

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3730

██████████
Signature Confirmation

Case ID # ██████████
Client ID # ██████████
Request # 229312

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, the Department of Social Services (the "Department") issued a notice of action to ██████████ (the "Appellant") indicating her household's Supplemental Nutrition Assistance Program ("SNAP") benefits would be \$973.00, effective ██████████.

On ██████████, the Appellant requested an administrative hearing by to contest the amount of her SNAP benefit.

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

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 telephone.

The following individuals were present for the hearing:

██████████, Appellant
Thomas Keane, Department Representative
Shawn P. Hardy, Hearing Officer

The hearing record remained open for the submission of additional evidence at the request of the Appellant, specifically the Department's SNAP Computation Sheet, copy

of the Appellant's lease and letter from college regarding the daughter's status. On [REDACTED], the hearing record closed.

STATEMENT OF THE ISSUE

The issue is whether [REDACTED], accurately reflects the effective date of change of the Appellant's SNAP household composition which resulted in the increase in the amount of SNAP benefits.

FINDINGS OF FACT

1. On [REDACTED], the Appellant submitted to the Department an Online Change Report along with a copy of the birth certificate, that her daughter, [REDACTED], aged [REDACTED], moved into her household. The Appellant reported the change again on her Periodic Report Form (PRF) submitted on [REDACTED]. The change would increase the SNAP household from 3 to 4 persons. (Hearing Summary, Exhibit 1: Case Notes [REDACTED], Exhibit 2: Online Change [REDACTED], Exhibit 3: Online PRF [REDACTED])
2. There are no elderly or disabled household members. (Appellant's testimony)
3. The Department calculated that the Appellant's household has a monthly shelter expense of \$1012.00 (Exhibit 9: Snap Computation Worksheet, [REDACTED], Exhibit 10: Snap Computation Worksheet, [REDACTED])
4. The Appellant's household has a heating expense and receives the Standard Utility Allowance ("SUA"). (Hearing Record)
5. The Appellant receives "Energy Assistance". (Appellant's Testimony)
6. The Appellant reported no earned income for the household. (Hearing Record, Appellant's Testimony)
7. The Appellant receives \$100.00 a month in unearned income in the form of child support payments. (Hearing Record, Appellant's Testimony)
8. The Appellant's monthly rent is \$2200, because she receives Section 8, her rental obligation is \$21.00 per month. (Appellant's Testimony)
9. On [REDACTED], the Department sent the Appellant a W-3016 "Notification from Department of Social Services" requesting verification of residency of her [REDACTED] daughter [REDACTED]". (Exhibit 4: W-3016 [REDACTED])
10. The Department failed to indicate a due date for the required verification on the W-3016. (Hearing Record, Exhibit 4)

11. Due to a Department error the Appellant's SNAP benefits were discontinued for [REDACTED]. (Hearing Summary)
12. On [REDACTED], the Department spoke with the Appellant and reinstated the SNAP benefits for a household of 3. The Department advised the Appellant proof regarding her daughter's residency was needed for her to be added to the SNAP household as this would cause an increase in benefits.
13. On [REDACTED], the Appellant provided to the Department, a copy of her lease dated [REDACTED] showing her daughter as a resident of the household and a letter from [REDACTED] dated [REDACTED], indicating the daughter is not enrolled. (Hearing Summary, Exhibit 6: Copy of lease [REDACTED] Exhibit 7: Letter from [REDACTED])
14. On [REDACTED], the Department processed these documents and added the daughter to the SNAP household increasing to a total of four persons. The Appellant's SNAP benefits increased to \$973 per month starting [REDACTED]. (Hearing Summary, Exhibit 1, Exhibit 8: Notice of Action [REDACTED])
15. On [REDACTED], the Department sent the Appellant a Notice of Action. The notice stated the Appellant was approved for SNAP benefits of \$973.00 effective [REDACTED]. (Exhibit 8)
16. 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 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 the local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED]; therefore, this decision is due no later than [REDACTED]. However, the hearing record remained open for the submission of additional information by the Department, which caused a 9-day delay, therefore is not due until [REDACTED], and is timely. (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.
2. 7 C.F.R. § 273.12 (a)(5) provides the State agency may establish a simplified reporting system in lieu of the change reporting requirements specified under paragraph (a)(1) of this section. The following requirements are applicable to simplified reporting systems:
 - (i) *Included households*. The State agency may include any household certified for at least 4 months within a simplified reporting system.
 - (ii) *Notification of simplified*

