

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3730

██████████ 2023
Signature Confirmation

Case ID # ██████████
Client ID # ██████████
Request # 220755

NOTICE OF DECISION
PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued a Notification of Overpayment and Recoupment to ██████████ (the “Appellant”), indicating she had been overpaid \$843.00 in Supplemental Nutrition Assistance Program (“SNAP”) benefits from the Department and that she must repay the overpayment.

On ██████████, 2023, the Appellant requested an administrative hearing to contest the Department’s decision to recover 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, the Appellant requested to reschedule the administrative hearing.

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 4-184 of the Connecticut General Statutes, inclusive, the Department held an administrative hearing by phone.

The following individuals were present at the hearing:

██████████, Appellant
Quashondra Thomas, Department's Representative
Kristin Haggan, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly determined the Appellant was overpaid \$843.00 in SNAP benefits and whether the Department's recoupment of the SNAP overpayment is correct.

FINDINGS OF FACT

1. In ██████████ 2022, the Appellant applied for SNAP benefits and reported that her total monthly income was \$600.00 (\$300.00 received from her sister per month + \$300.00 received from her mother per month). The Department granted the Appellant a monthly SNAP benefit of \$281.00 for a household of one person. (*Appellant's Testimony, Department's Testimony, Exhibit 11: Letters From Mother and Sister*)
2. There are no disabled or elderly members in the Appellant's household. (*Appellant's Testimony*)
3. The Appellant does not pay any child support or daycare expenses. (*Appellant's Testimony*)
4. On ██████████ 2023, the Department received two W-69 New Hires Match Reports with information received from the Department of Labor ("DOL") stating that the Appellant was hired to work at ██████████ on ██████████ 2022 and that she was hired at ██████████ on ██████████ 2023. (*Exhibit 5: W-69 Reports*)
5. On ██████████ 2023, the Department reviewed the W-69 reports and mailed the Appellant a W-3015 "Your Information Does Not Match" form which notified the Appellant to call or provide verification by ██████████, 2023, if the information it had received from the DOL was incorrect. (*Exhibit 5, Exhibit 9: W-3015*)
6. On ██████████ 2023, the Appellant called the DSS Benefit Center and reported that she is employed by ██████████ and earns \$350.00 per week. She reported that she had never been employed by ██████████. (*Department's Testimony, Exhibit 1: Case Notes*)
7. On ██████████, 2023, the Appellant provided four weeks of wage stubs to the Department from her job at ██████████ and the Department calculated a monthly gross income average of $\$2148.14$ $\frac{\$463.63}{23} + \frac{\$547.38}{23} + \frac{\$496.63}{23} + \frac{\$490.63}{23} = \$1998.27 / 4 = \$499.57 \times 4.3 = \$2148.14$). The Appellant also submitted a letter stating that she had never worked for ██████████. The Department calculated the Appellant's total monthly gross income as \$2748.14 (Earnings from ██████████ \$2148.14 + \$600 income from mother and sister).

The Department issued the Appellant an NOA informing her that it was discontinuing her SNAP benefit effective [REDACTED] 2023, due to her being over the gross income limit. (*Department's Testimony, Exhibit 4: Wage Stubs, Exhibit 8: NOA [REDACTED]/23*)

