

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

██████████, 2024
SIGNATURE CONFIRMATION

CASE # ██████████
CLIENT# ██████████
REQUEST# ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

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

On ██████████, 2024, the Appellant requested an administrative hearing because she disagreed with the Department’s decision to discontinue her SNAP 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 4-184 inclusive of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals participated in the hearing:

██████████, Appellant
Marta Karwowski, Department’s Representative
Joseph Davey, Administrative Hearing Office

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old [DOB [REDACTED]] and lives with her [REDACTED] minor child [REDACTED] [DOB [REDACTED]] and her father. The Appellant purchases and prepares food separately from her father. (Exhibit 4: Periodic Report Form dated [REDACTED], Exhibit 7: Household Composition printout, Appellant's testimony)
2. The Appellant received SNAP benefits for a household of two and had a SNAP certification period of [REDACTED], 2023, through [REDACTED], 2024. (Exhibit 7, Exhibit 11: Federal SNAP Income Test printout for benefit period [REDACTED], Hearing Record)
3. On [REDACTED], 2024, the Department sent a Periodic Report Form ("PRF") to the Appellant which stated in relevant part: *"You are now half way through your SNAP benefit period. We need to know if you have any changes to report to us. If you still want SNAP, you must complete, sign and return this form to us by [REDACTED], even if there are no changes. If you do not complete, sign and return this form, we will stop your SNAP benefits on [REDACTED]."* (Exhibit 4)
4. On [REDACTED], 2024, the Department received a signed PRF from the Appellant. The Appellant checked the box on the PRF which states *"I read this form and I have made changes."* (Exhibit 4, Hearing Record)
5. The Appellant reported new earned income with [REDACTED] on the [REDACTED], 2024, PRF. The listed income amount was \$806.44 per week and the Appellant provided three weekly paystubs from OMG, Inc. The provided paystubs had the following pay dates and gross pay amounts: [REDACTED], 2023, \$992.40, [REDACTED], 2024, \$992.40, [REDACTED], 2024, \$992.40. (Exhibit 4, Exhibit 5: [REDACTED] paystubs [REDACTED] - [REDACTED], Exhibit 8: Earned Income Worksheet printout for period [REDACTED] - [REDACTED])
6. The Department calculated the Appellant's earned income with [REDACTED] using the provided paystubs as follows: [REDACTED] \$992.40 + [REDACTED] \$992.40 + [REDACTED] \$992.40 = \$2,977.20 / 3 = \$992.40 x 4.3 = \$4,267.32. (Exhibit 8, Exhibit 11, Hearing Record)
7. The Appellant receives child support for her minor child and did not report any change to the \$276.00 bi-weekly unearned child support income listed on the [REDACTED], 2024, PRF. The Department used the Connecticut Child Support Enforcement System

("CCSES") database to re-calculate the Appellant's child support and used the months of [REDACTED] 2023, [REDACTED] 2023, and [REDACTED] 2023 to obtain a monthly child support average. The Department re-calculated the child support as follows: [REDACTED] 2023 \$552.00 + [REDACTED] 2023 \$552.00 + [REDACTED] 2023 \$552.00 = \$1656 / 3 = \$552.00 per month. The Department noted that "*Child support income was previously incorrectly listed as bi-weekly and under client instead of monthly and under client's child. End dated old record and created new monthly record under child today on unearned income screen.*" (Exhibit 3: Case Notes dated [REDACTED] - [REDACTED], Exhibit 9: Unearned Income worksheet for period [REDACTED] - [REDACTED], Hearing Record)

8. The Appellant does not receive Temporary Family Assistance ("TFA") benefits or any cash benefits from the State of Connecticut. (Exhibit 10: NOA dated [REDACTED], Appellant's testimony)
9. The Appellant pays her father \$200.00 per month in rent. (Exhibit 10, Exhibit 11, Appellant's testimony)
10. The Appellant pays her father for heating and cooling expenses. (Exhibit 10, Appellant's testimony)
11. The Appellant does not have any out-of-pocket medical expenses. (Appellant's testimony)
12. The Appellant pays \$800.00 per month toward outstanding credit card debt. (Appellant's testimony)
13. The Appellant has not been determined disabled by the State of Connecticut or the Federal Government. (Appellant's testimony)
14. The Appellant's minor child has not been determined disabled by the State of Connecticut or the Federal Government. (Appellant's testimony)
15. The Department calculated the Appellant's monthly gross household income as follows: [REDACTED] earned income of \$4,267.32 per month + Child support unearned income of \$552.00 per month = \$4,819.32. (Exhibit 11, Hearing Record)
16. The February 2024 the SNAP monthly gross income limit for a household of two persons is \$3,287.00. (Exhibit 11, Hearing Record)
17. On [REDACTED], 2024, the Department issued a NOA to the Appellant discontinuing the SNAP effective [REDACTED], 2024, because her household's monthly gross income exceeded the program limit. (Exhibit 10)

18. The issuance of this decision is timely under the Code of Federal Regulations (“C.F.R.”) 273.15 (c)(1) which provides in part that “[w]ithin █ 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....” The Appellant requested an administrative hearing on █, 2024. Therefore, this decision is due not later than █, 2024. (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.

