

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: 242438

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2024, Sabrina Twining (the “Appellant”) filed a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) citing her Supplemental Nutrition Assistance Program (“SNAP”) application.

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

On ██████████ 2024, the Department of Social Services (the “Department”) issued a *Notice of Action* denying the Appellant’s ██████████, 2024 SNAP application.

On ██████████, 2024, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, and Title 7, Section 273.15 of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held an administrative hearing. The following individuals participated by telephone conferencing:

██████████ Appellant  
██████████, Appellant Witness (mother)  
Jeneive Troxler, Department Representative  
Eva Tar, Hearing Officer

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

**STATEMENT OF ISSUE**

The issue is whether the Department correctly determined that the Appellant’s household was ineligible to participate in the SNAP.

### FINDINGS OF FACT

1. On [REDACTED], 2024, the Appellant filed a SNAP application. (Dept. Exhibit 1)
2. The Appellant is [REDACTED] years old. (Dept. Exhibit 1)
3. The Appellant lives with her [REDACTED]-year-old fiancé and the Appellant's two minor children. (Appellant Testimony) (Dept. Exhibit 1)
4. There are no disabled individuals in the Appellant's household. (Dept. Exhibit 1)
5. The Appellant is unemployed. (Appellant Testimony)
6. The fiancé is employed full-time at \$24 per hour, 45 hours per week. (Dept. Exhibits 1 and 8)
7. In [REDACTED] 2024, the fiancé grossed \$4,749 in wages. (Dept. Exhibit 8)
8. In [REDACTED] 2024, the Appellant's mother deposited \$1,800 into the Appellant's bank account for the Appellant to use toward the Appellant's mortgage, food, gas, and other financial needs. (Dept. Exhibits 3 and 4)
9. The Appellant's mother continues to provide the Appellant with \$1,800 per month. (Appellant Witness Testimony)
10. The Appellant has not received child support since [REDACTED] 2024, when she received \$2,637, minus a \$22 fee, in child support collected by the State of Connecticut. (Dept. Exhibit 1)
11. On [REDACTED] 2024, the Department issued a *Notice of Action* denying the Appellant's [REDACTED] 2024 SNAP application. (Dept. Exhibit 8)
12. Title 7, Code of Federal Regulations, Section 273.15 (c)(1) provides in part that "[w]ithin 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] 2024, the OLCRAH received the Appellant's hearing request. This decision would have been due by no later than [REDACTED] 2024. This decision is timely.

### CONCLUSIONS OF LAW

1. The Department of Social Services is the designated state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

**The Department has the authority 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) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption

separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.”

**For the purposes of the SNAP, the Appellant, her fiancé, and the Appellant’s two minor children are a household of four.**

3. “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...” 7 C.F.R. § 273.9 (a).

**As a condition of SNAP eligibility, the Appellant’s SNAP household is subject to the Program’s gross income limit, as the household contains no elderly or disabled members.**

4. Title 7, Code of Federal Regulations, Section 273.2 addresses office operations and application processing.
5. “Available resources at the time the household is interviewed shall be used to determine the household's eligibility.” 7 C.F.R. § 273.10 (b).

“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) and (ii).

Title 7, Code of Federal Regulations, Section 273.9 (b)(2) addresses unearned income.

“Cash payments from the nonhousehold member to the household will be considered income under the normal income standards set in § 273.9 (b)....” 7 C.F.R. § 273.11 (d)(1).

**For the purposes of the SNAP, the fiancé’s wages are counted, earned income.**

**For the purposes of the SNAP, the \$1,800 contribution to the Appellant’s shelter and living expenses each month are counted, unearned income.**

6. **“Mandatory verification.** State agencies shall verify the following information prior to certification for households initially applying: (i) **Gross nonexempt income.** Gross nonexempt income shall be verified for all households prior to certification....” 7 C.F.R. § 273.2 (f)(1)(i).

“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....” 7 C.F.R. § 273.10 (c)(1)(ii).

**The Department correctly reviewed the income of the Appellant’s household to determine whether that household would be eligible to participate in the SNAP.**

7. "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).

Title 7, Code of Federal Regulations, Section 273.2 (j)(2)(ii) and (iii) addresses the State option of extending categorical eligibility to further the purposes of the Food and Nutrition Act of 2008.

One hundred percent of the Federal Poverty Level for a household of four residing in the 48 contiguous States and the District of Columbia equaled \$30,000 per year in [REDACTED] [REDACTED].<sup>1</sup>

Under Expanded Categorical Eligibility, Connecticut utilizes a SNAP gross income limit of 200 percent of the Federal Poverty Level, effective [REDACTED] [REDACTED].<sup>2</sup>

Two hundred percent of the Federal Poverty Level under Expanded Categorical Eligibility for a SNAP household of four equals \$5,000 per month.

**In [REDACTED] 2024, the gross income of the Appellant's household of \$6,549 exceeded \$5,000, i.e., 200 percent of the Federal Poverty Level per month, the gross income limit for a family of four under Connecticut's implementation of Expanded Categorical Eligibility.**

**The Department correctly determined that the Appellant's household was ineligible to participate in the SNAP.**

#### DECISION

The Appellant's appeal is DENIED.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

Cc: Jeneive Troxler, DSS-Manchester  
Angelica Branfalt, DSS-Manchester  
Nawaz Shaikh, DSS-Manchester

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

<sup>2</sup> Program Oversight & Grant Administration [POGA] Communication to: DSS Eligibility Staff, 8/17/2023.

### **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.