

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 ID # ██████████
Client ID # ██████████
Request # ██████████

NOTICE OF DECISION
PARTY

██████████
██
████████████████████

PROCEDURAL BACKGROUND

On ██████████, 2024, the Department of Social Services (the “Department”) issued a Notification of Overpayment and Recoupment to ██████████ (the “Appellant”), indicating she had been overpaid \$739.00 in Supplemental Nutrition Assistance Program (“SNAP”) benefits and that she must repay the overpayment.

On ██████████, 2024, the Appellant requested an administrative hearing to contest the Department’s decision to recover 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 4-184 inclusive of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals participated in the hearing:

██████████, Appellant
██████████, Appellant’s mother
Barbie Morales, Department’s Representative
Joseph Davey, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly determined the Appellant was overpaid \$739.00 in SNAP benefits and whether the Department’s recoupment of the SNAP overpayment is correct.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old (DOB [REDACTED]) and received SNAP benefits for a household of three; herself and two minor children, during the certification period of [REDACTED], 2023, through [REDACTED], 2024. (Exhibit 5: NOA dated [REDACTED], Exhibit 6: NOA dated [REDACTED], Exhibit 8: Benefit issuance history [REDACTED]-[REDACTED], Department’s testimony)
2. The Appellant and her two children are not disabled. (Exhibit 1: Case Notes dated [REDACTED]-[REDACTED], Appellant’s testimony)
3. On [REDACTED], 2024, the Appellant was hired by [REDACTED] [aka [REDACTED]]. (Exhibit 3: The Work Number results printout)
4. On [REDACTED], 2024, the Department received a “Data Sharing Conflict” notice from Care 4 Kids which stated the following in relevant part “*Client Name: [REDACTED]. Client ID: [REDACTED]. DSS Case #: 2-[REDACTED]. The Individual listed above is the Head of Household for Child Care Case [REDACTED] and provided us information that is inconsistent with the data recorded for DSS Case [REDACTED]. We identified discrepancies regarding the reported information listed below. Please review and take action as necessary.*”

Name	Income Type	Employer	Frequency	Circumstance Start Date	Termination Date
[REDACTED]	Wages	[REDACTED]	Bi-Weekly	[REDACTED]	
[REDACTED]		[REDACTED]			
[REDACTED]		[REDACTED]			

(Exhibit 1, Exhibit 4: Data Sharing Conflict Form Care 4 Kids dated [REDACTED])

5. From [REDACTED], 2024, through [REDACTED], 2024, the Appellant received the following SNAP benefits on the following dates:

Date	Amount
[REDACTED]	\$739.00
[REDACTED]-[REDACTED]	Total: \$739.00

(Exhibit 8)

6. Between [REDACTED], 2024, and [REDACTED], 2024, the Appellant and her minor children were active on the Temporary Family Assistance (“TFA”) program and received the following cash benefits on the following dates:

Date	Amount
[REDACTED]	\$833.00
[REDACTED]	\$865.00
[REDACTED]	\$865.00
[REDACTED] - [REDACTED]	Total: \$2,563.00

(Exhibit 5, Exhibit 8)

7. On [REDACTED], 2024, the Department processed the Data Sharing Conflict Form from Care 4 Kids. The Department used the Work Number database to verify the Appellant’s income with [REDACTED]. The Appellant’s income from [REDACTED] from [REDACTED] through [REDACTED] 2024 was as listed below:

Pay Date	Gross Earnings
[REDACTED]	\$1,082.00
Total [REDACTED]	\$1,082.00
[REDACTED]	\$1,741.00
[REDACTED]	\$1,435.60
Total [REDACTED]	\$3,176.60
[REDACTED]	\$1,494.60
[REDACTED]	\$1,486.00
Total [REDACTED]	\$2,980.60
[REDACTED]	\$1,105.00
[REDACTED]	\$1,309.00
Total [REDACTED]	\$2,414.00

(Exhibit 3)

8. The Appellant has no income aside from her wages at [REDACTED] and the monthly cash assistance she receives from the TFA program. (Exhibit 1, Appellant’s testimony)
9. The Appellant has no rental or utility expenses. The Appellant pays a telephone expense. (Exhibit 1, Exhibit 5)
10. The threshold for reporting income for the SNAP program is 130% of the Federal Poverty Level (“FPL”) for the respective SNAP household size. 130% of the FPL for a SNAP household of three from [REDACTED], 2023, through [REDACTED], 2024, is \$2,694.00. (Exhibit 9: DSS Program Standards Chart, Department’s testimony)

