

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: 226526

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued ██████████ (the “Appellant”) a *Notice of Action* that she was eligible for \$23.00 per month in Supplemental Nutritional Assistance Program (“SNAP”) benefits effective ██████████ 2023.

On ██████████ 2023, ██████████, the Appellant’s adult son and her authorized representative, submitted 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 and videoconferencing. The Appellant’s authorized representative represented the Appellant’s interests at the hearing as the Appellant was unable to participate due to her medical condition. The following individuals attended the hearing:

██████████, Appellant Representative (son)
Ciera Borders, Department Representative
Karen Melillo, Department Observer/Facilitator

Eva Tar, Hearing Officer

The hearing record closed on [REDACTED] 2023.

STATEMENT OF ISSUE

The issue is whether the Department correctly determined that the Appellant was eligible for \$23.00 in SNAP benefits for the [REDACTED] 2023 service month.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old. (Appellant Representative Testimony)
2. The Appellant has [REDACTED]. (Appellant Representative Testimony)
3. The Appellant is a Lawful Permanent Resident alien; her adult son is her sponsor. (Dept. Exhibit 10)
4. The Appellant lives with her adult son in his apartment. (Appellant Representative Testimony)
5. The Appellant's adult son grosses \$1,991.72 biweekly in workers compensation. (Dept. Exhibit 6)
6. On [REDACTED] 2023, the Appellant applied in person with her adult son at the Department's Bridgeport Regional Office for SNAP benefits, medical assistance, and cash assistance. (Appellant Representative Testimony) (Dept. Exhibit 10)
7. The Appellant did not claim a rental obligation when questioned by a Department employee as part of the interactive application process. (Dept. Exhibit 10)
8. The Appellant's adult son pays \$785.00 per month in rent; heat is not included in his rent. (Appellant Representative Testimony)
9. On [REDACTED], 2023, the Department issued the Appellant a *Notice of Action* granting the Appellant \$281.00 in SNAP benefits as a household of one, effective [REDACTED] 2023. (Dept. Exhibit 2) (Department Representative Testimony)
10. The [REDACTED], 2023 *Notice of Action* notified the Appellant that she was eligible for \$23.00 per month in SNAP benefits effective [REDACTED] 2023. (Dept. Exhibit 2)
11. The [REDACTED] 2023 *Notice of Action* notified the Appellant that she was eligible for \$245.00 per month in SAGA¹ cash benefits effective [REDACTED] 2023. (Dept. Exhibit 2)

¹ State Administered General Assistance.

12. The [REDACTED] 2023 *Notice of Action* notified the Appellant that she was eligible for medical coverage under the HUSKY-C program and for HUSKY-C/Home and Community Based Services effective [REDACTED] 2023. (Dept. Exhibit 2)
13. The Appellant does not have unpaid medical expenses. (Appellant Representative Testimony)
14. 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 request for an administrative hearing; this hearing decision would have become due by no later than [REDACTED] 2024. 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 may, at any time, to modify the Appellant’s monthly benefit when it is necessary to carry out the provisions of the SNAP.

3. “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).

“Unearned income shall include, but not be limited to: (i) Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in § 271.2); or other assistance programs based on need....” 7 C.F.R. § 273.9 (b)(2)(i).

As the Appellant is a SAGA recipient, she is participating in a general assistance program based on need.

For the purposes of the SNAP, the Appellant’s gross monthly SAGA cash benefits is counted, unearned income.

4. “Unearned income shall include, but not be limited to: (i) ... ; (ii) Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in § 272.12;” 7 C.F.R. § 273.9 (b)(2)(ii).

With respect to the SNAP, the gross monthly workers compensation of the Appellant's adult son is counted unearned income.

5. “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).

“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 SAGA benefits equal \$245.00 per month.

For the purposes of the SNAP, the workers compensation of the Appellant's adult son equals \$4,282.19 per month. [\$1,991.72 (biweekly amount) multiplied by 2.15 weeks per month]

6. 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.”

Title 7, Code of Federal Regulations, Section 273.1 (b)(2) provides:

Elderly and disabled persons. Notwithstanding the provisions of paragraph (a) of this section, an otherwise eligible member of a household who is 60 years of age or older and is unable to purchase and prepare meals because he or she suffers from a disability considered permanent under the Social Security Act or a non disease-related, severe, permanent disability may be considered, together with his or her spouse (if living there), a separate household from the others with whom the individual lives. *Separate household status under this provision must not be granted when the income of the others with whom the elderly disabled individual resides (excluding the income of the elderly and disabled individual and his or her spouse) exceeds 165 percent of the poverty line.*

7 C.F.R. § 273.1 (b)(2). (emphasis added)

In 2023, 100 percent of the Federal poverty level for two equaled \$19,720.00² per year, or \$1,643.33 per month.

In 2023, 165 percent of the Federal poverty level for two equaled \$32,538.00 per year, or \$2,711.50 per month.

For the purposes of the SNAP, the Appellant and her adult son are a household of two, as the Appellant adult son's gross monthly income of \$4,282.19 exceeds \$2,711.50, i.e., 165 percent of the Federal poverty level for two.

The Department erred when it evaluated the Appellant's eligibility for SNAP benefits as a SNAP household of one rather than evaluating the Appellant and her adult son as a SNAP household of two.

DISCUSSION

The Appellant resides with her adult son in an efficiency apartment. The Appellant has [REDACTED] and receives homecare services through the HUSKY-C/Home and Community Based Services program. The Appellant's adult son grosses \$1,9771.72 biweekly in workers compensation benefits.

In error, the Department screened and granted the Appellant's [REDACTED] 2023 SNAP application as a household of one. The Department should have screened and evaluated the SNAP application as a household of two—made up of the Appellant and her adult son—as the adult son's gross monthly income exceeded 165 percent of the Federal poverty level for a household of two. (See 7 C.F.R. § 273.1 (b)(2).)

The Department must rescreen the Appellant's [REDACTED] 2023 SNAP application as a request for benefits for a household of two. The Department must incorporate into its SNAP calculation the son's rental obligation as well as any other permitted deductions.

DECISION

The issue is REMANDED to the Department for further action.

ORDER

1. The Department will rescreen the Appellant's [REDACTED] 2023 SNAP application and add the Appellant's adult son as a second household member. In evaluating the household's eligibility for SNAP, the Department will incorporate the adult son's income as well as all permitted deductions and allowances, including but not limited to his rental obligation and the Standard Utility Allowance.

² *Annual Update of the HHS Poverty Guidelines*, 88 Fed. Reg. 3424-3425 (January 19, 2023).

2. Provided all factors of eligibility are met, the Department will issue a *Notice of Action* granting, denying, or amending the two-person SNAP household's application effective [REDACTED] 2023.
3. Within 21 calendar days of the date of this Decision, or [REDACTED] 2024, documentation of compliance with this order is due to the undersigned.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

cc: Ciera Borders, DSS-Hartford
Josephine Savastra, DSS-Hartford
Lindsey Collins, DSS-Hartford
Mathew Kalarickal, DSS-Hartford
Wilfredo Medina, DSS-Hartford
Karen Melillo, DSS-Bridgeport
Annjerry Garcia, DSS-Bridgeport
Robert Stewart, DSS-Bridgeport
Jamel Hilliard, DSS-Bridgeport

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.