

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

██████████ 2024
Signature Confirmation

Client ID ██████████
Case ID ██████████
Request # 232983

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2024, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying her ██████████ 2024 application for benefits under the Supplemental Nutrition Assistance Program (“SNAP”).

On ██████████ 2024, the Appellant requested an administrative hearing to contest the Department’s decision to deny such benefits.

On ██████████ 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative 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, OLCRAH held an administrative hearing via teleconference at the Appellant’s request.

The following individuals participated in the hearing:

██████████ Appellant
Carmen Ferrer, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to deny the Appellant's [REDACTED] 2024 application for benefits under the SNAP was correct.

FINDINGS OF FACT

1. On [REDACTED] 2024 at 11:12 am the Appellant submitted an online application to the Department requesting benefits under the SNAP for herself date of birth ("dob") [REDACTED] and her son [REDACTED] ("minor child") dob [REDACTED]. The Appellant lists bi-weekly earnings as \$1,908.80 and reports monthly rent as \$3,650.00 on her application. (Exhibit 2: Online Application [REDACTED])
2. On [REDACTED] 2024, the Department completed an application interview with the Appellant. (Exhibit 4: Case Notes)
3. The Appellant works full time for [REDACTED] (the "employer"). The Appellant works 40 hours per week earning \$23.49 per hour and is paid bi-weekly. Additionally, the Appellant receives a monthly bonus ([REDACTED] [REDACTED]) issued at the beginning of each month separate from her bi-weekly earnings. The Appellant submitted the following paystubs as proof of gross biweekly pay and gross monthly bonus pay. (Exhibit 4: Case Notes, Exhibit 5: Paystubs and Appellant Testimony)

Pay period begin date	Pay period end date	Hours	Pay date	Gross Earnings
[REDACTED]/[REDACTED]/23	[REDACTED]/[REDACTED]/23	Bonus	[REDACTED]/[REDACTED]/23	\$778.93
[REDACTED]/[REDACTED]/23	[REDACTED]/[REDACTED]/23	Unk	[REDACTED]/[REDACTED]/23	\$2,103.65 ¹
[REDACTED]/[REDACTED]/23	[REDACTED]/[REDACTED]/23	74.54	[REDACTED]/[REDACTED]/23	\$1,757.53
[REDACTED]/[REDACTED]/23	[REDACTED]/[REDACTED]/23	81.19	[REDACTED]/[REDACTED]/23	\$1,914.67
[REDACTED]/[REDACTED]/23	[REDACTED]/[REDACTED]/24	Bonus	[REDACTED]/[REDACTED]/24	\$731.70

4. The Department determined the Appellant's countable wages for [REDACTED] 2024 as \$4,679.32.

[REDACTED]/[REDACTED]/23 \$1,757.53 bi-weekly + [REDACTED]/[REDACTED]/23 \$1,914.67 bi-weekly = \$3,672.20
 $\$3,672.20 / 2 \text{ weeks} = \$1,836.10 \times 2.15 = \$3,947.615$ Total hourly earnings
 $\$3,947.62 \text{ total hourly earnings} + [REDACTED]/[REDACTED]/24 \$731.70 \text{ monthly bonus} = \$4,679.32$

(Exhibit 3: Federal SNAP Income Test, and Exhibit 5: Paystubs)

¹ Pay Date [REDACTED] 2023 calculated using YTD. YTD gross as of [REDACTED]/[REDACTED]/23 \$66,251.78 – [REDACTED]/[REDACTED]/23 gross pay \$1,757.53 = YTD as of [REDACTED]/[REDACTED]/23 \$64,494.25 - YTD as of [REDACTED]/[REDACTED]/23 bonus 62,390.60 = \$2,103.62

5. The gross monthly income limit under the SNAP for a household of two equals \$3,287.00 per month. (Department Representative Testimony and Exhibit 3: Impact Federal SNAP Income Test)
6. On ██████████ 2024, the Department determined the household's gross monthly income of \$4,679.32 exceeds the SNAP gross income limit of \$3,287.00 resulting in ineligibility for benefits under the SNAP. (Exhibit 3: Federal SNAP Income Test, Exhibit 6: Notice of Action, and Department Representative Testimony)
7. On ██████████ 2024, the Department issued the Appellant a Notice of Action informing her that her application for benefits under the SNAP has been denied because the monthly gross income of your household is more than the program limit listing the Appellant's income as \$1,836.10 bi-weekly wages and \$755.32 monthly bonus. (Exhibit 6: Notice of Action)
8. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on ██████████ 2024. Therefore this decision is due not later than ██████████ 2024.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the 2024 Supplement to the Connecticut General Statutes provides as follows:

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. Section 273.2(a)(1) of the Code of Federal Regulation (C.F.R.) provides as follows:

State agencies must establish procedures governing the operation of SNAP offices that the State agency determines best serve households in the State, including households with special needs, such as, but not limited to, households with elderly or disabled members, households in rural areas with low-income members, homeless individuals, households residing on reservations, households with adult members who are not proficient in English, and households with earned income (working households). The State agency must provide timely, accurate, and fair service to applicants for, and participants in, SNAP. The State agency cannot, as a condition of eligibility, impose additional application or application processing requirements, including in the implementation of a

photo EBT card policy. The State agency's photo EBT card policy must not affect the certification process for purposes of determining eligibility regardless of whether an individual has his/her photo placed on the EBT card. The State agency must have a procedure for informing persons who wish to apply for SNAP benefits about the application process and their rights and responsibilities. The State agency must base SNAP eligibility solely on the criteria contained in the Act and this part.

