

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

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

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NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2024, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying his application for the Supplemental Nutritional Assistance Program (“SNAP”) for exceeding the income limit.

On ██████████ 2024, the Appellant requested an administrative hearing to contest the Department’s decision to deny his SNAP application.

On ██████████, 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2024.

On ██████████ 2024, OLCRAH received a request from the Appellant to have the administrative hearing rescheduled. OLCRAH issued a notice rescheduling the administrative hearing for ██████████, 2024.

On ██████████, 2024, in accordance with sections 17b-60, 17-61 and 4-176e to 4-184 inclusive, of the Connecticut General Statutes, OLCRAH held an in person administrative hearing.

The following individuals participated in the hearing:

██████████, Appellant
Matt Bartolotta, Department’s Representative
Amy MacDonough, Hearing Officer

The hearing record remained open for the submission of additional evidence from both the Department and the Appellant. On [REDACTED], 2024, the Appellant provided bank transaction history and carbon copy checks written to the landlord. On [REDACTED] 2024, the Department provided a copy of the Appellants online application. On [REDACTED] 2024, the record closed.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's SNAP application for being over the program income limit.

FINDINGS OF FACT

1. On [REDACTED] 2024, the Appellant submitted an online application requesting SNAP benefits for a household of one, himself [Date of Birth: [REDACTED]]. (*Exhibit 12: Online Application*)
2. On [REDACTED] 2024, the Department reviewed the Appellant's application. The Department attempted two (2) telephone interviews unsuccessfully. The Appellant is employed by [REDACTED] and receives help from family to pay his bills. The Appellant pays rent of \$1,628.00 monthly and is responsible for heating and cooling expenses. (*Department's Testimony; Exhibit 12*)
3. On [REDACTED], 2024, the Department obtained, from The Work Number, the following four weeks of wages for the Appellant's employment with [REDACTED]

Pay Date	Gross Wages	Hours
[REDACTED]/2024	\$305.96	19.5
[REDACTED]/2024	\$305.96	19.5
[REDACTED]/2024	\$294.19	18.75
[REDACTED]/2024	\$356.95	22.75

(*Exhibit 2: The Work Number wages; Exhibit 11*)

4. On [REDACTED] 2024, the Department issued a Proofs We Need form requesting the following information for the SNAP program: proof of income from other reported sources- "provide a letter from family stating how much money they give you monthly. Letter must be signed, dated, and have their phone number.", proof of your gross earnings- "provide letter from [REDACTED] stating last day worked, last day paid. Letter must be signed, dated, and have their phone number", proof of residency- "provide current lease verifying address and rental expense", proof of self-employment income- "provide last 3 months of wages from [REDACTED]. If no longer employed provide proof that account has been deactivated", proof of self-employment- "provide last 3 months of wages from [REDACTED]. If no longer employed provide proof that account has been deactivated", proof of self-employment income- "provide last 3

months of wages from [REDACTED]. If no longer employed provide proof that account has been deactivated”, proof of self-employment income- “provide last 3 months of wages from [REDACTED]. If no longer employed provide proof that account has been deactivated”. The notice had a due date of [REDACTED] 2024. (*Department’s Testimony; Exhibit 1: Proofs We Need; Exhibit 11: Case Notes*)

5. On [REDACTED] 2024, the Appellant completed an in-person interview at the [REDACTED] Regional office. (*Department’s Testimony; Exhibit 11*)
6. On [REDACTED] 2024, the Department received the following information from the Appellant: page 3 of 3 of the “Self-employment Income Verification”, an email from [REDACTED] stating Appellant’s account was closed, and a self-attested letter for [REDACTED] and [REDACTED] stating he no longer works for these companies. (*Department’s Testimony; Exhibit 11*)
7. On [REDACTED] 2024, the Department received a letter from [REDACTED], the Appellant’s parents, regarding financial support for the Appellant. The letter states that they “have provided financial support and assistance to our son”, and “over the past 12 months, this support has typically included contributions of 90% to 100% of [his] monthly rent, totaling approximately \$1,628 per month” and they “have also provided additional assistance as needed for a limited time”. (*Exhibit 3: Financial Support Letter; Exhibit 11*)
8. On [REDACTED] 2024, the Department updated the Appellant’s income received from his family and determined the Appellant’s gross income of \$2,985.83 monthly (\$1,357.79 earnings + \$0.04 self-employment + \$1,628.00 financial assistance/unearned income = \$2,985.83) to be over the gross income limit of \$2,430.00 monthly. The Department issued a NOA denying the Appellant’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. (*Department’s Testimony; Exhibit 9: NOA; Exhibit 8: SNAP Income Test; Exhibit 10: SNAP Income Limits; Exhibit 11*)
9. On [REDACTED] 2024, the Appellant requested an administrative hearing. (*Hearing Record*)
10. On [REDACTED] 2024, the Department contacted the Appellant to review the income calculations and income limits. (*Department’s Testimony; Exhibit 11*)
11. On [REDACTED] 2024, the Appellant provided bank statements and carbon copy checks showing his parents pay his rent directly to the landlord and do not give him the money. (*Appellant’s Testimony; Exhibit A: Bank Statement; Exhibit B: Carbon Copy Checks*)
12. The hearing record is void of evidence that the Appellant reported or provided information regarding the rent being paid directly to the landlord prior to the hearing. (*Hearing Record*)

13. 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 within 60 days of the 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 is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2024. With the 26 delay-days, this decision is due no later than [REDACTED] 2024.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes, provides 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 review and determine eligibility for the SNAP.

