

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: 225769

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

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

On ██████████, 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the Appellant’s hearing request.

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 Title 7, Section 273.15 of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held an administrative hearing. The following individuals participated by telephone conferencing:

██████████, Appellant
Christine Faucher, Department Representative
Eva Tar, Hearing Officer

The hearing record closed ██████████, 2023.

STATEMENT OF ISSUE

The issue is whether the Department correctly determined that the Appellant's household was ineligible to participate in the SNAP effective [REDACTED] 2023.

FINDINGS OF FACT

1. The Appellant is less than [REDACTED] years old. (Appellant Testimony)
2. The Appellant lives with her [REDACTED]-year-old son. (Appellant Testimony)
3. The Appellant and her son are not disabled. (Appellant Testimony)
4. The Appellant is not a citizen of the United States. (Appellant Testimony)
5. The Appellant has a passport and is residing in the United States under an expired visitor's visa. The Appellant does not have lawful permanent resident status. (Appellant Testimony)
6. The Appellant's son was born in the United States. (Appellant Testimony)
7. The Appellant works for [REDACTED]. (Appellant Testimony)(Exhibit 2)
8. The Appellant's source of income is her wages; her household does not receive Social Security, SSI [Supplemental Security Income], disability income, or child support. (Appellant Testimony)
9. In [REDACTED] 2023, the Appellant grossed \$6,974.25 in wages. (Exhibit 2)
10. In [REDACTED] 2023, the Appellant grossed \$7,236.00 in wages. (Exhibit 2)
11. In [REDACTED] 2023, the Appellant grossed \$7,301.03 in wages from her employer. (Exhibit 2)
12. The SNAP certification period of the Appellant's household ran from [REDACTED] 2022 through [REDACTED], 2023. (Exhibit 6)
13. On [REDACTED] 2023, the Department received the Appellant's SNAP renewal form. (Exhibit 4)
14. On [REDACTED] 2023, the Department issued a *Notice of Action* terminating the SNAP benefits of the Appellant's household effective [REDACTED] 2023. (Exhibit 5)
15. Title 7, Code of Federal Regulations, Section 273.15 (c)(1) provides in part that "[w]ithin 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 ██████████, 2023, the OLCRAH received the Appellant’s hearing request. This decision would have been due by no later than ██████████ 2023. This decision is timely.

CONCLUSIONS OF LAW

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

The Department has the authority to administer the SNAP in Connecticut.

2. Title 7, Code of Federal Regulations (“C.F.R.”) Section 273.1 (a) provides: “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.”

“Ineligible household members. The following persons are not eligible to participate as separate households or as a member of any household: (i) Ineligible aliens and students as specified in §§ 273.4 and 273.5, respectively....” 7 C.F.R. § 273.1 (b)(7)(i).

Title 7, Code of Federal Regulations, Section 273.4 addresses the citizenship and alien status requirements of the SNAP. Subsection (a)(1) provides that U.S. citizenship satisfies the citizenship requirement. Subsections (a)(2) through (a)(6) of this citation provides the specific criteria for alien residents lawfully residing in the United States to meet the requirement to be an eligible alien.

For the purposes of the SNAP, the Appellant’s son meets the citizenship criteria described at 7 C.F.R. § 273.4 (a)(1).

For the purposes of the SNAP, the Appellant is not lawfully residing in the United States as her visitor’s visa has expired, and the U.S. Citizenship and Immigration Services (USCIS) has not granted her lawful permanent residence or other lawful immigration status.

The Appellant does not meet the eligible alien requirements of the SNAP as described at 7 C.F.R. § 273.4 (a)(2) through (a)(6).

As the Appellant is an ineligible alien, the Appellant’s SNAP household is a household of one, i.e., the Appellant’s son.

3. “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. ...

Households must apply for recertification and comply with interview and verification requirements.” 7 C.F.R. § 273.14 (a).

The Appellant correctly submitted her SNAP renewal form prior to [REDACTED], 2023, the final day of her household’s SNAP certification period.

4. “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....” 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 and the Program’s net income limit, as the Appellant’s son is neither elderly nor disabled.

5. **“Application for recertification.** Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. The level of benefits for recertifications shall be based on the same anticipated circumstances....” 7 C.F.R. § 273.10 (a)(2).
6. “Available resources at the time the household is interviewed shall be used to determine the household's eligibility.” 7 C.F.R. § 273.10 (b).

“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....” 7 C.F.R. § 273.9 (b)(1)(i) and (ii).

For the purposes of the SNAP, the Appellant’s wages are earned income.

7. **“Treatment of income and resources of certain nonhousehold members.** During the period of time that a household member cannot participate for the reasons addressed in this section, the eligibility and benefit level of any remaining household members shall be determined in accordance with the procedures outlined in this section.” 7 C.F.R. § 273.11 (c).

Title 7, Code of Federal Regulations, Section 273.11 (c)(3)(i) provides:

Ineligible alien. The State agency must determine the eligibility and benefit level of any remaining household members of a household containing an ineligible alien as follows:

- (i) The State agency must count all or, at the discretion of the State agency, all but a pro rata share, of the ineligible alien's income and deductible expenses and all of the ineligible alien's resources in accordance with paragraphs (c)(1) or (c)(2) of this section. *In exercising its discretion under this paragraph (c)(3)(i), the State agency may count all of the alien's income for purposes of applying the gross income test for eligibility purposes while only counting all but a pro rata share to apply the net income test and determine level of benefits....”*

7 C.F.R. § 273.11 (c)(3)(i). (emphasis added)

The Department correctly determined that the Appellant’s gross wages must be used to determine whether her son is eligible to receive SNAP benefits.

8. “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....” 7 C.F.R. § 273.10 (c)(1)(i).

“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. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated....” 7 C.F.R. § 273.10 (c)(1)(ii).

The Appellant’s gross wages were consistent in the three months leading up to the expiration of her SNAP certification period on ██████████ 2023.

The Department correctly reviewed the Appellant’s gross wages received in ██████████ 2023—30 days prior to the Appellant’s ██████████ 2023 submission of her SNAP renewal form—to determine whether the Appellant’s son would be eligible to participate in the SNAP after ██████████ 2023.

9. “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.

One hundred percent of the Federal Poverty Level for an individual residing in the 48 contiguous States and the District of Columbia equals \$14,580.00 per year in 2023.¹

Under Expanded Categorical Eligibility, Connecticut utilizes a SNAP gross income limit of 200 percent of the Federal Poverty Level, effective October 1, 2023.²

Two hundred percent of the Federal Poverty Level under Expanded Categorical Eligibility for a SNAP household of one equals \$2,430.00 per month.

¹ *Annual Update of the HHS Poverty Guidelines*, 88 Fed. Reg. 3424-3425 (January 19, 2023).

² *POGA Communication to: DSS Eligibility Staff, 8/25/2023.*

The Appellant's gross wages of \$7,301.03 in [REDACTED] 2023 exceeded \$2,430.00, or 200 percent of the Federal Poverty Level per month, the gross income limit for an individual under Connecticut's implementation of Expanded Categorical Eligibility.

The Department correctly determined that the Appellant's household was ineligible to participate in the SNAP effective [REDACTED] 2023.

DECISION

The Appellant's appeal is DENIED.

Eva Tar
Hearing Officer

Cc: Christine Faucher, DSS-Manchester
Angelica Branfalt, DSS-Manchester
Nawaz Shaikh, DSS-Manchester

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 Administrative Hearings and Appeals, 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 the Commissioner's 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.