

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 # 225367

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

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

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department’s discontinuance of her SNAP benefits.

On ██████████, 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2023.

On ██████████, 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:

██████████, Appellant  
Shannon Shlash, 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. The Appellant was certified to receive SNAP benefits for a household of three people, effective [REDACTED] 2023. (*Hearing Record, Exhibit 4: Federal SNAP Income Test*)
2. The Appellant's household consists of herself and her two minor children, ages [REDACTED] and [REDACTED]. (*Appellant's Testimony*)
3. The Appellant's household income consists of earnings from her jobs at [REDACTED] and [REDACTED]. She receives no child support or unearned income. (*Appellant's Testimony*)
4. The Appellant is not active on any cash assistance programs. (*Hearing Record, Appellant's Testimony*)
5. The Appellant's household does not contain an elderly or disabled individual. (*Hearing Record, Appellant's testimony*)
6. The Appellant does not pay child support and she does not currently have daycare expenses. (*Appellant's Testimony, Exhibit 8: DSS Hearing Request Form*)
7. The Appellant pays a monthly rent expense of \$1100.00, and she pays a separate expense for electric heat. (*Appellant's Testimony*)
8. On [REDACTED] 2023, the Appellant submitted an Online Change Report Form ("ONCH") reporting earned income from [REDACTED] (*Exhibit 1: ONCH*)
9. On [REDACTED] 2023, the Department processed the Appellant's ONCH and verified her gross bi-weekly earned income from [REDACTED] [REDACTED] per Theworknumber.com. The Appellant received the following gross wages from [REDACTED]: [REDACTED]/23 \$1602.00, [REDACTED]/23 \$1600.40. The Department also verified the Appellant's gross weekly wages from her second employer, [REDACTED] (also known as "Retail Business Services"), per CCCVerify. The Appellant received the following gross wages from [REDACTED]: [REDACTED]/23 \$361.11, [REDACTED]/23 \$62.80, [REDACTED]/23 \$239.43, [REDACTED] 23 \$284.57. (*Department's Testimony, Exhibit 5: Theworknumber.com Wage Verification, Exhibit 6: CCCVerify Wage Verification*)
10. The Appellant does not dispute the gross wage amounts that the Department used in its income calculation on [REDACTED], 2023. (*Appellant's Testimony*)

11. 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 three people. (*Exhibit 3: NOA*).
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 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. § 273.1(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 three members, herself and her two minor children.**

3. 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.**

4. 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](http://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 the gross income limit of \$4144.00 (200% of the FPL for a household of three members effective October 1, 2023, to September 30, 2024) in its eligibility determination.**

5. 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 from [REDACTED] as \$3442.58 using the two most recent bi-weekly gross wages [REDACTED]/23 \$1602.00 + [REDACTED]23 \$1600.40 = \$3202.40 / 2 = \$1601.20 x 2.15 = \$3442.58).**

**The Department correctly calculated the Appellant's monthly gross earned income from [REDACTED] as \$1019.01 using the four most recent weekly gross wages available at that time [REDACTED]/23 \$361.11 + [REDACTED]/23 \$62.80 + [REDACTED]/23 \$239.43 + [REDACTED]/23 \$284.57 = \$947.91 / 4 = \$236.98 x 4.3 = \$1019.01).**

**The Department correctly calculated the Appellant's monthly gross income total of \$4461.59 ([REDACTED] \$3442.58 + [REDACTED] \$1019.01 = \$4461.59).**

The Department correctly determined the Appellant's household's gross monthly income of \$4461.59 is over the gross income limit of \$4144.00 for a household size of three members.

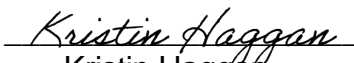
### DISCUSSION

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 and feels that only the net income should be counted.

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 \$4461.59 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  
Hearing Officer

CC: Sarah Chmielecki, SSOM, DSS, New Haven Office  
Tim Latifi, SSOM, DSS, New Haven Office  
Ralph Filek, SSOM, DSS, New Haven Office  
Shannon Shlash, Fair Hearing Liaison, DSS, New Haven 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.