8. On [REDACTED] 2023, the Appellant visited the DSS Service Center and provided a letter from [REDACTED] stating that her job had ended temporarily as of [REDACTED], 2023, due to the school year ending. The letter explained that the Appellant's job began again for the summer school period of [REDACTED] 2023, through [REDACTED] 2023, and that she would be earning \$15.50 per hour for an average of 21 hours per week during that time. The letter also stated that the Appellant would stop working when the summer school period ended on [REDACTED], 2023, but would resume work again on [REDACTED] 2023, when the new school year began. The Department calculated the Appellant's monthly income based on the summer school wages she would receive from [REDACTED] 2023, through [REDACTED] 2023, as \$1399.65 ($\$15.50 \text{ hourly} \times 21 \text{ hours} = \$325.50 \times 4.3 = \$1399.65$). The Department also reviewed Theworknumber.com website and found that the Appellant is also employed at [REDACTED]. The Department updated the Appellant's case with a 13-week average of her per diem income from [REDACTED], which it calculated as \$532.94 per month ($\$6928.00 / 13 \text{ weeks} = \532.94). The Department calculated the Appellant's total monthly gross income as \$2532.59 ($[REDACTED] \$1399.65 + [REDACTED] \$532.94 + \$600 \text{ from mother and sister} = \2532.59). The Department issued the Appellant a second NOA stating that it was closing her SNAP benefits effective [REDACTED], 2023, due to her being over the gross income limit. (*Exhibit 1, Exhibit 3: Letter from Employer, Exhibit 8: NOA [REDACTED] 23*)
9. On [REDACTED] 2023, the Department referred the Appellant's case to the Investigations Unit because she had not reported her income from [REDACTED] or [REDACTED]. (*Exhibit 1*)
10. On [REDACTED] 2023, The Department's Investigator reviewed Theworknumber.com and found that the Appellant began working at [REDACTED] (also known as [REDACTED]) on [REDACTED] 2022. The Investigator calculated a gross monthly income average of \$1869.16 using her [REDACTED] wages [REDACTED] 23 $\$460.38 + [REDACTED]/23 \$535.25 + [REDACTED]/23 \$460.38 + [REDACTED]/23 \$282.75 = \$1738.36 / 4 = \$434.69 \times 4.3 = \$1869.16$). The Investigator found per Theworknumber.com that the Appellant began working at [REDACTED] on [REDACTED] 2022. The Investigator found that the Appellant only received one wage stub in the month of [REDACTED] 2023, a check dated [REDACTED]/23 for a gross of \$184.00. The Investigator calculated the Appellant's gross income for [REDACTED] 2023 as \$2653.16 ($[REDACTED] \$1869.16 + [REDACTED] \$184.00 + \$600 \text{ cash from mother and sister} = \2653.16). The Investigator determined that the Appellant went over 130% of the Federal Poverty Level ("FPL") for a household size of one person in the month of [REDACTED] 2023. The Investigator determined that the Appellant had not committed an Intentional Program Violation ("IPV") and referred the case to the Department's Claims Unit. (*Exhibit 1, Exhibit 2*)

11. On [REDACTED] 2023, the Department's Claims Worker completed a review of the Appellant's SNAP benefit and determined that the Appellant committed an Unintentional Program Violation ("UPV"). The Claims Worker determined that the Appellant's household income exceeded 130% of the Federal Poverty Limit ("FPL") for a household of one person in [REDACTED] 2023 and the Appellant failed to report the increase by [REDACTED] 2023, which resulted in a SNAP overpayment beginning [REDACTED] 2023. The Claims Worker created SNAP overpayments for the months of [REDACTED] 2023, [REDACTED] 2023, and [REDACTED] 2023. The Department is not pursuing the Appellant for repayment of the SNAP benefit she received in [REDACTED] 2023 because the investigation's referral was made during the month of [REDACTED] it is the adverse action month, and all income was not known at the time of discovery to pursue an overpayment for that month. (*Exhibit 1*)

12. The Appellant received the following gross wages from [REDACTED] in the month of [REDACTED] 2023:

[REDACTED]/23	\$586.00
[REDACTED]/23	\$409.63
[REDACTED]/23	\$496.63
Total	\$1492.26

The Appellant received the following gross wages from [REDACTED] in the month of [REDACTED] 2023:

[REDACTED]/23	\$529.25
[REDACTED]/23	\$551.00
[REDACTED]/23	\$463.63
[REDACTED]/23	\$547.38
Total	\$2091.26

The Appellant received the following gross wages from [REDACTED] in the month of [REDACTED] 2023:

[REDACTED]/23	\$496.63
[REDACTED]/23	\$490.63
[REDACTED]/23	\$403.00
[REDACTED]/23	\$759.50
Total	\$2149.76

The Appellant received the following gross wages from [REDACTED] in the month of [REDACTED] 2023:

[REDACTED]/23	\$338.25
[REDACTED]/23	\$849.00
Total	\$1187.25

The Appellant received the following gross wages from [REDACTED] in the month of [REDACTED] 2023:

[REDACTED]/23	\$1185.75
[REDACTED]/23	\$1150.50
Total	\$2336.25

The Appellant received the following gross wages from [REDACTED] in the month of [REDACTED] 2023:

[REDACTED]/23	\$1334.25
[REDACTED]/23	\$1055.15
Total	\$2389.40

(Exhibit 2: Theworknumber.com)

13. On [REDACTED], 2023, the Department's Claims Worker reviewed Theworknumber.com and calculated the Appellant's SNAP eligibility using the exact gross income received in each month of [REDACTED] 2023, [REDACTED] 2023, and [REDACTED] 2023.

