

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

██████████ 2024
Signature confirmation

Case: ██████████
Client: ██████████
Request: 230824

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████, 2023, the Department of Social Services (the “Department”) issued ██████████
██████████ (the “Appellant”) a *Notice of Action* denying her ██████████, 2023 Supplemental Nutrition
Assistance Program (“SNAP”) application.

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

On ██████████, 2024, the OLCRAH scheduled the hearing for ██████████, 2024.

On ██████████, 2024, 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 conferencing. The following
individuals participated:

██████████, Appellant
Chris Filek, Department Representative
Eva Tar, Hearing Officer

The hearing record closed ██████████, 2024.

STATEMENT OF ISSUE

The issue is whether the Department’s denial of the Appellant’s ██████████, 2023 SNAP application
is supported by Federal regulations.

FINDINGS OF FACT

1. On [REDACTED], 2023, the Appellant applied for SNAP benefits. (Dept. Exhibit 6)
2. On the [REDACTED], 2023 SNAP application, the Appellant reported that she grossed \$1,148.00 per month in income for working 40 hours per week as the owner of [REDACTED]. (Dept. Exhibit 6)
3. The Appellant is in her first year of business; she has not filed taxes for [REDACTED]. (Appellant Testimony)
4. On [REDACTED], 2023, the Appellant completed a telephone interview with the Department. (Dept. Exhibit 5)
5. On [REDACTED], 2023, the Department issued a *Proofs We Need* to the Appellant, in part requesting the submission by [REDACTED] 2023 of proof of her business income. The [REDACTED] gave examples of acceptable proof of business income and further cautioned the Appellant that if she did not submit her proof timely, her SNAP benefits may be delayed or denied. (Dept. Exhibit 2)
6. On [REDACTED] 2023, the Appellant submitted bank statements for [REDACTED] 2023 through [REDACTED] 2023. (Dept. Exhibits 1 and 5)
7. The direct deposit entries on the Appellant's bank statements did not verify the Appellant's gross income from self-employment. (Department Representative Testimony)
8. On [REDACTED] 2023, the Department denied the Appellant's [REDACTED] 2023 SNAP application. (Exhibit 3)
9. 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 Appellant's telephoned hearing request. 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. Title 7, Code of Federal Regulations ("C.F.R."), Section 273.9 (b)(1) provides: "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. (ii) The gross income from a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the costs of doing business as provided in paragraph (c) of this section....”

For the purposes of the SNAP, the Appellant’s self-employment is earned, counted income.

3. Title 7, Code of Federal Regulations, Section 273.11 (a)(1)(i) and (ii) provides:
Self-employment income. The State agency must calculate a household's self-employment income as follows:

(1) **Averaging self-employment income.**

(i) Self-employment income must be averaged over the period the income is intended to cover, even if the household receives income from other sources. If the averaged amount does not accurately reflect the household's actual circumstances because the household has experienced a substantial increase or decrease in business, the State agency must calculate the self-employment income on the basis of anticipated, not prior, earnings.

(ii) *If a household's self-employment enterprise has been in existence for less than a year, the income from that self-employment enterprise must be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year....*

7 C.F.R. § 273.11 (a)(1)(i) and (ii). (emphasis added)

Title 7, Code of Federal Regulations, Section 273.11 (a)(2)(i) provides:

Determining monthly income from self-employment.

(i) For the period of time over which self-employment income is determined, the State agency must add all gross self-employment income (either actual or anticipated, as provided in paragraph (a)(1)(i) of this section) and capital gains (according to paragraph (a)(3) of this section), exclude the costs of producing the self-employment income (as determined in paragraph (a)(4) of this section), and divide the remaining amount of self-employment income by the number of months over which the income will be averaged. This amount is the monthly net self-employment income. The monthly net self-employment income must be added to any other earned income received by the household to determine total monthly earned income.

7 C.F.R. § 273.11 (a)(2)(i).

7 C.F.R. § 273.11 (b) addresses the allowable costs of producing self-employment income.

In accordance with 7 C.F.R. §§ 273.11 (a)(1)(ii) and 273.11 (a)(2)(i), the Department needed verification of the Appellant’s gross receipts from her business, verification of the costs of producing the self-employment income, and the number of months that the business was in operation in order to determine whether the Appellant’s self-employment income fell within the SNAP income limits for her household size.

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

“State agencies shall use documentary evidence as the primary source of verification for all items except residency and household size....” 7 C.F.R. § 273.2 (f)(2)(i).

The Appellant has the primary responsibility to provide evidence to the Department to substantiate her statements on her [REDACTED] 2023 SNAP application as to her gross business income.

5. “Verification is the use of documentation or a contact with a third party to confirm the accuracy of statements or information. The State agency must give households at least 10 days to provide required verification....” 7 C.F.R. § 273.2 (f).

The Department correctly gave the Appellant at least 10 days to submit the requested proof, as memorialized by its [REDACTED] 2023 Proofs We Need.

The Department’s denial of the Appellant’s SNAP application arose from the Appellant’s failure to submit copies of her business records to the Department by its [REDACTED] 2023 deadline.

The Department’s [REDACTED] 2023 denial of the Appellant’s [REDACTED] 2023 SNAP application is supported by Federal regulations governing the SNAP.

DECISION

The Appellant’s appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Chris Filek, DSS-Middletown
Brian Sexton, DSS-Middletown

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.