

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

██████████, 2023
Signature confirmation

Case: ██████████
Client: ██████████
Request: 222184

NOTICE OF DECISION

PARTY

██████████
██████████
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PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued ██████████ ██████████ (the “Appellant”) a *Notice of Action* increasing her household’s Supplemental Nutrition Assistance Program (“SNAP”) benefits to \$51.00 per month, effective ██████████ ██████████, 2023.

On ██████████ 2023, the Appellant filed a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”).

On ██████████ 2023, the OLCRAH scheduled 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, and Section 273.15 (a) of Title 7 of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held a hearing by telephone conferencing. The following individuals participated:

██████████, Appellant
Willie Roundtree, Department Representative
Eva Tar, Hearing Officer

The hearing record closed on ██████████ 2023.

STATEMENT OF ISSUE

The issue is whether the Department correctly determined that the Appellant's household was eligible for \$51.00 in SNAP benefits for the [REDACTED] 2023 service month.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old. (Appellant Testimony)
2. The Appellant lives with her child who is less than two years old. (Appellant Testimony)
3. The Appellant and her child are not disabled. (Appellant Testimony)
4. In [REDACTED] 2023, the [REDACTED] (the "employer") paid the Appellant \$17.51 per hour, 40 hours per week. (Dept. Exhibit 1)
5. On [REDACTED] 2023, the Department terminated the Appellant's Temporary Family Assistance cash benefits effective [REDACTED] 2023. (Dept. Exhibit 2)
6. In [REDACTED] 2023, the Department issued the Appellant \$21.00 in SNAP benefits. (Dept. Exhibit 3)
7. In [REDACTED] 2023, the employer paid the Appellant \$19.00 per hour, for 40 hours per week. (Appellant Exhibit A)
8. In [REDACTED] 2023, the Appellant grossed \$760.00 per week in wages. (Appellant Exhibit A)
9. On [REDACTED] 2023, the Department issued increased the Appellant's SNAP benefits to \$51.00 per month effective [REDACTED] 2023. (Dept. Exhibit 3)
10. The Department's [REDACTED] 2023 calculation of the Appellant's SNAP benefits used \$687.27 per week to represent the Appellant's gross wages per week instead of accurately reflecting the Appellant's pay increase to \$760.00 per week. (Dept. Exhibit 3)
11. Title 7, Section 273.15 (c)(1) of the Code of Federal Regulations ("C.F.R.") provides: "Within 60 days of 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 are notified of the decision...." On [REDACTED] 2023, the OLCRAH received the Appellant's request for an administrative hearing; this hearing decision would have become due by no later than [REDACTED] 2023. This decision is timely.

CONCLUSIONS OF LAW

1. The Department is the state agency for the administration of the SNAP pursuant to the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

The Department has the authority under State statute to administer the SNAP in Connecticut.

2. "The commissioner shall make periodic investigations to determine eligibility and may, at any time, modify, suspend or discontinue an award previously made when such action is necessary to carry out the provisions of the ... supplemental nutrition assistance program...." Conn. Gen. Stat. § 17b-80 (a).

The Department has the authority, at any time, to modify the Appellant's monthly benefit when it is necessary to carry out the provisions of the SNAP.

3. Title 7, Section 273.1 (b)(1) of the Code of Federal Regulations ("C.F.R.") provides: "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 Appellant's household is a SNAP household of two.

4. "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: (i) All wages and salaries of an employee." 7 C.F.R. § 273.9 (b)(1)(i).

With respect to the SNAP, the Appellant's gross wages are counted income.

5. "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...." 7 C.F.R. § 273.10 (c)(2)(i).

For the purposes of the SNAP, the Appellant's anticipated gross monthly wages for the [REDACTED] 2023 service month equals \$3,268.00. [\$760.00 (gross wages per week) multiplied by 4.3 weeks per month]

6. "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 do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. ... 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).

As a condition of SNAP eligibility, the Appellant's SNAP household is subject to the Program's gross income limit, as her household contains no elderly or disabled members.

7. "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)(1)(i).

Title 7, Code of Federal Regulations, Section 273.2 (j)(2)(ii) and (iii) addresses the State option of extending categorical eligibility to further the purposes of the Food and Nutrition Act of 2008.

Under Expanded Categorical Eligibility, Connecticut utilizes a SNAP gross income limit of 200 percent of the Federal Poverty Level effective October 1, 2022.¹

With respect to the SNAP, the Federal Poverty Level for a household of two equaled \$18,310.00 per year, or \$1,643.33 per month² for the period from October 1, 2022 through September 30, 2023.

In September 2023, 200 percent of the Federal Poverty Level for a household of two equaled \$36,620.00 per year, or \$3,052.00 per month.

The Appellant's anticipated gross monthly wages of \$3,268.00 exceeded \$3,052.00, or 200 percent of the Federal Poverty Level for a household of two, the gross income limit under Connecticut's implementation of Expanded Categorical Eligibility.

The Appellant's household was ineligible to receive SNAP benefits in [REDACTED] 2023, as her anticipated gross monthly income exceeded the SNAP gross income limit under Connecticut's implementation of Expanded Categorical Eligibility.

The Department incorrectly determined that the Appellant's household was eligible for \$51.00 in SNAP benefits for the [REDACTED] 2023 service month, as her household was not eligible to participate in the SNAP.

DISCUSSION

The Appellant's household was ineligible to receive SNAP benefits for the [REDACTED] 2023 service month as her anticipated gross month wages of \$3,268.00 exceeded \$3,052.00, the SNAP gross monthly income limit for a household of two under Connecticut's implementation of Expanded Categorical Eligibility.

¹ *POGA Communication to DSS Eligibility Staff, 9/6/2022.*

² *Annual Update of the HHS Poverty Guidelines, 88 Fed. Reg. 3424 (January 19, 2023).*

The Appellant's income changed when her hourly wages increased to \$19.00 per hour. The Department must update its computation of the household's SNAP benefit to accurately incorporate the Appellant's increase in pay to \$19.00 per hour, 40 hours per week.

However, effective [REDACTED] 2023, the SNAP gross monthly income limits increased for all Connecticut households. The Appellant's household may be eligible to receive SNAP benefits based on the change in income limits.

DECISION

The Appellant's appeal is GRANTED in that the undersigned hearing officer finds that the Department incorrectly computed her household's SNAP benefits for the [REDACTED] 2023 service month. The Appellant's household was ineligible to receive SNAP in [REDACTED] 2023.

The Department is advised to recalculate the household's SNAP benefits for [REDACTED] 2023 to reflect the Appellant's increase in pay.

Eva Tar-electronic signature

Eva Tar

Hearing Officer

cc: Willie Roundtree, DSS-New Haven
Sarah Chmielecki, DSS-New Haven
Tim Latifi, DSS-New Haven
Ralph Filek, DSS-New Haven

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 Legal Counsel, Regulations, and Administrative Hearings, 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 his 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.