

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

[REDACTED] 2024  
**SIGNATURE CONFIRMATION**

[REDACTED]  
[REDACTED]  
**REQUEST# 225344**

**NOTICE OF DECISION**

**PARTY**

[REDACTED]  
[REDACTED]  
[REDACTED]

**PROCEDURAL BACKGROUND**

On [REDACTED] 2023, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to [REDACTED] (the “Appellant”) discontinuing the food benefits under the Supplemental Nutrition Assistance Program (“SNAP”) effective [REDACTED] 2023.

On [REDACTED] 2023, the Appellant requested an administrative hearing to appeal the Department’s decision to discontinue the benefits under the SNAP.

On [REDACTED] 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for [REDACTED] 2023.

On [REDACTED] 2023, the Appellant requested that the OLCRAH reschedule the administrative hearing to allow her time to submit additional information to the Department.

On [REDACTED] 2023, the OLCRAH issued a notice rescheduling the administrative hearing for [REDACTED] 2023.

On [REDACTED] 2023, the Appellant did not attend the administrative hearing. The Appellant subsequently contacted the OLCRAH and requested for the administrative hearing to be rescheduled.

On [REDACTED] 2023, the OLCRAH issued a notice rescheduling the administrative hearing for [REDACTED] 2023.

On [REDACTED] 2023, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Hearing.

The hearing was held telephonically at the Appellant's request. The following individuals participated in the hearing by phone:

[REDACTED] Appellant  
Quashondra Thomas, Department's Representative  
Jessica Gulianello, Hearing Officer

The hearing record remained open and was extended until [REDACTED] 2023, to allow both parties time to submit additional information. Additional documents were received and the hearing record was closed accordingly.

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's action to discontinue the benefits under the SNAP due to excess income was correct.

### **FINDINGS OF FACT**

1. The Department determined the Appellant (DOB: [REDACTED]), and three (3) of her four (4) children to be eligible for benefits under the SNAP for the certification cycle beginning [REDACTED] 2022, ending [REDACTED] 2023. (*Department's Testimony*)
2. The Appellant's [REDACTED] daughter, [REDACTED], (DOB: [REDACTED]) is a full-time student out-of-state at the [REDACTED]. (*Exhibit A: Hearing Request dated [REDACTED] 2023, received [REDACTED] 2023, Exhibit B: Hearing Request signed & dated [REDACTED] 2023, received by OLCRAH [REDACTED] 2023*)
3. The Department previously determined that [REDACTED] did not meet the requirements for a student under the SNAP. (*Exhibit 2: NOA dated [REDACTED] 2023, Exhibit 3: NOA dated [REDACTED] 2023*)

4. On [REDACTED] 2023, the Department received a New Hires Match: [REDACTED] [REDACTED] (“W69”). The W69 report reflected that the Appellant had been hired by [REDACTED] on [REDACTED] 2023. *(Exhibit 9: Case Notes dated [REDACTED] 2023, Exhibit 13: New Hires Report [REDACTED] 2023, Department’s Testimony)*
5. On [REDACTED] 2023, the Department reviewed the W69 Report and processed the task. *(Exhibit 9: Case Notes dated [REDACTED] 2023, Exhibit 13: W69 dated [REDACTED] 2023, Hearing Summary, Department’s Testimony)*
6. On [REDACTED] 2023, the Department mailed the Appellant a correspondence entitled, “Your Information Does Not Match” (“W-3015”). The W-3015 form stated, “We have learned from [REDACTED] that some of the information that you gave us about yourself and your household may not be right or up-to-date. The information we got from the [REDACTED] does not match the information we have about you are follows. Please see details below: A recent match with the [REDACTED] shows that you were hired at [REDACTED]. If you think this new information we got is wrong, please send proof that it is wrong to DSS Scanning Center, PO Box 1320, Manchester, CT 06045-9968 or contact us at 1-855-626-6632 by [REDACTED] 2023 to talk about it. If we do not hear form you, we will use the information we got from the [REDACTED] to decide if you are still eligible.” *(Exhibit 13: W-3015 dated [REDACTED] 2023, Hearing Summary, Department’s Testimony)*
7. The hearing record is void of evidence to substantiate that the Appellant contacted the Department following the issuance of the above-noted W-3015 correspondence. *(Exhibit 9: Case Notes, Exhibit 13: ImpaCT Document Searches, Hearing Record)*
8. On [REDACTED] 2023, the Department issued the Appellant benefits under the SNAP in the amount of \$973.00 for the benefit period beginning [REDACTED] 2023, ending [REDACTED] 2023, for a SNAP household comprised of [REDACTED] eligible individuals. *(Exhibit 5: ImpaCT Benefit History Issuance – Search, Department’s Testimony)*
9. On [REDACTED] 2023, the Department reviewed the Appellant’s case. The Department verified the Appellant’s wages from her active employment with [REDACTED] [REDACTED] Verification electronic database. The Department historically updated the Appellant’s actual gross weekly wages dating back to [REDACTED] 2023. *(Exhibit 9: Case Notes dated [REDACTED] 2023, Hearing Summary, Department’s Testimony)*
10. On [REDACTED] 2023, the Department mailed the Appellant a NOA that advised benefits under the SNAP were closed effective [REDACTED] 2023, citing the following reasons, “The monthly net income of your household is more than the limit for this program”, and “Does not meet program requirements”. The NOA