reporting requirement. At the initial certification, recertification and when the State agency transfers the households to simplified reporting, the State agency shall provide the household with the following: (A) A written and oral explanation of how simplified reporting works; (B) For households required to submit a periodic report, a written and oral explanation of the reporting requirements including: (1) The additional changes that must be addressed in the periodic report and verified. (iii) Periodic report. (A) Exempt households. The State agency must not require the submission of periodic reports by households certified for 12 months or less in which all adult members are elderly or have a disability with no earned income.

The Appellant's household is subject to simplified reporting requirements.

3. Title 7 of the Code of Federal Regulations ("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.

4. 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 Appellant notified the Department regarding her change in household composition through an online change on [REDACTED], and submission of her Periodic Review Form on [REDACTED].

The Department correctly determined a household of four: The Appellant, and her three children. The Department correctly determined the Appellant's [REDACTED] daughter must be included in the household composition, therefore customarily purchasing food, and preparing meals together.

5. 7 C.F.R. § 273.9 (a) provides that participation in the Program shall be limited to those households whose income incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households, which 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. § 273.2 (j) (2) (ii) provides the State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purposes of the Food Stamp Act: (A) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as outlined in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determining to confer categorical eligibility.

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 that the Appellant's household does not contain a disabled individual and is therefore subject to both the net and gross income eligibility standard.

6. 7 C.F.R. § 273.2(h)(i)(C) provides that in case where verification is incomplete, the State agency must have provided the household with a statement of required verification and offered to assist the household in obtaining required verification and allowed the household sufficient time to provide the missing verification. **Sufficient time shall be at least 10 days from the date of the State agency's initial request for the particular verification that was missing.**

On [REDACTED], the Department correctly provided the Appellant a statement of required verification. (W-3016)

The Department failed to indicate on the (W-3016) the requested verification was due at least 10 days from the date of the initial request.

The Department failed to offer to assist the Appellant in obtaining the required verification.

7. 7 C.F.R. § 273.2 (f)(5)(i) provides for the household has primary responsibility for providing documentary evidence to support statements of the application and to resolve any questionable information.

On [REDACTED], the Appellant provided verification regarding the residency of her daughter.

8. 7 C.F.R. § 273.9 (d) (6) (ii) provides for excess shelter deduction. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in §271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For the fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for the fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 months ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses: (A) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments. (B) Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

The Department correctly determined the Appellant's household is not eligible for an uncapped shelter deduction based on disability or age.

DISCUSSION

The Department failed to provide a due date for the required verification or offered to provide assistance to obtain the verification on the W-3016 sent to the Appellant on [REDACTED].

The Appellant was not given the opportunity to provide the requested information within the required 10 days. If the verification was provided within the 10-day time frame the change in SNAP benefits would be effective for [REDACTED].

The Department has the Appellant's monthly rent as \$100.00 per month, during the administrative hearing the Appellant testified she pays \$21.00 per month.

DECISION

With respect to the Appellant's appeal whether the change to the SNAP household composition should be effective prior to [REDACTED], the Appellant's **appeal is GRANTED.**

ORDER

1. The Department shall review and make any revisions to the Appellant's case based on the testimony by the Appellant regarding her monthly rental obligation.
2. The Department shall update the case to reflect the change to the SNAP household composition effective [REDACTED].
3. The Compliance with this order is due no later than [REDACTED].

Shawn P. Hardy

Shawn P. Hardy
Hearing Officer

Pc: Jill Sweeney Operations Manager, DSS, Danbury, CT, Resource Center
Thomas Keane, Fair Hearings Liaison, DSS, Danbury, CT, Resource Center

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 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 06105-3725. 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.