Federal regulation provides as follows:

The application process includes filing and completing an application form, being interviewed, and having certain information verified. The State agency must act promptly on all applications and provide SNAP benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

7 C.F.R. § 273.2(a)(2)

3. "Households must file SNAP applications by submitting the forms to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission." 7 C.F.R. § 273.2(c)(1)(i)

On [REDACTED] 2024, the Appellant correctly submitted an online electronic application requesting benefits under the SNAP for herself and the minor child.

Federal regulation provides as follows:

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. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

7 C.F.R. § 273.2(c)(1)(iv)

The Department correctly determined the date of application as [REDACTED] 2024, the date the application was received by the Department.

4. Federal regulation provides as follows:

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.

7 C.F.R. § 273.1(a)(3)

Federal regulation provides as follows:

Required household combinations. 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 stepparent(s).

7 C.F.R. § 273.1(b)(1)(ii)

The Department correctly determined a household of two: the Appellant and the minor child.

5. "Definition of Income. 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)

"Earned income shall include: all wages and salaries of an employee." 7 C.F.R. § 273.9(b)(1)(i)

The Department correctly determined the Appellant's wages as countable household income under the SNAP.

6. Federal regulation provides as follows:

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. If the amount of income that will be received, or when it will be received, is

uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain, but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by § 273.12.

7 C.F.R. § 273.10(c)(1)(i)

Federal regulation provides as follows:

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. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income. Similarly, if the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income. The State agency shall exercise particular caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the State agency automatically attribute to the household the amounts of any past income. The State agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

7 C.F.R. § 273.10(c)(1)(ii)

Federal regulation provides as follows:

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.

7 C.F.R. § 273.10(c)(2)(i)

Connecticut SNAP Policy Manual provides for determining monthly income and income conversion as follows:

To determine income for the month using the best estimate of income available to arrive at a representative amount using the prior 30-days income if it represents the household's anticipated income. Exception: Use of a longer period of time if the prior 30-days income is not representative.

Converting income paid more often than monthly to a monthly amount. Conversion factors are the average weekly amount multiplied by 4.3.

The Department correctly determined the Appellant's gross monthly wages as \$4,679.32 using a 30 day period ■■■/23 – ■■■/24 which included two bi-weekly pays in ■■■■ 2023 and the ■■■■ 2024 monthly bonus. Refer to finding of Fact #4 for calculation.

7. Federal regulation provides as follows:

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 SNAP. 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. Households which 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 Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)). 7 C.F.R. § 273.9(a)

Federal regulation provides as follows:

The State agency, at its option, may extend categorical eligibility to the following household only if doing so will further the purposes of the Food and Nutrition Act of 2008:

- 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 set forth 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.
- B. Subject to FNS approval, 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 three and four of the TANF block grant, as set forth in Section 401 of P.L. 104–193, and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.

7 C.F.R. § 273.2(j)(2)(ii)

The Connecticut SNAP Policy Manual provides for households whose gross income is below 200% of the Federal Poverty Limit (FPL) are eligible under expanded categorical eligibility (“ECE”) because all household members are authorized to receive TFA-funded referral services. Households whose income exceed 200% of the FPL with no elderly or disabled members are not eligible for SNAP.

“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 Hawaii.” 7 C.F.R. § 273.9(a)(3)

The Department of Health and Human Services lists the 2023 Poverty Guideline for the 48 Contiguous States and the District of Columbia as \$19,720.00 annually for a household of two (2). [Federal Register, Vol. 88, No 12/Thursday, January 19, 2023]

\$19,720.00 annual FPL / 12 months = \$1,643.3333
\$1,643.3333 x 200% = \$3,286.6666 or \$3,287.00

The Department correctly determined the SNAP gross income limit for a household of two equals \$3,287.00 per month (200% of FPL) under ECE.

The Department correctly determined the household is not categorically eligible under ECE because the household's monthly gross income of \$4,679.32 exceeds the SNAP gross income limit of \$3,287.00 (200% of the FPL) and therefore subject to both the net income eligibility standards and the gross income eligibility standards for SNAP since the household does not include an elderly or disabled household member.

Because the household's monthly gross income of \$4,679.32 exceeds the SNAP gross income limit of \$3,287.00, the household is not eligible for benefits under the SNAP. On [REDACTED] 2024, the Department correctly denied the Appellant's [REDACTED] 2024 application for benefits under the SNAP.

8. Federal regulation provides as follows:

Households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed. If the household has failed to appear for a scheduled interview and has made no subsequent contact with the State agency to express interest in pursuing the application, the State agency shall send the household a notice of denial on the 30th day following the date of application. The household must file a new application if it wishes to participate in the program. In cases where the State agency was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the State agency may also deny the application on the 30th day if the State agency provided assistance to the household in obtaining verification as specified in paragraph (f)(5) of this section, but the household failed to provide the requested verification.

7 C.F.R. § 273.2(g)(3)

On [REDACTED] 2024, the Department correctly issued the Appellant a Notice of Action informing her of the Department's denial of her [REDACTED] 2024 application for SNAP benefits.

DECISION

The Appellant's appeal is DENIED.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Shahar Thadal, SSOM RO #32
Carmen Ferrer, FHL RO #32

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.