

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

[REDACTED] 2024
Signature Confirmation

Case # [REDACTED]
Client ID # [REDACTED]
Request # [REDACTED]

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 benefits under the Supplement Nutrition Assistance Program ("SNAP") effective [REDACTED] 2023.

On [REDACTED] 2023, the Appellant requested an administrative hearing to contest the Department's decision to discontinue 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, the Appellant requested to reschedule the administrative hearing.

On [REDACTED] 2023, 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 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals were present at the hearing:

[REDACTED] Appellant

Brad Wheeler, Department's Representative
Alisha Laird, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP benefits due to her household income exceeding the income limit.

FINDINGS OF FACT

1. The Appellant's household consists of three people: herself, her spouse ("the spouse"), and her stepchild ("the child"). The Appellant is [REDACTED] years old [DOB: [REDACTED] [REDACTED]]. The spouse is [REDACTED] years old [DOB: [REDACTED] [REDACTED]]. The child is [REDACTED] years old [DOB: [REDACTED] [REDACTED]]. There are no disabled household members. (Exhibit 1: Renewal Notice [REDACTED]/2023)
2. On [REDACTED] [REDACTED] 2023, the Department received the following communication from the Program Oversight and Grant Administration ("POGA") division: the FNS winddown waiver can be used to process the recertification form as a PRF beginning with SNAP renewals due [REDACTED] [REDACTED] 2023, through [REDACTED] 2024. (Exhibit 8: POGA Communication)
3. On [REDACTED] 2023, the Appellant submitted an online SNAP renewal for a household of three. (Exhibit 1)
4. The Appellant is employed with the following employers: [REDACTED] where she is paid weekly, and [REDACTED] where she is paid biweekly. The income reported for [REDACTED] is \$205.40 weekly. The income reported for [REDACTED] is \$663.57 biweekly. (Exhibit 1)
5. The Spouse is employed with [REDACTED] where he is paid biweekly. The following income was reported for [REDACTED] \$1,393.56 biweekly. (Exhibit 1)
6. On [REDACTED] 2023, the Department reviewed the Appellant's SNAP renewal and determined the Appellant's household income of \$5,486.33 exceeded \$4,144.00 which is the program limit for a household size of three persons. (Exhibit 2: November Federal SNAP Income Test and Exhibit 4: Case Note [REDACTED]/2023)

7. On [REDACTED] 2023, the Department sent an NOA to the Appellant discontinuing the SNAP due to excess income as of [REDACTED] 2023. (Exhibit 7: NOA 1 [REDACTED]/2023)
8. On [REDACTED] 2023, the Appellant submitted four weekly paystubs from [REDACTED]. The [REDACTED] 2023, wage stub was excluded from the income average due to the amount being unusually high. Two biweekly paystubs from [REDACTED] were provided for verification of the Spouse's income. The chart below lists the date and gross amount of each wage stub:

Date of Wage Stub	Gross Amount of Wage Stub
[REDACTED] 2023	\$325.50
[REDACTED] 2023	\$535.92
[REDACTED] 2023	\$328.02
[REDACTED] 2023	\$331.17

(Hearing Summary and Exhibit 5: Appellant's Wage Stubs)

Date of Wage Stub	Gross Amount of Wage Stub
[REDACTED] 2023	\$1,440.09
[REDACTED] 2023	\$1,455.12

(Hearing Summary and Exhibit 6: Spouse's Wage Stubs)

9. The Spouse pays \$106.00 weekly in child support for the child who resides in the Appellant's household. (Appellant's Testimony)
10. No one in the household pays for daycare expenses or any out-of-pocket medical expenses over \$35.00 per month. (Appellant's Testimony)
11. The Appellant pays \$650.00 monthly for shelter expenses. (Appellant's Testimony)
12. The Appellant pays for utilities. (Appellant's Testimony)
13. On [REDACTED] 2023, the Department determined the Appellant's household income of \$5,628.11 exceeded the program limit for a household size of three persons, and the SNAP remained closed. (Exhibit 3: [REDACTED] Federal SNAP income Test and Exhibit 10: NOA [REDACTED]/2023)
14. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 60 days of the request for an administrative hearing. The hearing request was received on [REDACTED] 2023; the Appellant requested for the hearing to be

rescheduled and therefore, this decision is due no later than [REDACTED] 2024.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes (“Conn. Gen. Stat.”) provides the Department of Social Services is designated as the state agency for the administration of the Supplemental Nutrition Assistance Program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to administer SNAP.

