.R. § 273.9 (a) (4) provides that the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS website, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap).

The Department correctly determined the Appellant's household which is comprised of five potentially eligible individuals is subject to the SNAP gross income test.

Effective [REDACTED] 2022, the gross income limit for the SNAP increased to 200% of the Federal Poverty Level ("FPL") for SNAP household's that do not contain an elderly or disabled household member.

The Department correctly determined 200% of the FPL for the 48 contiguous States and the District of Columbia was \$5,412.00 effective [REDACTED] 2023.

The Department correctly determined the household's gross monthly averaged income of \$5,914.00 exceeded 200% of the FPL for the 48 contiguous States and the District of Columbia for the month of [REDACTED] 2023.


The Department correctly discontinued the household's SNAP benefits due to excess income effective [REDACTED] 2023.

## DISCUSSION

Under the SNAP, households that do not meet the categorical eligibility requirements of the program are subject to income limits. Because the Appellant's household does not contain an elderly or disabled individual, the assistance unit is subject to the gross income test. This means the household's total gross income must fall below the gross income standard for the household size to conduct an eligibility determination. In the present case, the household's total gross income is above this standard. Therefore, household and/or other expenses are not considered, and no further calculation of eligibility is completed.

## DECISION

The Appellant's appeal is DENIED.

  
Joseph Alexander  
Administrative Hearing Officer

CC: Anjerry Garcia, Operations Manager, DSS, Bridgeport Regional Office  
Robert Stewart, Operations Manager, DSS, Bridgeport Regional Office  
Jamel Hilliard, Field Operations, DSS, Bridgeport Regional Office  
Maria Bernal, Hearing Liaison, DSS, Bridgeport 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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 06105-3725.

### **RIGHT TO APPEAL**

The appellant has the right to appeal this decision to Superior Court with **45** days of the mailing of this decision, or **45** days after the agency denies 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 her 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.