The Department has the authority to administer the SNAP program in Connecticut and determine benefit amounts.

2. 7 C.F.R. § 273.1(b)(1)(ii) provides for 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. (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 household size of two persons.

3. 7 C.F.R. § 271.2(1)-(5) states that an Elderly or disabled member means 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; (4) Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66; (5) Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.

The Department correctly determined that the Appellant’s household does not contain any disabled household members.

4. 7 C.F.R. § 273.12(a)(5)(i) provides that 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.

The Department correctly determined the Appellant was subject to simplified reporting.

5. 7 C.F.R. § 273.12(a)(5)(ii) provides for 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; (2) When the report is due; (3) How to obtain assistance in filing the periodic report; and (4) The consequences of failing to file a report. (C) Special assistance in completing and filing periodic reports to households whose adult members are all either mentally or physically handicapped or are non-English speaking or otherwise lacking in reading and writing skills such that they cannot complete and file the required report; and (D) A telephone number (toll-free number or a number where collect calls will be accepted outside the local calling area) which the household may call to ask questions or to obtain help in completing the periodic report.

7 C.F.R. § 273.12(a)(5)(iii) provides for 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. (B) Submission of periodic reports by non-exempt households. Households that are certified for longer than 6 months, except those households described in § 273.12(a)(5)(iii)(A), must file a periodic report between 4 months and 6 months, as required by the State agency. Households in which all adult members are elderly or have a disability with no earned income and are certified for periods lasting between 13 months and 24 months must file a periodic report once a year. In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households that have reported changes that will reduce or terminate benefits will receive adequate notice of action on the report in the first month of the new reporting period. (C) The periodic report form must request from the household information on any changes in circumstances in accordance with paragraphs (a)(1)(i) through (a)(1)(vii) of this section and conform to the requirements of paragraph (b)(2) of this section. (D) If the household files a complete report resulting in reduction or termination of benefits, the State agency shall send an adequate notice, as defined in § 271.2 of this chapter. The notice must be issued so that the household will receive it no later than the time that its benefits are normally received. If the household fails to provide sufficient information or verification regarding a deductible expense, the State agency will not terminate the household, but will instead determine the household's benefits without regard to the deduction. (E) If a household fails to file a complete report by the specified filing date, the State agency shall provide the household with a reminder notice advising the household that it has 10 days from the date the State agency mails the notice to file a complete report. If an eligible household files a complete periodic report during this 10 day period, the State agency shall provide it with an opportunity to participate no later than

ten days after its normal issuance date. If the household does not respond to the reminder notice, the household's participation shall be terminated and the State agency must send an adequate notice of termination described in paragraph (a)(5)(iii)(C) of this section. (F) If an eligible household that has been terminated for failure to file a complete report files a complete report after its extended filing date under (E), but before the end of the issuance month, the State agency may choose to reinstate the household. If the household has requested a fair hearing on the basis that a complete periodic report was filed, but the State does not have it, the State agency shall reinstate the household if a completed periodic report is filed before the end of the issuance month. (G) The periodic report form shall be the sole reporting requirement for any information that is required to be reported on the form, except that a household required to report less frequently than quarterly shall report: (1) When the household monthly gross income exceeds the monthly gross income limit for its household size in accordance with paragraph (a)(5)(v) of this section; (2) Whenever able-bodied adults subject to the time limit of § 273.24 have their work hours fall below 20 hours per week, averaged monthly; and (3) Whenever a member of the household wins substantial lottery or gambling winnings in accordance with § 273.11(r). (H) If the State agency uses a combined periodic report for SNAP and TANF or Medicaid, the State agency shall clearly indicate on the form that SNAP-only households need not provide information required by another program. Non-applicant household or family members need not provide SSNs or information about citizenship or immigration status.

The Department correctly mailed the Appellant a PRF on [REDACTED], 2024.

The Appellant correctly completed, signed and returned the PRF on [REDACTED], 2024.

6. 7 C.F.R. § 273.9(b)(1)(i) provides that earned income shall include: (i) All wages and salaries of an employee.

The Department correctly determined the Appellant's wages from [REDACTED] as earned income in the calculation of SNAP benefits.

7. 7 C.F.R. § 273.9(b)(2)(iii) provides that Unearned income shall include but not be limited to: (iii) Support or alimony payments made directly to the household from nonhousehold members.

The Department correctly determined the Appellant's child support income as unearned income in the calculation of SNAP benefits.

8. 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 that the Appellant's monthly wages at [REDACTED] equal \$4,267.32 [REDACTED] \$992.40 + [REDACTED] \$992.40 + [REDACTED] \$992.40 = \$2,977.20 / 3 = \$992.40 x 4.3 = \$4,267.32).