11. The gross income limit for the SNAP is 200% of the FPL for the respective SNAP household size. 200% of the FPL for a SNAP household of three from [REDACTED], 2023, through [REDACTED], 2024, is \$4,144.00. (Exhibit 9)
12. The Department determined that the Appellant's income at [REDACTED] [REDACTED] exceeded 130% of the FPL for a household of three in [REDACTED] 2024 and that the Appellant was required to report the income by [REDACTED], 2024. (Exhibit 1, Exhibit 3, Department's testimony, Hearing Record)
13. There is no evidence in the hearing record that the Appellant reported her employment at [REDACTED] to the Department prior to its receipt of the Care 4 Kids Data Sharing Conflict Form on [REDACTED], 2024. (Exhibit 1, Exhibit 10: Document Search by Name, Client ID number, and Case number dated [REDACTED]-[REDACTED])
14. The Department determined that the Appellant was not entitled to a SNAP benefit for the month of [REDACTED] 2024 as her combined income from [REDACTED] [REDACTED] and her TFA cash benefit exceeded the net income limit for a household of three persons. (Exhibit 1, Exhibit 3, Hearing Record)
15. On [REDACTED], 2024, the Department sent the Appellant a W-0058N Notice of Overpayment and Recoupment notice which stated the following in relevant part: *"We determined that you received the following overpayment of benefits: Program: SNAP-FS-Federal SNAP, Overpayment Start Date: [REDACTED], Overpayment End Date: [REDACTED], Overpayment Amount: \$739.00, Overpayment Type: Client Error."* (Exhibit 2: W-0058N Notification of Overpayment and Recoupment dated [REDACTED])
16. The Department is requesting recoupment of the \$739.00 in SNAP benefits the Appellant received in [REDACTED] 2024 as a Client Error (i.e. Inadvertent Household Error or "IHE") overpayment. The amount was derived by subtracting the SNAP benefit the Appellant received for [REDACTED] 2024 (\$739.00) from the benefit she was eligible for (\$0.00) after adding her wages from [REDACTED] [REDACTED] [REDACTED] to her SNAP case. [$\$739.00 - \$0.00 = \$739.00$]. (Exhibit 2, Hearing Record)
17. 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 [REDACTED] 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 [REDACTED], 2024. Therefore, this decision is due no later than [REDACTED], 2024. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes (Conn. Gen. Stat.) § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to administer the SNAP.

2. Conn. Gen. Stat. § 17b-88 provides for Overpayments. Recoupment. Administrative disqualification hearings. If a beneficiary of assistance under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program, state-administered general assistance program, food stamp program or supplemental nutrition assistance program receives any award or grant over the amount to which he is entitled under the laws governing eligibility, the Department of Social Services (1) shall immediately initiate recoupment action and shall consult with the Division of Criminal Justice to determine whether to refer such overpayment, with full supporting information, to the state police, to a prosecuting authority for prosecution or to the Attorney General for civil recovery, or (2) shall take such other action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings for cases involving alleged fraud in the food stamp program, supplemental nutrition assistance program, the aid to families with dependent children program, the temporary family assistance program or the state-administered general assistance program.

7 C.F.R. § 273.16(a)(1) provides that the State agency shall be responsible for investigating any case of alleged intentional Program violation and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or referral to a court of appropriate jurisdiction in accordance with the procedures outlined in this section. Administrative disqualification procedures or referral for prosecution action should be initiated by the State agency in cases in which the State agency has sufficient documentary evidence to substantiate that an individual has intentionally made one or more acts of Intentional Program Violation as defined in paragraph (c) of this section. If the State agency does not initiate administrative disqualification procedures or refer for prosecution a case involving an overissuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the overissuance by establishing an inadvertent household error claim against the household in accordance with the procedures in § 273.18. The State agency should conduct administrative disqualification hearings in cases in which the State agency believes the facts of the individual case do not warrant civil or criminal prosecution through the

appropriate court system, in cases previously referred for prosecution that were declined by the appropriate legal authority, and in previously referred cases where no action was taken within a reasonable period of time and the referral was formally withdrawn by the State agency. The State agency shall not initiate an administrative disqualification hearing against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of appropriate jurisdiction if the factual issues of the case arise out of the same or related circumstances. The State agency may initiate administrative disqualification procedures or refer a case for prosecution regardless of the current eligibility of the individual.

The Department has the authority to recoup SNAP benefits.

3. 7 C.F.R. § 273.12(a)(1)(i)(B) provides for the household responsibility to report. (1) Monthly reporting households are required to report as provided in § 273.21. Quarterly reporting households are subject to the procedures as provided in paragraph (a)(4) of this section. Simplified reporting households are subject to the procedures as provided in paragraph (a)(5) of this section. Certified change reporting households are required to report the following changes in circumstances: (B) A change in the source of income, including starting or stopping a job or changing jobs, if the change in employment is accompanied by a change in income.

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.