2. 7 C.F.R. § 273.1(a) provides for general household definition. A household is composed of one of the following individuals or group of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone.

The Department correctly determined the Appellant as a household of one.

3. 7 C.F.R. § 273.2(c)(1)(iv) provides for recording the filing date and states 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.

The Department correctly determined the Appellant’s online application date of [REDACTED], 2024.

4. 7 C.F.R. § 273.2(e)(1) provides in relevant part for interviews and states Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so.

The Department correctly completed a face-to-face interview with the Appellant on [REDACTED] 2024.

5. 7 C.F.R. § 273.2(c)(5) provides for notice of required verification and states the State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d)(1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in § 272.4(b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.

7 C.F.R. § 273.2(f) provides for verification and states 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. Paragraph (i)(4) of this section contains verification procedures for expedited service cases.

7 C.F.R. § 273.2(f)(2) provides for verification of questionable information and states the State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision.

The Department correctly issued the Appellant a Proofs We Need form on [REDACTED] 2024, with a due date of [REDACTED] 2024, requesting additional information to establish eligibility. The Department correctly afforded the Appellant 10 days to provide the requested information.

6. 7 C.F.R. § 273.9(b)(1)(i) provides for definition of income and states household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. Earned income shall include: All wages and salaries of an employee.

7 C.F.R. § 273.9(b)(2)(iii) states unearned income shall include, but not be limited to: support or alimony payments made directly to the household from nonhousehold members.

7 C.F.R. § 273.9(c)(1)(vii) provides income exclusions for other third-party payments and states other third-party payments shall be handled as follows: moneys legally obligated and otherwise payable to the household which are diverted by the provider of the payment to a third party for a household expense shall be counted as income and not excluded. If a person or organization makes a payment to a third party on

behalf of a household using funds that are not owed to the household, the payment shall be excluded from income. This distinction is illustrated by the following examples: (A) A friend or relative uses his or her own money to pay the household's rent directly to the landlord. This vendor payment shall be excluded.

The Department correctly determined the Appellant's income from his employment with ██████ as countable earned income.

The Department correctly determined the financial support provided by the Appellant's parents to the Appellant to be countable unearned income.

7. 7 C.F.R. § 273.10(c)(2)(i) provides for income only in month received and states 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)(iii) provides for income only in month received and states households receiving income on a recurring monthly or semimonthly basis shall not have their monthly income varied merely because of changes in mailing cycles or pay dates or because weekends or holidays cause additional payments to be received in a month.

The Department correctly calculated the Appellant's monthly earned income from ██████ as \$1,357.79 rounded up (\$305.96+ \$305.96+ \$294.19+ \$356.95 = \$1,263.06 / 4= \$315.765 * 4.3 = \$1,357.789).

The Department incorrectly added \$0.04 in self-employment income to the Appellant's total gross monthly income calculation.

The Department correctly calculated the Appellant's monthly financial contributions as \$1,628.00.

8. 7 C.F.R. § 273.9(a) provides for *income eligibility standards* and states 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. § 271.2 provides for definition and states 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.

The Department correctly determined the Appellant does not meet the criteria of elderly or disabled for the purposes of SNAP; therefore, is subject to the gross income limit.

9. 7 C.F.R. § 273.9(a)(1)(i) provides the gross income eligibility standards for SNAP shall be as follows: 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) states the monthly gross and net income eligibility standards for all areas will be prescribed in tables posed on the FNS website, at www.fns.usda.gov/snap

Effective October 1, 2022, the gross income limit for the SNAP increased to 200% of the FPL for SNAP households that do not contain an elderly or disabled member.

200% of the FPL for a household of one is \$2,430.00 (\$14,580.00 FPL for one* 200%= \$29,160.00 / 12 months= \$2,430.00)

10. 7 C.F.R. § 273.10(e)(2)(i)(B) provides for eligibility and benefits and states in addition to meeting the net income eligibility standards, households which do not contain an elderly or disabled member shall have their gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, compared to the gross monthly income standards defined in § 273.9(a)(1) for the appropriate household size to determine eligibility for the month.

The Department correctly determined that the Appellant's household does not contain an elderly or disabled member.

The Department incorrectly determined the Appellant's household gross income of \$2,985.83. The correct amount of gross income for the household is \$2,985.79.

The Department correctly determined that the household's gross income exceeds the gross income limit of \$2,430.00.

11.7 C.F.R. § 273.2(g)(3) provides for denying the application and states 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.

On [REDACTED], 2024, the Department correctly denied the Appellant's SNAP application for being over the gross income limit.

DISCUSSION

The Department denied the Appellant's application for SNAP benefits based on the verification received at that time stating the Appellant's parents were providing financial assistance to the Appellant.

On [REDACTED], 2024, the day of the hearing, the Appellant reported and provided verification that the rent is paid directly to the landlord. While the new evidence provided may affect future applications, the Department's actions at the time of the denial were correct based on the information provided by the Appellant at that time.

DECISION

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


Amy MacDonough
Fair Hearing Officer

CC: Brian Sexton, Operations Manager, DSS, Middletown Regional Office
Matt Bartolotta, Hearing Liaison, DSS, Middletown 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.