

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3725

[REDACTED], 2023
Signature Confirmation

Case ID # [REDACTED]

Client ID # [REDACTED]

Request # 223896

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED], 2023, the Department of Social Services (the “Department”) sent [REDACTED] (the “Appellant”) a Notice of Action (“NOA”) discontinuing her Supplemental Nutrition Assistance Program (“SNAP”) benefits effective [REDACTED] 2023, because her monthly gross income is above the program limit for her household size.

On [REDACTED], 2023, the Appellant requested an administrative hearing to contest the Department’s discontinuance of her SNAP 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], 2023, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by phone.

The following individuals participated in the hearing:

[REDACTED], Appellant
Chris Filek, Department’s Representative
Kristin Haggan, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department was correct to discontinue the Appellant's SNAP benefits effective [REDACTED], 2023, due to having a monthly gross income above the program limit.

FINDINGS OF FACT

1. On [REDACTED] 2023, the Department received the Appellant's W-1ER SNAP renewal form. The Appellant provided five weeks of wage stubs from her job at [REDACTED] and a rent verification letter. (*Exhibit 1: Case Notes, Exhibit 3: Wage Stubs, Hearing Summary*)
2. On [REDACTED], 2023, the Department processed the Appellant's renewal and completed a SNAP telephone interview with the Appellant. The Department reviewed the wage stubs that the Appellant provided from her job at [REDACTED] ([REDACTED]/23 \$505.21, [REDACTED]/23 \$806.69, [REDACTED] 23 \$868.43, [REDACTED]/23 \$929.66, [REDACTED] 23 \$687.89). The Department reviewed Theworknumber.com and found for the pay date [REDACTED] the Appellant received gross wages of \$860.65. The Department updated the Appellant's case with the four most recent weeks of gross wages available and calculated a monthly average of \$3597.63 for the ongoing months ([REDACTED]/23 \$868.43 + [REDACTED]/23 \$929.66 + [REDACTED]/23 \$687.89 + [REDACTED] 23 \$860.65 = \$3346.63 / 4 = \$836.66 x 4.3 = \$3597.63). (*Exhibit 1, Exhibit 2: NOA, Exhibit 3*)
3. The Appellant does not dispute the gross wage amounts that the Department used in its income calculation. (*Appellant's Testimony*)
4. The Appellant's household consists of herself and her one minor child. (*Appellant's Testimony*)
5. The Appellant's household income consists of only her earnings from her job at [REDACTED]. She receives no child support or unearned income. (*Appellant's Testimony*)
6. The Appellant is not active on any cash assistance programs. (*Hearing Record*)
7. The Appellant's household does not contain an elderly or disabled individual. (*Hearing Record, Appellant's testimony*)
8. The Appellant does not pay child support or daycare expenses. (*Appellant's Testimony*)
9. The Appellant pays a monthly rent expense of \$825.00, and she pays for a separate electric heat expense. (*Exhibit 4: Rent Verification Letter, Appellant's Testimony*)

10. On [REDACTED], 2023, the Department issued the Appellant an NOA informing her that it was discontinuing her SNAP benefits effective [REDACTED], 2023, because her household is over the gross income limit for a household of two people. (Exhibit 2: NOA).

11. 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; therefore, this decision is due no later than [REDACTED], 2023. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) 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 to determine whether her household meets the program's eligibility requirements.

2. 7 C.F.R § 273.10(f) provides the following: *Certification periods*. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

7 C.F.R § 273.14(a) provides the following: *General*. No household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

The Department correctly issued a SNAP renewal form to the Appellant.

3. 7 C.F.R. § 273.2(e) (2) provides the State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that

a telephone interview will be used for a household and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

The Department completed the interview requirement with the Appellant by telephone.

4. 7 C.F.R. § 273.1(a) provides for Household concept and provides that 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 consumption separate or 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) provides that the following individuals who live with others must be considered as customarily purchasing food and preparing meals with 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); and
- (iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

The Department correctly determined the Appellant's SNAP household consists of two members, herself and one child.

5. 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 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 that 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 that 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)).

7 C.F.R. § 271.2 defines an elderly or disabled member as a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.

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

6. 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 July 1, 2009, the gross income limit for the SNAP increased to 185% of the Federal Poverty Level ("FPL") for SNAP households that do not contain an elderly or disabled household member.

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

The Department correctly used \$3052.00 (200% of the FPL for a household of two members effective October 1, 2022, to September 30, 2023) in its eligibility determination.

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

7 C.F.R. § 273.10 (c) provides for determining income—(1) *Anticipating income*. (i) 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 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.

7 C.F.R. § 273.10 (c) (2) (i) provides for converting income into monthly amounts. 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 monthly gross earned income as \$3597.63 using the four most recent weeks of verifications $\frac{■}{23} \$868.43 + ■/3 \$929.66 + ■/23 \$687.89 + ■/23 \$860.65 = \$3346.63/4 = \$836.66 \times 4.3 = \$3597.63$.

The Department correctly determined the Appellant's household's gross monthly income of \$3597.63 is over the gross income limit of \$3052.00 for a household size of two.

DISCUSSION

The Appellant testified at the hearing that the gross earned income amounts used by the Department in its income calculation were correct. The Appellant does not dispute the Department's calculation; however, she disagrees with the gross income limit standards.

Under 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, therefore, the individual's gross income must fall below the gross income standard to conduct an eligibility determination. In the Appellant's case, her gross

income of \$3597.63 is above this standard. Therefore, household or other expenses are not considered, and no further calculation of eligibility is completed.

DECISION

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

Kristin Haggan
Kristin Haggan
Hearing Officer

CC: Brian Sexton, SSOM, DSS, Middletown Office
Chris Filek, Fair Hearing Liaison, DSS, Middletown 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.