[REDACTED] 2023: [REDACTED] \$1187.25 + [REDACTED] \$1492.26 + \$600 from mother and sister = **\$3279.51**

[REDACTED] 2023: [REDACTED] \$2336.25 + [REDACTED] \$2091.26 + \$600 from mother and sister = **\$5027.51**

[REDACTED] 2023: [REDACTED] \$2389.40 + [REDACTED] \$2149.76 + \$600 from mother and sister = **\$5139.16**

The Department determined that the Appellant was over the monthly gross income limit of **\$2265.00** for a household of one person for each month. The Claims Worker determined the Appellant was eligible to receive the following SNAP benefits:

[REDACTED] 2023	\$0.00
[REDACTED] 2023	\$0.00
[REDACTED] 2023	\$0.00
Total	\$0.00

(Exhibit 1, Exhibit 2: Theworknumber.com Wages)

14. On [REDACTED] 2023, the Department determined that the Appellant received the following SNAP benefits which she was not entitled to and must pay back:

[REDACTED] 2023	\$281.00
[REDACTED] 2023	\$281.00
[REDACTED] 2023	\$281.00
Total	\$843.00

The Department sent the Appellant a Notification of Overpayment and Recoupment. The notice stated that the Appellant received an overpayment of SNAP benefits from [REDACTED] 2023, through [REDACTED] 2023, in the amount of \$843.00 due to "You or

someone in your household has income from employment". (*Exhibit 7: Notification of Overpayment and Recoupment, Exhibit 10: Benefit History Search*)

15. The "Rights and Responsibilities" section of the application informs applicants that they must notify the Department by the 10th day of the following month when their income exceeds 130% of the FPL. (*Department's Testimony*)
16. 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 the agency shall issue a decision within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2023. On [REDACTED] 2023, the Appellant requested to reschedule which caused a delay of [REDACTED] days. Therefore, this decision is due no later than [REDACTED], 2023. (*Hearing Record*)

CONCLUSIONS OF LAW

1. Section 17b-2 (7) of the Connecticut General Statutes provides that 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. § 273.10 (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.

7 C.F.R. § 273.9 (b)(1)(i) provides for the definition of earned income. Earned income shall include all wages and salaries of an employee.

The Department correctly considered the Appellant's earned income from her two employers, [REDACTED] and [REDACTED] in the calculation of her SNAP benefits.

3. 7 C.F.R. § 273.9 (b)(2)(iii) provides that unearned income shall include, but not be limited to, support or alimony payments made directly to the household from non-household members.

The Department correctly considered the monthly cash payments that the Appellant received from her mother and sister as unearned income in the calculation of her SNAP benefits.

4. 7 C.F.R. § 273.2 (j)(2)(E)(ii) provides 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 Stamp 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.

7 C.F.R. § 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 the Food Stamp Program. 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 the Food Stamp Program. 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 levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

The Department correctly determined that the Appellant's household is not categorically eligible, does not contain an elderly or disabled member, and must meet the gross and net SNAP income eligibility standards.

5. 7 C.F.R. § 273.12 (a)(1) provides in part that monthly reporting households are required to report as provided in § 273.21. Quarterly reporting households are subject to the procedures as provided in paragraph (a)(4) of this section. Simplified reporting households are subject to the procedures as provided in paragraph (a)(5) of this section.

7 C.F.R. § 273.12 (a)(5) provides the State agency may establish a simplified reporting system in lieu of the change reporting requirements specified under paragraph (a)(1) of this section. The following requirements are applicable to simplified reporting systems: (i) *Included households*. The State agency may include any household certified for at least 4 months within a simplified reporting system. (ii) *Notification of simplified reporting requirement*. At the initial certification, recertification and when the State agency transfers the households to simplified reporting, the State agency shall provide the household with the following: (A) A written and oral explanation of how simplified reporting works; (B) For households required to submit a periodic report, a written and oral explanation of the reporting requirements including: (1) The additional changes that must be addressed in the periodic report and verified. (iii) *Periodic report*. (A) *Exempt households*. The State agency must not require the submission of periodic reports by households certified for 12 months or less in which all adult members are elderly or have a disability with no earned income.

The Appellant's household is subject to simplified reporting requirements.

6. 7 C.F.R. § 273.12(a)(5)(v) provides for reporting when gross income exceeds 130 percent of poverty. A household subject to simplified reporting in accordance with paragraph (a)(5)(i) of this section, whether or not it is required to submit a periodic report, must report when its monthly gross income exceeds the monthly gross income limit for its household size, as defined at §273.9(a)(1). The household shall use the monthly gross income limit for the household size that existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.

The Department correctly determined that the Appellant's household's gross income exceeded 130% of the FPL in ██████████ 2023.

7. 7 C.F.R. § 273.9 (a) (1) provides 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.

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.

Effective June 19, 2009, the Department implemented SNAP changes referred to as Expanded Categorical Eligibility ("ECE").

Effective October 1, 2022, the gross income limit for the SNAP increased from 185% of the FPL to 200% of the FPL for SNAP households that do not contain an elderly or disabled member.