further advised that the Appellant's [REDACTED] (DOB: [REDACTED] 2003) remained ineligible for benefits under the SNAP citing, "Does not meet program requirements for a student."

The NOA listed the household income as follows:

Who Has Income:	Type:	How much and When?
[REDACTED]	Educational Aid used for Living Expenses	\$0.00 Monthly
[REDACTED]	Child Support (CCSES)- Current	\$728.00 Monthly
[REDACTED]	Child Support (CCSES)- Current	\$728.00 Monthly
[REDACTED]	SSI	\$914.00 Monthly
[REDACTED]	Wages	\$920.34 Weekly
[REDACTED]	Wages	\$440.83 Bi-weekly

The NOA listed the household expenses as follows:

Who Has Expenses?	Type	How Much and When?
[REDACTED]	Rent	\$1,900.00 Monthly
[REDACTED]	Heating and cooling	Varies monthly

(Exhibit 2: NOA dated [REDACTED] 2023)

11. On [REDACTED] 2023, the OLCRAH received the Appellant's request for an administrative hearing. The Appellant reported, "[REDACTED] is in college at the [REDACTED] and does not live with me, my wages are not \$920.00 [weekly]." The OLCRAH also received a correspondence from the Appellant's employer, [REDACTED] [REDACTED] dated [REDACTED] 2023, signed by the HR assistant, [REDACTED] that stated, "[The Appellant] is a permanent employee at [REDACTED] as the [REDACTED]. She is a 28-hour employee at a pay rate of \$15.75 per hour. She does pick up days, but they are not guaranteed hours every week it is on an as needed basis. If you have any questions or concerns, please feel free to contact me." (Exhibit A: Hearing Request dated [REDACTED] 2023, received [REDACTED] 2023)
12. On [REDACTED] 2023, the OLCRAH issued the Appellant a Notice of Administrative Hearing scheduling a hearing for [REDACTED] 2023. (Hearing Record)
13. On [REDACTED] [REDACTED] 2023, the OLCRAH received a second request for an administrative hearing from the Appellant with a duplicate copy of the employment correspondence from [REDACTED]. The OLCRAH also received an Enrollment Verification, Account Inquiry, and Account Activity statements from the [REDACTED] concerning the Appellant's daughter,

██████████ (Exhibit B: Hearing Request signed & dated ██████████ 2023, received by OLCRAH ██████████ 2023)

14. On ██████████ 2023, the Appellant requested to reschedule the administrative hearing. (Hearing Record)
15. On ██████████ 2023, the OLCRAH received a third request for an administrative hearing from the Appellant with the following supplemental documents:

- A self-statement of the Appellant’s monthly income and deductions.
- The Appellant’s weekly paystubs from employment with ██████████ ██████████

Pay Date:	Gross Wages:	Hours:
██████████ 2023	\$880.00	40.00
██████████ 2023	\$1,102.75	46.57
██████████ 2023	\$704.00	32.00
██████████ 2023	\$550.00	25.00

- One page of a Marriage Dissolution Agreement (date is not clear) that reflects ██████████, the legally liable relative (“LLR”) of two minor children (names not listed) will pay the Appellant \$312.00 per week in child support biweekly via wage withholding. The Agreement further states the LLR will be responsible for 81% of unreimbursed medical costs and 61% of work-related childcare costs for the children.
- A correspondence dated ██████████ 2023, from ██████████ ██████████ ██████████ that stated the out-of-pocket tuition for ██████████ ██████████ (the Appellant’s daughter) is \$420.00 weekly.