7 C.F.R. § 273.12(a)(2) provides that certified households must report changes within 10 days of the date the change becomes known to the household, or at the State agency's option, the household must report changes within 10 days of the end of the month in which the change occurred. For reportable changes of income, the State agency shall require that change to be reported within 10 days of the date that the household receives the first payment attributable to the change. For households subject to simplified reporting, the household must report changes no later than 10 days from the end of the calendar month in which the change occurred, provided that the household receives the payment with at least 10 days remaining in the month. If there are not 10 days remaining in the month, the household must report within 10 days from receipt of the payment. Optional procedures for reporting changes are contained in paragraph (f) of this section for households in States with forms for jointly reporting SNAP and public assistance changes and SNAP and general assistance changes.

7 C.F.R. § 273.12(a)(5)(v) provides for reporting when gross income exceeds 130 percent of poverty. A household subject to simplified reporting in accordance with paragraph (a)(5)(i) of this section, whether or not it is required to submit a periodic report, must report when its monthly gross income exceeds the monthly gross income limit for its household size, as defined at § 273.9(a)(1). The household shall use the monthly gross income limit for the household size that existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.

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

The Department correctly determined the Appellant was required to report income changes exceeding 130% of the FPL for her household size within ten days of the month following the change.

4. 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. 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 three persons.

5. 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 an elderly or disabled member.

6. 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.

7 C.F.R. § 273.9(b)(2)(ii) provides that unearned income shall include but not be limited to: Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in § 271.2); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt from consideration as countable income under the provisions of paragraph (c)(1) of this section. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.

The Department correctly determined the Appellant's TFA cash benefits as countable unearned income for the SNAP.

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

7 C.F.R. § 273.10(c)(1)(ii) provides in 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 the Appellant's income from [REDACTED] as countable earned income for the SNAP.

8. 7 C.F.R. § 273.9(a) provides 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.

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

9. 7 C.F.R. § 273.9(d)(1)(i) provides for the standard deduction. *48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands*. Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under paragraph (a)(2) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

The Department correctly determined the Appellant eligible for the \$198.00 standard deduction.

10. 7 C.F.R. § 273.9(d)(6)(ii)(A) provides the following: Excess shelter deduction. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in § 271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses: (A) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

7 C.F.R. § 273.9(d)(6)(iii)(D) provides that at initial certification, recertification, and when a household moves, the household may choose between a standard or verified actual utility costs for any allowable expense identified in paragraph (d)(6)(ii)(C) of this section (except the telephone standard), unless the State agency has opted, with FNS approval, to mandate use of a standard. The State agency may require use of the telephone standard for the cost of basic telephone service even if actual costs are higher. Households certified for 24 months may also choose to switch between a standard and actual costs at the time of the mandatory interim contact required by § 273.10(f)(1)(i), if the State agency has not mandated use of the standard.

The Department correctly determined the Appellant is eligible for the Telephone Utility Allowance (“TUA”).

11.7 C.F.R. § 273.9(a)(3) 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.

7 C.F.R. § 273.9(a)(3)(ii) provides that the annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.

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 three is \$ 24,860 annually. [Federal Register/Vol. 88, No. 12/ Thursday, January 19, 2023, page 3424]

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 gross monthly income limit for a household of three persons is \$4,144.00 ($\$24,860 \times 200\% = \$49,720.00 / 12 = \$4,143.33$ rounded up to \$4,144.00).

The Appellant’s gross income of \$3,279.00 for [REDACTED] 2024 (wages from [REDACTED] of \$2,414.00 + TFA cash benefits of \$865.00 = \$3,279.00) is under the \$4,144.00 limit for a household of three persons.

12.7 C.F.R. § 273.10(e)(1)(i) provides the following: Calculating net income and benefit levels-(1) Net monthly income. To determine a household's net monthly income, the State agency shall: (A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with §273.11(a)(2)(iii). (B) Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with §273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income. (C) Subtract the standard deduction. (D) If the household is entitled to an excess medical deduction as provided in §273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.(E) Subtract allowable monthly dependent care expenses if, any, as specified under § 273.9(d)(4) for each dependent. (F) If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with § 273.9(d)(5), subtract allowable monthly child support payments in accordance with § 273.9(d)(5). (G) Subtract the homeless shelter deduction, if any, up to the maximum of \$143. (H) Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section. (I) Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

7 C.F.R. § 273.10(e)(2)(ii)(A) provides the following: Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways: (1) "The State agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(4) provides the following: Thrifty Food Plan (TFP) and Maximum SNAP Allotments. (i) Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at www.fns.usda.gov/fsp.

