

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

[REDACTED] 2024
Signature confirmation

Case: [REDACTED]
Client: [REDACTED]
Request: 232544

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 19, 2024, the Department of Social Services (the “Department”) issued [REDACTED] [REDACTED] (the “Appellant”) a *Notification of Overpayment and Recoupment* that alleged that the Department had overissued the Appellant \$962.00 (total) in Supplemental Nutritional Assistance Program (“SNAP”) benefits from [REDACTED] 2023 through [REDACTED] 2023 due to agency error.

On [REDACTED], 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the Appellant’s administrative hearing request.

On [REDACTED] 2024, the OLCRAH scheduled a hearing for [REDACTED] 2024. The OLCRAH granted the Appellant’s request for a postponement and rescheduled the hearing to [REDACTED] [REDACTED] 2024. Due to an OLCRAH scheduling conflict, the [REDACTED] 2024 hearing did not take place; the OLCRAH rescheduled the hearing for [REDACTED], 2024.

On [REDACTED] 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 videoconferencing. The following individuals participated:

[REDACTED], Appellant
Brad Wheeler, Department Representative
Eva Tar, Hearing Officer

The hearing record closed [REDACTED] 2024.

STATEMENT OF ISSUE

The issue is whether the Department correctly determined that the Appellant was liable to repay \$962.00 in SNAP benefits issued to her through agency error from [REDACTED] 2023 through [REDACTED], 2023.

FINDINGS OF FACT

1. In [REDACTED] 2022, the Appellant applied for and was granted SNAP benefits. (Appellant Testimony)
2. At the Appellant's SNAP interview, a Department employee instructed the Appellant to report when her child was born, then to wait six months for a letter from the Department to update any changes to her circumstances. (Appellant Testimony)
3. The Appellant's household has no elderly or disabled individuals. (Dept. Exhibit 2)
4. On [REDACTED] 2022, the Appellant submitted verification to the Department that she was a 10-month employee at [REDACTED], that her last working day was [REDACTED], 2022, and after [REDACTED] 2022, she would be laid off for several months. (Dept. Exhibit 1)
5. On [REDACTED], 2022, the Appellant gave birth to her daughter. (Appellant Testimony) (Dept. Exhibit 2)
6. After her daughter's birth, the Appellant returned to work as a substitute teacher at the [REDACTED]. (Appellant Testimony)
7. The Appellant waited for but did not receive the six-month letter described by the Department employee at the Appellant's SNAP interview. (Appellant Testimony)
8. The letter described by the Department employee would have been a *Periodic Report Form (PRF)*; the Department decided to hold off on issuing *PRFs* during the COVID-19 public health emergency. (Department Representative Testimony)
9. On [REDACTED] 2023, the Department issued the Appellant \$481.00 in SNAP benefits. (Dept. Exhibits 7 and 8)
10. In [REDACTED] 2023, the Appellant grossed \$3,938.20 in wages. (Dept. Exhibit 8)
11. On [REDACTED] 2023, the Department issued the Appellant \$481.00 in SNAP benefits. (Dept. Exhibits 7 and 8)
12. In [REDACTED] 2023, the Appellant grossed \$3,340.50 in wages. (Dept. Exhibit 8)

13. On [REDACTED] 2024, the Department issued a *Notification of Overpayment and Recoupment* to the Appellant, alleging that due to agency error, the Department had issued the Appellant \$962.00 in SNAP benefits for the period from [REDACTED] 2023 through [REDACTED], 2023, and the Department was seeking to recoup those benefits from the Appellant. (Dept. Exhibit 3)
14. The Appellant's testimony was credible; her testimony was plausible, detailed, and supported by the evidence.
15. In [REDACTED] 2023 and [REDACTED] 2023, 100 percent of the Federal Poverty Level for a household of two equaled \$19,720.00 per year,¹ or \$1,643.33 per month.

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 273.1 (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) ... ; (2) ... ; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption."

In [REDACTED] 2023 and [REDACTED] 2023, the Appellant and her baby were a SNAP household of two.

3. "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." 7 C.F.R. § 273.9 (b)(1)(i).

The Appellant's wages were earned income.

4. "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).

In determining the amount of the Appellant's SNAP grant in [REDACTED] 2023 and [REDACTED] 2023, the Department was required to consider the Appellant's gross wages in those service months.

¹ *Annual Update of the HHS Poverty Guidelines*, 88 Fed. Reg. 3424-3425 (January 19, 2023).

5. Title 7, Code of Federal Regulations, Section 273.9 (a)(1)(i) provides:
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 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)).
(1) The gross income eligibility standards for SNAP shall be as follows:
(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)(1)(i).

In Connecticut, under Expanded Categorical Eligibility, the gross income limit is 200 percent of the Federal Poverty Level, effective October 1, 2022.²

In 2023, 200 percent of the Federal Poverty Level of a household of two in 2023 equaled \$39,440.00 per year, or \$3,286.66 per month.

As a condition of SNAP eligibility, under Expanded Categorical Eligibility, the gross income of the Appellant's household could not exceed 200 percent of the Federal Poverty Level for its household size.

In [REDACTED] 2023 and [REDACTED] 2023, the Appellant's gross wages exceeded \$3,286.66, i.e., 200 percent of the Federal Poverty Level for a household of two.

The Appellant's household was ineligible to receive SNAP benefits in [REDACTED] 2023 and [REDACTED] 2023.

6. "A recipient claim is an amount owed because of: (i) Benefits that are overpaid" 7 C.F.R. § 273.18 (a)(1)(i).

There are three types of claims: Intentional Program Violation (IPV), Inadvertent Household Error (IHE), and Agency Error (AE). 7 C.F.R. § 273.18 (b).

Title 7, Code of Federal Regulations, Section 273.18 (c)(1)(ii) provides the actual steps for calculating a claim. In general, the Department determines the correct amount of benefits for each month that a household received an overpayment, and then subtracts the correct amount of benefits from the benefits that were actually received. The answer is the amount of the overpayment.

² <POGA [Program Oversight & Grant Administration] Communication to all Department staff, Peter Hadler, Division Director, 9/6/2022>

The Department correctly determined that it had issued the Appellant's household \$962.00 in SNAP benefits for which the household was not eligible from [REDACTED] 2023 through [REDACTED], 2023.

7. "The following are responsible for paying a claim: (i) Each person who was an adult member of the household when the overpayment or trafficking occurred;" 7 C.F.R. § 273.18 (a)(4)(i).

The Department correctly determined that the Appellant was liable to repay \$962.00 in SNAP benefits issued to her by Agency Error from [REDACTED] 2023 through [REDACTED], 2023.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

cc: Brad Wheeler, DSS-Norwich
Matthew Kalarickal, DSS-Norwich

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.