2. Title 7, Code of Federal Regulations (“C.F.R.”) Section 273.9(a) provides, in part, 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\(2\)](#)).

The Department correctly determined the Appellant’s household does not contain an elderly or disabled member and is therefore subject to both the net and gross income eligibility tests.

3. 7 C.F.R. § 273.1(a)(3) provides for general household definition. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in Paragraph (b) of this section: A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.
4. 7 C.F.R. § 273.1(b)(1)(ii) 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. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

The Department correctly determined the Appellant’s household is comprised of three individuals.

5. 7 C.F.R. § 273.9(b) provides for the definition of income. Household income shall mean all income from whatever source excluding only items specified in [paragraph \(c\)](#) of this section.
6. 7 C.F.R. § 273.9(b)(1)(i) provides earned income shall include: all wages and salaries of an employee.

7. 7 C.F.R. § 273.10(c)(1)(i) provides, in part, 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.
8. 7 C.F.R. § 273.10(c)(1)(ii) provides, in part, 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.
9. 7 C.F.R. § 273.10(c)(2)(i) provides in part, 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.

The Department incorrectly calculated the Appellant's gross monthly income from the [REDACTED] as \$1,120.72, based on income previously reported to the Department. The Appellant reported a change in the amount of income she receives from the [REDACTED] on her renewal form. The Appellant's income should have been calculated as $\$663.57 + \$663.57 = \$1,327.14/2 = \663.57 biweekly avg x 2.15 = \$1,426.68.

The Department correctly calculated the Appellant's gross monthly income from [REDACTED] as \$1,411.39, based on the paystubs she provided to the Department (see FOF #8).

The Department incorrectly calculated the Spouse's gross monthly income from [REDACTED] as \$3,096.00. The income should have been calculated as follows $\$1,440.09 + 1,455.12 = \$2,895.21/2 = \$1,447.605$ bi-weekly avg x 2.15 = \$3,112.35.

The Department incorrectly calculated the Appellant's gross monthly household income as \$5,628.11. The Appellant's gross monthly household income should have been calculated as \$5,950.42.

10. 7 C.F.R. § 273.9(a)(1)(i) provides the gross income eligibility standards for SNAP shall be as follows: 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.

- 11.7 C.F.R. § 273.9(a)(2)(i) provides the net income eligibility standards for SNAP shall be as follows: The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.
- 12.7 C.F.R. § 273.9(a)(3) provides the income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii. (i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary. (ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.
- 13.7 C.F.R. § 273.9(a)(4) provides the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at www.fns.usda.gov/snap.
- 14.7 C.F.R. § 273.2(j)(2)(ii) and (iii) details the State option of extending categorical eligibility to further the purposes of the Food and Nutrition Act of 2008.
15. Per the 2023 Annual Update of the HHS Poverty Guidelines, [Federal Register :: Annual Update of the HHS Poverty Guidelines](#), one hundred percent of the Federal Poverty Level for a household of 3 equals \$24,860.00 per year.
16. Connecticut utilizes a SNAP gross income limit of 200 percent of the Federal Poverty Level ("FPL"), under the Expanded Categorical Eligibility ("ECE"). Per the Department's POGA communication to the Department's Eligibility Staff dated [REDACTED]/2023, 200 percent of the FPL under ECE for a household of three, effective [REDACTED] 2023, equals \$4,144.00.

The Appellant's gross wages of \$5,950.42 in [REDACTED] 2023 exceeds \$4,144.00, or 200 percent of the FPL per month.

The Department correctly discontinued the household's SNAP benefits due to excess Income effective [REDACTED] 2023.

DISCUSSION

Under the SNAP, households that do not meet the categorical eligibility requirements are subject to income limits. The Appellant's household is not categorically eligible for SNAP because their household does not contain an elderly or disabled individual. Additionally, the Appellant's household is not eligible under the ECE because their gross income exceeds 200 percent of the FPL. Therefore, household and/or other expenses are not considered, and no further calculation of eligibility is completed.

DECISION

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

Alisha Laird

Alisha Laird
Fair Hearing Officer

CC: Matthew Kalarickal, SSOM, Norwich Regional Office
Brad Wheeler, Department's Representative

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.