The Department correctly used \$2265.00 (200% of the FPL for a household of one person effective October 1, 2022, through September 30, 2023) when it determined the Appellant's eligibility for SNAP for the months of ██████████ 2023, ██████████ 2023, and ██████████ 2023.

The Department correctly determined that the Appellant's gross income of \$3279.51 in the month of ██████████ 2023 exceeded the gross income limit of \$2265.00 for a household of one person.

The Department correctly determined that the Appellant's gross income of \$5027.51 in ██████████ 2023 exceeded the monthly gross income limit of \$2265.00 for a household of one person.

The Department correctly determined that the Appellant's gross income of \$5139.16 in ██████████ 2023 exceeded the monthly gross income limit of \$2265.00 for a household of one person.

8. 7 C.F.R. § 273.18(a)(1)(i) provides in part that a recipient claim is an amount owed because of benefits that are overpaid.

7 C.F.R. § 273.18 (a)(2) provides that this claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency must establish and collect any claim by following these regulations. (3) The State Agency must develop a plan for establishing and collecting claims.

7 C.F.R. § 273.18 (b) provides for three types of claims:

- 1) Intentional Program violation (IPV) claims are any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in §273.16.
- 2) Inadvertent household error (IHE) claims are any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household.
- 3) Agency error (AE) claims are any claim for an overpayment caused by an action or failure to take action by the State agency.

The Department determined the Appellant's claim to be an unintentional IHE. The SNAP overpayments are considered a household error in nature and must be repaid.

9. 7 C.F.R. § 273.18(c)(1)(ii) provides that the actual steps for calculating a claim are you (A) determine the correct amount of benefits for each month that a household received an overpayment, (B) do not apply the earned income deduction to any earned income that the household failed to report in a timely manner when this act is the basis for the claim unless the claim is an administrative error claim then apply the earned income deduction, and (C) subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment.

The Department correctly determined that the Appellant was entitled to \$0 of SNAP benefits during the months of █████ 2023, █████ 2023, and █████ 2023, because she was over the 200% FPL gross income limit for a household of one person.

The Department correctly determined that the Appellant was overpaid SNAP benefits of \$281.00 per month for █████ 2023, █████ 2023, and █████ 2023, which she was not entitled to.

The Department correctly determined that the Appellant must repay the monthly SNAP benefits of \$281.00 that she received for █████ 2023, █████ 2023, and █████ 2023, which total \$843.00.

10. 7 C.F.R. § 273.18 (e)(3)(i) provides that the State Agency must provide written notification to begin action on any claim.

7 C.F.R. § 273.18 (e)(3)(iv) provides in part that the initial demand letter or notice of adverse action must include language stating (A) the amount of the claim, (B) the intent to collect from all adults in the household when the overpayment occurred, (C) the type and reason for the claim, (D) the time period associated with the claim, (E) how the claim was calculated, and (F) the phone number to call for more information about the claim.

On █████, 2023, the Department issued a notification to the Appellant and properly informed her of the SNAP overpayment amount, the reason for the claim, the time period associated with the claim, how the claim was calculated, the recoupment methods available to her, and a phone number to call for more information.

DISCUSSION

The Appellant reported during the hearing that she no longer receives monthly cash of \$600.00 from her mother and sister. The Appellant acknowledged that prior to the hearing she had not reported to the Department that this income had ended. The Department was unaware that the Appellant was no longer receiving income from her mother and sister, therefore, the income was correctly included in the monthly SNAP calculations.

The Appellant stated during the hearing that she agreed she went over the income limit when she began working, but because she did not know she had to report her new income, she felt she should not have to repay the SNAP benefits that she received from [REDACTED] through [REDACTED] 2023. The Department advised that all applicants are notified of the simplified reporting rules during the application process, and there is verbiage about this under the "Rights and Responsibilities" portion of the application.

The Appellant should have reported her income to the Department by the 10th day of the month following when she exceeded 130% of the FPL, which was in [REDACTED] 2023, therefore, she should have reported her income to the Department by [REDACTED], 2023.

The Department correctly used the Appellant's exact income received for each month of [REDACTED] 2023, [REDACTED] 2023, and [REDACTED] 2023 and found that the Appellant was over the gross income limit for a household of one person for each month and must repay the entire SNAP benefit that she received of \$281.00 per month, for a total of \$843.00.

DECISION

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

Kristin Haggan

Kristin Haggan
Hearing Officer

Cc: Annjerry Garcia, SSOM, DSS, Bridgeport Office
Robert Stewart, SSOM, DSS, Bridgeport Office
Jamel Hilliard, SSOM, DSS, Bridgeport Office
Quashondra Thomas, Fair Hearing Liaison, DSS, Bridgeport 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, law, and 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 the 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 the 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 if 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 to 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 under §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.