(Exhibit C: Hearing Request & Supplemental Verification, Fax dated ██████████ 2023)

16. On ██████████ 2023, the OLCRAH issued the Appellant a Notice of Administrative Hearing rescheduling the hearing for ██████████ 2023. (Hearing Record)
17. On ██████████ 2023, the Department re-reviewed the Appellant’s household eligibility for benefits under the SNAP. The Department subsequently adjusted the Appellant’s historical earned income wages based on the simplified reporting rules under the SNAP. The Department issued the Appellant an updated NOA that advised SNAP remained closed effective ██████████ 2023, citing the following reasons, “The monthly net income of your household is more than the limit for this program” and “Does not meet program requirements”. The NOA further advised that the Appellant’s ██████████ daughter, ██████████

remained ineligible for benefits under the SNAP citing, “Does not meet program requirements for a student.”

The NOA listed the household income as follows:

Who Has Income:	Type:	How much and When?
██████████	Educational Aid used for Living Expenses	\$0.00 Monthly
██████████	SSI	\$914.00 Monthly
██████████	Child Support (CCSES)- Current	\$728.00 Monthly
██████████	Child Support (CCSES)- Current	\$502.03 Monthly
██████████	Child Support (CCSES)- Current	\$728.00 Monthly
██████████	Child Support (CCSES)- Arrears	\$728.00 Monthly
██████████	Wages	\$440.83 Bi-weekly
██████████	Wages	\$741.00 Weekly

The NOA listed the household expenses as follows:

Who Has Expenses?	Type	How Much and When?
██████████	Daycare	\$215.00 Weekly
██████████	Rent	\$1,950.00 Monthly
██████████	Heating and cooling	Varies Monthly

(Exhibit 3: NOA dated ██████████ 2023, Hearing Summary, Department’s Testimony)

18. On ██████████ 2023, the Department recalculated the Appellant’s countable earned income from her employment with ██████████ as follows:

Pay Date:	Gross Wages:	Hours:
██████████ 2023	\$880.00	40.00
*██████████ 2023	*\$1,102.75	*46.57
██████████ 2023	\$704.00	32.00
██████████ 2023	\$550.00	25.00

\$880.00 plus (+) \$704.00 plus (+) \$550.00 equals (=) \$2,134.00 divided (/) by 3 paystubs equals (=) \$711.33 weekly multiplied (x) by 4.3 weeks per month equals (=) \$3,058.73 countable gross wages per month.

\*The Department excluded the pay date of [REDACTED] 2023, and the corresponding wages, from the computation as hours and wages were determined to be unusually high.

*(Exhibit 9: Case Notes dated [REDACTED] 2023, Hearing Summary, Department's Testimony)*

19. On [REDACTED] 2023, the Department utilized the automated interface with the CT Child Support Enforcement Services ("CCSES") database to recalculate the household's countable child support income based on a three (3) month average taken for the period beginning [REDACTED] 2023, ending [REDACTED] 2023, as follows:

- The Appellant's son, [REDACTED]:

Date:	Disbursement Amount
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00

[REDACTED] 2023: \$936.00 + [REDACTED] 2023: \$624.00 + [REDACTED] 2023: \$624.00 = 2,184.00 / 3 months = \$728.00 monthly average.

- The Appellant's daughter, [REDACTED]:

Date:	Disbursement Amount
[REDACTED] 2023	\$81.28
[REDACTED] 2023	\$36.79
[REDACTED] 2023	\$137.00
[REDACTED] 2023	\$137.00
[REDACTED] 2023	\$137.00
[REDACTED] 2023	\$43.91
[REDACTED] 2023	\$137.00
[REDACTED] 2023	\$9.59
[REDACTED] 2023	\$200.10
[REDACTED] 2023	\$17.96
[REDACTED] 2023	\$318.46
[REDACTED] 2023	\$250.01

[REDACTED] 2023: \$529.07 + [REDACTED] 2023: \$390.60 + [REDACTED] 2023: \$586.43 = \$1,506.10 / 3 = \$502.03 monthly average. .

- The Appellant's daughter, [REDACTED]

Date:	Disbursement Amount
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00
[REDACTED] 2023	\$312.00

[REDACTED] 2023: \$936.00 + [REDACTED] 2023: \$624.00 + [REDACTED] 2023: \$624.00 = 2,184.00 / 3 months = \$728.00 monthly average.

