

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

████████████████████  
SIGNATURE CONFIRMATION

Case ID # ██████████  
Request # 230800

NOTICE OF DECISION

PARTY

██████████  
██████████  
██████████

PROCEDURAL BACKGROUND

On ██████████, the Department of Social Services (the "Department") issued a Notice of Action ("NOA") to ██████████ (the "Applicant") denying her Supplemental Nutrition Assistance Program ("SNAP") benefits because her household's gross income exceeded the program limit.

On ██████████ the Applicant's spouse, ██████████ (the "Appellant"), requested an administrative hearing to contest the Department's denial of SNAP benefits.

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 participated in the hearing:

██████████, Appellant  
Claudine Reid, Department's Representative  
Sara Hart, Hearing Officer

**STATEMENT OF THE ISSUE**

The issue is whether the Department correctly denied the Appellant's SNAP benefits.

**FINDINGS OF FACT**

1. On [REDACTED], the Applicant applied online for SNAP benefits. (*Exhibit 2: Online Application*)
2. The Applicant's household consists of three members, including the Applicant, age [REDACTED] (DOB [REDACTED]), her spouse and the Appellant, [REDACTED], age [REDACTED] (DOB 1[REDACTED]), and the Appellant's son, [REDACTED], age [REDACTED] (DOB [REDACTED]). (*Exhibit 2, Appellant's Testimony*)
3. On [REDACTED], the Department completed a SNAP interview with the Applicant. (*Exhibit 7: Case Notes*)
4. [REDACTED] employs the Applicant and she is paid biweekly. She received the following wages:

Pay Date	Hours Worked	Gross Earnings
[REDACTED]	80.65	\$3,305.60
[REDACTED] 3	8.45	\$440.40
[REDACTED]	77.53	\$3,101.20

(*Exhibit 7: Worknumber Results*)

5. The Appellant is not certain regarding the reason for the Applicant's second separate pay of \$440.40 dated [REDACTED]. (*Appellant's Testimony*)
6. The Department excluded the Applicant's second pay of \$440.40 received on [REDACTED], from its determination of the household's average monthly income. (*Department's Testimony*)
7. The Department calculated the Applicant's biweekly earned income as \$3,203.40 and determined a monthly average earned income of \$6,887.31. (*Exhibit 5: NOA [REDACTED], Exhibit 6: Federal SNAP Income Test*)
8. There are no disabled household members or household members over the age of sixty. (*Exhibit 2, Appellant's Testimony*)
9. There are no other sources of income for the household. (*Appellant's Testimony*)
10. On [REDACTED], the Department issued a NOA denying the Applicant's SNAP application for the following reasons: the monthly gross income of your household is more than the limit for this program, and does not meet program requirements. (*Exhibit 5: NOA [REDACTED]*)

11. 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 State agency shall issue a decision within 60 days of the date of the request for a hearing. The Appellant requested an administrative hearing on [REDACTED], therefore, this decision is due no later than [REDACTED]. (*Hearing Record*)

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statutes provides that 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.
2. Title 7 of C.F.R. § 273.2(c)(1)(iv) provides for recording the filing date. The date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours.

**The Department correctly determined a SNAP application date of [REDACTED], [REDACTED].**

3. Title 7 C.F.R. § 273.1(b)(1) provides for required household composition. 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. 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).

**The Department correctly determined the Appellant’s SNAP household consisted of three members, including the Appellant, the Applicant, and the Appellant’s son.**

4. 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, 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)).

**The Department correctly determined the Appellant's household is not categorically eligible for SNAP benefits and that the household must meet both the net and gross income eligibility standards.**

5. 7 C.F.R. § 273.9(b) states that "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)(1) states that earned income shall include: (i) All wages and salaries of an employee.

**The Department correctly considered the Applicant's wages in the determination of eligibility for SNAP benefits.**

6. 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 determined the Applicant's average monthly wages equaled \$6,887.31 ( $\$3,305.60 + \$3,101.20 = \$6,406.80 / 2 = \$3,203.40 * 2.15 = \$6,887.31$ )**

7. 7 C.F.R. § 273.9(a)(1) discusses the gross income eligibility standards for the Food Stamp Program and provides that: (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).

The 2023 Poverty Guidelines for the 48 Contiguous States and the District of Columbia for a household of three is \$24,860.00 annually [*Federal Register/Vol. 88, No. 12/ Thursday, January 19, 2023, page 3424*]

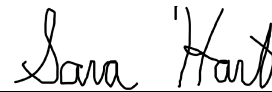
Effective June 19, 2009, the Department implemented SNAP changes referred to as Expanded Categorical Eligibility ("ECE"). Effective July 1, 2009, the gross income limit for the SNAP increased to 185% of the Federal Poverty Level ("FPL") for SNAP households that do not contain an elderly or disabled household member. Effective October 1, 2022, the gross income limit for the SNAP increased to 200% of the FPL for households that do not contain an elderly or disabled member.

**200% of the FPL for a household of three persons was \$4,144.00 (\$24,860.00 \* 200% = \$49,720.00/12 months = \$4,143.33 rounded up).**

**The Department correctly determined that the Appellant's household income amount exceeded the SNAP program limits for a household comprised of three individuals.**

### **DECISION**

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



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Sara Hart  
Hearing Officer

Cc: Barbie Morales, Department Representative, Hartford Regional Office  
Claudine Reid, Department Representative, Hartford Regional Office  
Josephine Savastra, Operations Manager, Hartford Regional Office  
Lindsey Collins, Operations Manager, Hartford Regional Office  
Mathew Kalarickal, Operations Manager, Hartford Regional Office  
David Mazzone, Operations Manager, Hartford Regional Office  
Wilfredo Medina, Supervisor, Hartford Regional 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 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.