9. 7 C.F.R. § 273.10(c)(1)(ii) provides in relevant part that 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 Department correctly determined that the Appellant's monthly child support equals \$552.00 ([REDACTED] 2023 \$552.00 + [REDACTED] 2023 \$552.00 + [REDACTED] 2023 \$552.00 = \$1,656.00 / 3 = \$552.00).

- 10.7 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.

The Department correctly determined the Appellant's total gross monthly household income equals \$4,819.32 ([REDACTED] wages of \$4,267.32 per month + child support income of \$552.00 per month, = \$4,819.32)

- 11.7 C.F.R. § 273.2(j) provides for PA, GA and categorically eligible households. The State agency must notify households applying for public assistance (PA) of their right to apply for SNAP benefits at the same time and must allow them to apply for SNAP benefits at the same time they apply for PA benefits. The State agency must also notify such households that time limits or other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. If the State agency attempts to discourage households from applying for cash assistance, it shall make clear that the disadvantages and requirements of applying for cash assistance do not apply to SNAP benefits. In addition, it shall encourage applicants to continue with their application for SNAP benefits. The State agency shall inform households that receiving SNAP benefits will have no bearing on any other program's time limits that may apply to the household. The State agency may process the applications of such

households in accordance with the requirements of paragraph (j)(1) of this section, and the State agency must base their eligibility solely on SNAP eligibility criteria unless the household is categorically eligible, as provided in paragraph (j)(2) of this section. If a State has a single Statewide GA application form, households in which all members are included in a State or local GA grant may have their application for SNAP benefits included in the GA application form. State agencies may use the joint application processing procedures described in paragraph (j)(1) of this section for GA recipients in accordance with paragraph (j)(3) of this section. The State agency must base eligibility of jointly processed GA households solely on SNAP eligibility criteria unless the household is categorically eligible as provided in paragraph (j)(4) of this section. The State agency must base the benefit levels of all households solely on SNAP criteria. The State agency must certify jointly processed and categorically eligible households in accordance with SNAP procedural, timeliness, and notice requirements, including the 7-day expedited service provisions of paragraph (i) of this section and normal 30-day application processing standards of paragraph (g) of this section. Individuals authorized to receive PA, SSI, or GA benefits but who have not yet received payment are considered recipients of benefits from those programs. In addition, individuals are considered recipients of PA, SSI, or GA if their PA, SSI, or GA benefits are suspended or recouped. Individuals entitled to PA, SSI, or GA benefits but who are not paid such benefits because the grant is less than a minimum benefit are also considered recipients. The State agency may not consider as recipients those individuals not receiving GA, PA, or SSI benefits who are entitled to Medicaid only.

The Department correctly determined the Appellant's household is not categorically eligible.

12.7 C.F.R. § 273.9(a) provides in relevant part for income eligibility standards. 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)).

The Department correctly determined the Appellant's household must meet the gross and net income eligibility standard.

13.7 C.F.R. § 273.9(a)(1)(i) provides that 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)(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.

The 2023 Poverty Guidelines for the 48 Contiguous States and the District of Columbia for a household of two is \$19,720.00 annually. [Federal Register/Vol. 88, No. 12/ Thursday, January 19, 2023, page 3424]

7 C.F.R. § 273.9(a)(3)(i) provides that 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 for Hawaii. (i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.

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.

The Department correctly determined the monthly gross income limit for a household of two persons is \$3,287.00 ($\$19,720.00 \times 200\% = \$39,440.00 / 12$ months = \$3,286.67 rounded up).

The Department correctly determined the Appellant’s monthly gross income of \$4,819.32 exceeds the monthly gross income limit of \$3,287.00 for a household of two persons.

14.7 C.F.R. § 273.10(d) provides for determining deductions. Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs as described in § 273.9.

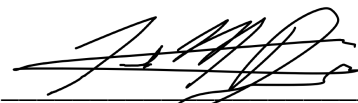
The Department correctly determined that the Appellant’s deductible expenses are not applicable as her monthly gross income exceeded the limit for a household of two persons.

15.7 C.F.R. § 273.12(a)(5)(iii)(D) provides that if the household files a complete report resulting in reduction or termination of benefits, the State agency shall send an adequate notice, as defined in § 271.2 of this chapter. The notice must be issued so that the household will receive it no later than the time that its benefits are normally received. If the household fails to provide sufficient information or verification regarding a deductible expense, the State agency will not terminate the household, but will instead determine the household's benefits without regard to the deduction.

The Department correctly issued the Appellant a NOA on [REDACTED], 2024, informing her of the termination of her SNAP benefits effective [REDACTED], 2024.

DECISION

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



Joseph Davey
Administrative Hearing Officer

CC: Marta Karwowski, Department's Representative, Manchester Regional Office
Angelica Branfalt, SSOM, Manchester Regional Office
Nawaz Shaikh, Eligibility Services Supervisor, Manchester 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.