*(Exhibit 8: CCSES Disbursements, Exhibit 9: Case Notes dated [REDACTED] 2023, Hearing Summary, Department's Testimony)*

20. The Department considers child support income (including arrearage payments) as countable income under the SNAP. *(Department's Testimony)*
21. On [REDACTED] 2023, the Department mailed the Appellant a W-1E Application for Benefits. *(Exhibit 9: Case Notes dated [REDACTED] 2023, Hearing Summary, Department's Testimony)*
22. On [REDACTED] 2023, the Appellant contacted the Department concerning her eligibility for benefits under the SNAP for [REDACTED] 2023. *(Exhibit 9: Case Notes dated [REDACTED] 2023)*
23. On [REDACTED] 2023, the Department manually issued the Appellant benefits under the SNAP in the amount of \$939.00 for the benefit period beginning [REDACTED] 2023, and ending [REDACTED] 2023. *(Exhibit 5: ImpaCT Benefit History – Search, Hearing Summary, Department's Testimony)*
24. The Appellant did not experience a loss of benefits under the SNAP for [REDACTED], due to the above-noted manual issuance by the Department. *(Hearing Record)*
25. On [REDACTED], 2023, the Department contacted the Appellant by phone to discuss her case details under the SNAP. *(Exhibit 9: Case Notes dated [REDACTED] 2023)*
26. On [REDACTED] 2023, the Appellant did not attend the scheduled administrative hearing. *(Hearing Record)*
27. On [REDACTED] 2023, the Appellant contacted the OLCRAH and requested for the administrative hearing to be rescheduled. *(Hearing Record)*



28. On [REDACTED] [REDACTED] 2023, the OLCRAH issued the Appellant a Notice of Administrative Hearing rescheduling the hearing for [REDACTED] 2023. (*Hearing Record*)

29. On [REDACTED] 2023, the Administrative Hearing was held. (*Hearing Record*)

30. On [REDACTED] [REDACTED] 2023, the Appellant testified that she contested the Department's calculation of her gross earned income wages, the amount of child support she received, and the allowable deductions under the SNAP. (*Appellant's Testimony*)

31. At the Appellant's request, the hearing record remained open and was extended until [REDACTED] 2023, for the submission of additional information. (*Appellant's Testimony, Hearing Record*)

32. On [REDACTED] 2023, the OLCRAH received a one (1) page fax from the Appellant that reflected two (2) CT Child Support Deposits as follows:

Date:	Deposit Amount
[REDACTED]	\$624.00
[REDACTED]	\$624.00

(*Exhibit D: Appellant's Post-Hearing Documentation: Share Savings – [REDACTED] Deposits, received on [REDACTED] 2023*)

33. On [REDACTED] 2023, the OLCRAH received a twenty-two (22) page fax from the Appellant that included the following:

- Fax Cover Sheet
- State of CT Superior Court Judicial District of [REDACTED] [REDACTED] Judgement file signed and dated [REDACTED] 2018.
- Dissolution Agreement date stamped [REDACTED] 2018.
- Dissolution of Marriage (Divorce) Judgement signed and dated [REDACTED]/2018.
- Dissolution Agreement Addendum signed & dated [REDACTED] 2018.
- [REDACTED] account statements for the Appellant for the period beginning [REDACTED] 2023, ending [REDACTED] 2023, reflecting CT Child Support Deposits as follows:

Date	Deposit Amount	Dependent Child(ren) <i>(handwritten)</i>
██████ 2023	\$82.28	██████
██████ 2023	\$624.00	████████████████████
██████ 2023	\$11.74	██████
██████ 2023	\$137.00	██████
██████ 2023	\$137.00	██████
██████ 2023	\$624.00	████████████████████
██████ 2023	\$137.00	██████
██████ 2023	\$624.00	████████████████████
██████ 2023	\$43.91	██████
██████ 2023	\$137.00	██████
██████ 2023	\$624.00	████████████████████
██████ 2023	\$9.59	██████
██████ 2023	\$200.10	██████
██████ 2023	\$624.00	████████████████████
██████ 2023	\$17.96	██████
██████ 2023	\$318.46	██████
██████ 2023	\$624.00	████████████████████

(Period beginning ██████/2023 ending ██████/2023 was not provided)

- SNAP literature concerning deductions, expenses, income computation, and income limits.