The Appellant's net income effective [REDACTED] 2024 is calculated as follows:

SNAP BENEFIT CALCULATION

<u>INCOME</u>	
Earned Income	\$2,414.00
Less 20%	-\$482.80
= Adjusted earned income	\$1,931.20
+ Unearned income	\$865.00
= Total income	<u>\$2,796.20</u>
- Standard deduction	-\$198.00
- Medical expenses -\$35.00	-\$0.00
-Dependent care expenses	\$0.00
=Adjusted gross income	\$2,598.20
<u>SHELTER COSTS</u>	
Rent	\$0.00
Mortgage	\$0.00
Property Taxes	\$0.00
Homeowner's Insurance	\$0.00
+ TUA	\$34.00
Total shelter costs	\$34.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$34.00
Less 50% of adjusted gross income	\$1,299.10
= Total shelter hardship (max \$624.00 if not disabled or elderly)	\$0.00
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$2,598.20
Less shelter hardship	-\$0.00

Net Adjusted Income (NAI)	\$2,598.20
BENEFIT CALCULATION	
Thrifty Food Plan for three persons	\$766.00
Less 30% of NAI (rounded up to nearest whole dollar)	\$780.00
SNAP award	\$0.00

The Department correctly determined the Appellant’s household exceeded the net income limit for █████ 2024 and was not eligible for a SNAP benefit.

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

7 C.F.R. § 273.18(a)(2) provides that this claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency must establish and collect any claim by following these regulations.

7 C.F.R. § 273.16(b)(12) provides that even though only the individual is disqualified, the household, as defined in § 273.1, is responsible for making restitution for the amount of any overpayment. All intentional Program violation claims must be established and collected in accordance with the procedures set forth in § 273.18.

7 C.F.R. § 273.18(b) provides for types of claims. There are three types of claims: (1) Intentional Program violation (IPV) any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in § 273.16. (2) Inadvertent household error (“IHE”) defined as any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household; (3) Agency error (“AE”) defined as any claim for an overpayment caused by an action or failure to take action by the State agency.

The Department correctly determined the Appellant failed to timely report her employment at █████ by █████, 2024; the tenth of the month following when her household income exceeded 130% of the FPL.

The Department correctly determined the Appellant was overpaid \$739.00 in SNAP benefits for █████ 2024.


The Department correctly classified the \$739.00 SNAP overpayment for █████ 2024 as an Inadvertent Household Error.

14.7 C.F.R. § 273.18(e)(3) provides for notification of claim. (i) Each State agency must develop and mail or otherwise deliver to the household written notification to begin collection action on any claim. (ii) The claim will be considered established for tracking purposes as of the date of the initial demand letter or written notification. (iii) If the claim or the amount of the claim was not established at a fair hearing, the State agency must provide the household with a one-time notice of adverse action. The notice of adverse action may either be sent separately or as part of the demand letter. (iv) The initial demand letter or notice of adverse action must include language stating: (A) The amount of the claim. (B) The intent to collect from all adults in the household when the overpayment occurred. (C) The type (IPV, IHE, AE or similar language) and reason for the claim. (D) The time period associated with the claim. (E) How the claim was calculated. (F) The phone number to call for more information about the claim. (G) That, if the claim is not paid, it will be sent to other collection agencies, who will use various collection methods to collect the claim. (H) The opportunity to inspect and copy records related to the claim. (I) Unless the amount of the claim was established at a fair hearing, the opportunity for a fair hearing on the decision related to the claim. The household will have 90 days to request a fair hearing. (J) That, if not paid, the claim will be referred to the Federal government for federal collection action. (K) That the household can make a written agreement to repay the amount of the claim prior to it being referred for Federal collection action. (L) That, if the claim becomes delinquent, the household may be subject to additional processing charges. (M) That the State agency may reduce any part of the claim if the agency believes that the household is not able to repay the claim. (N) A due date or time frame to either repay or make arrangements to repay the claim, unless the State agency is to impose allotment reduction. (O) If allotment reduction is to be imposed, a due date or time frame to either repay or make arrangements to repay the claim in the event that the household stops receiving benefits. (P) If allotment reduction is to be imposed, the percentage to be used and the effective date. (v) The due date or time frame for repayment must be not later than 30 days after the date of the initial written notification or demand letter. (vi) Subsequent demand letters or notices may be sent at the discretion of the State agency. The language to be used and content of these letters is left up to the State agency.

The Department correctly issued a notification of overpayment and recoupment to the Appellant on [REDACTED], 2024.

DECISION

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

A handwritten signature in black ink, appearing to read 'J. Davey', written over a horizontal line.

Joseph Davey
Administrative Hearing Officer

CC: Barbie Morales, Department's Representative, Hartford Regional Office
Josephine Savastra, SSOM, Hartford Regional Office
Lindsey Collins, SSOM, Hartford Regional Office
Robert Stewart, SSOM, Hartford Regional Office
Wilfredo Medina, Eligibility Services Supervisor, Hartford 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.