*(Exhibit D: Appellant's Post-Hearing Documentation, received on ██████ 2023)*

34. The Appellant did not provide documentation to substantiate if she received child support payments for the ██████████ period beginning ██████████ 2023, ending ██████████ 2023. *(Exhibit D: Appellant's Post Hearing Documentation, received on ██████ 2023 & ██████ 2023)*

35. The Department's record of child support disbursement payments made does not coincide with the Appellant's record of child support deposits received:

Dependent Child	Month:	Departments record of total payments	Appellant's record of Total Payments	Discrepancy
██████████	██/2023	\$936.00	\$624.00	Yes
██████████	██/2023	\$624.00	\$936.00	Yes
██████████	██/2023	\$624.00	\$312.00	Yes
██████████	██/2023	\$529.07	\$505.02	Yes
██████████	██/2023	\$390.60	\$390.60	No
██████████	██/2023	\$586.43	\$336.42	Yes
██████████	██/2023	\$936.00	\$624.00	Yes
██████████	██/2023	\$624.00	\$936.00	Yes
██████████	██/2023	\$624.00	\$312.00	Yes

(Hearing Record)

36. The Appellant affirmed that her minor daughter, ██████████ received SSI benefits in the amount of \$914.00 per month. (*Appellant's Testimony*)
37. The Appellant testified that she purchases glasses for ██████████ about every six (6) months. (*Appellant's Testimony*)
38. The hearing record is void of evidence to substantiate that the Appellant had report or verified the above noted medical expense before the hearing proceedings. (*Hearing Record*)
39. The Appellant affirmed that she is responsible for a rental obligation in the amount of \$1,950.00 per month plus utility expenses paid separately. (*Exhibit 2: NOA dated ██████████ 2023, Exhibit 3: NOA dated 1 ██████████ 2023, Exhibit 4: Federal SNAP Income Tests, Appellant's Testimony*)
40. The issuance of this decision is timely under section 17b-61(a) of Connecticut General Statutes, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on ██████████ 2023. This decision, therefore, was due no later than ██████████ 2023. The hearing, however, which was originally scheduled for ██████████ 2023, was rescheduled to ██████████ 2023, at the request of the Appellant, which caused a ██████████ delay. The hearing, which was rescheduled for ██████████ 2023, was subsequently rescheduled to ██████████ 2023, at the request of the Appellant which caused an additional ██████████ delay. Because the ██████████ delay resulted from the Appellant's requests, this decision was not due until ██████████ 2024. However, the hearing record, which had been anticipated to close on ██████████ 2023, did not close for the admission of evidence until ██████████ 2023, at the Appellant's request. Because this ██████████ delay in the close of the hearing record arose from the Appellant's request, this final decision is not due until ██████████ 2023, and it is therefore timely. (*Hearing Record*)

## CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statute provides as follows: “The Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.”

### **The Department has the authority to administer the SNAP.**

2. Title 7 of the Code of Federal Regulations (“C.F.R”) § 273.1(b)(1)(ii) provides as follows: 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).
3. 7 C.F.R § 273.1(a) provides the following: *General household definition*. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (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.
4. 7 C.F.R. § 273.1(b)(1)(ii) provides the following: *General household definition*. 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).
5. 7 C.F.R §273.5(a) provides as follows: An individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for one of the exemptions contained in paragraph (b) of this section. An individual is considered to be enrolled in an institution of higher education if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

6. 7 C.F.R. § 273.10(f) provides as follows: Certification periods. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

**The Department correctly determined that the Appellant's [REDACTED] daughter, [REDACTED] is ineligible for benefits under the SNAP.**

**The Department correctly certified the SNAP household comprised of three (3) individuals for a twelve (12) month certification cycle that began effective [REDACTED] 2023, and ended effective [REDACTED] 2023.**

7. 7 C.F.R. § 273.12(a)(1) provides as follows: 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.
8. 7 C.F.R. § 273.12(a)(5)(i) provides as follows: 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: The State agency may include any household certified for at least 4 months within a simplified reporting system.
9. 7 C.F.R. § 273.12(a)(5)(vii) provides as follows: A State agency that chooses to use simplified reporting procedures in accordance with this section must state in its State plan of operation that it has implemented simplified reporting and specify the types of households to whom the reporting requirement applies.

**The Appellant is subject to simplified reporting under the SNAP.**

10. 7 C.F.R. § 273.12(a)(5)(v) provides as follows: 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.

11.7 C.F.R § 273.9(a)(1)(i) provides as follows: 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.

12.7 C.F.R § 273.9(a)(2)(i) provides as follows: The net 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 the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

13.7 C.F.R § 273.9(a)(3) provides as follows: 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.

(ii) 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.

14.7 C.F.R § 273.9(a)(4) provides as follows: The monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap).

15. Federal Register, Vol. 87, No, 14, January 21, 2022/Notices, p 3316 provides as follows: The Department of Health and Human Services lists the annual 2022 Poverty Guidelines for the 48 Contiguous States and the District of Columbia as \$23,030.00 for a household of three.

16. The United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2023 Cost-of-Living Adjustments, August 9, 2022, provides as follows: For the period October 1, 2022, through September 30, 2023, the Gross Monthly Income

Eligibility Standard (130 Percent of Poverty Level) for a household of three equals \$2,495.00.

**\$23,030.00 Annual Poverty Guideline / 12 months = \$1,919.17 x 130% = \$2,494.92 (rounded up to \$2,495.00) equivalent to 130 % of FPL.**

**According to Simplified Reporting rules under the SNAP, the Appellant was required to report when the SNAP household's gross income exceeded 130% of the FPL equivalent to \$2,495.00 per month based on a certified SNAP household comprised of three (3) individuals.**

17.7 C.F.R. § 273.9(b) provides as follows: Definition of Income. Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.

18.7 C.F.R. § 273.9(b)(1)(i) provides as follows: Earned income shall include: All wages and salaries of an employee.

19.7 C.F.R § 273.9(b)(2)(i) provides as follows: 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.

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

**The Department correctly determined that all [gross] income is countable under the SNAP (unless specifically excluded).**

21.7 C.F.R § 273.9(a) provides as follows: 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)).

22.7 C.F.R § 273.10(e) provides the following: *Calculating net income and benefit levels* - (1) *Net monthly income.* (i) 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. (ii) In calculating net monthly income, the State agency shall use one of the following two procedures: (A) Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents; or (B) Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the cents



associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.

23.7 C.F.R § 273.10(e)(2)(i) provides the following: Eligibility and benefits.

- (A) Households which contain an elderly or disabled member as defined in § 271.2, shall have their net income, as calculated in paragraph (e)(1) of this section (except for households considered destitute in accordance with paragraph (e)(3) of this section), compared to the monthly income eligibility standards defined in § 273.9(a)(2) for the appropriate household size to determine eligibility for the month. (B) 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.
- (B) 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.

24. 7 C.F.R § 273.10(e)(2)(ii) provides the following: (A) 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; or (2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar. (B) If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month. (C) Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.

25. 7 C.F.R § 273.10(e)(2)(iii) For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements of paragraph (a)(1) and the provision precluding issuances of less than \$10 in an

initial month of paragraph (e)(2)(ii)(B)) of this section: (A) The State agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued.

**The Department correctly determined that because the Appellant's child is a receipt of SSI, (a disabled member) the household is exempt from the gross income standard but remains subject to the net income standard.**

**The Department's record of child support disbursement payments made does not coincide with the Appellant's record of child support payments received. Additionally, the hearing record is void of evidence to substantiate the child support payments received for [REDACTED] period of that began [REDACTED] 2023, and ended [REDACTED] 2023.**

26. 7 C.F.R § 273.12(a)(2) provides as follows: 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.

**The hearing record is void of evidence to substantiate that the Appellant complied with the simplified reporting requirements by timely reporting when the household's income exceeded the 130% FPL threshold for reporting income changes. As such, the Appellant *may* be subject to historical overpayments under the SNAP.**

27. 7 C.F.R § 273.12(a)(5)(vi) provides as follows: State agency action on changes

reported outside of a periodic report. The State agency must act when the household reports that its gross monthly income exceeds the gross monthly income limit for its household size. For other changes, the State agency need not act if the household reports a change for another public assistance program in which it is participating and the change does not trigger action in that other program but results in a decrease in the household's SNAP benefit. The State agency must act on all other changes reported by a household outside of a periodic report in accordance with one of the following two methods:

(A) The State agency must act on any change in household circumstances in accordance with paragraph (c) of this section; or

(B) The State agency must not act on changes that would result in a decrease in the household's benefits unless one of the following occurs:

(1) The household has voluntarily requested that its case be closed in accordance with § 273.13(b)(12).

(2) The State agency has information about the household's circumstances considered verified upon receipt.

(3) A household member has been identified as a fleeing felon or probation or parole violator in accordance with § 273.11(n).

(4) There has been a change in the household's PA grant, or GA grant in project areas where GA and food stamp cases are jointly processed in accordance with § 273.2(j)(2).

(5) The State agency has verified information that a member of a SNAP household has won substantial lottery or gambling winnings in accordance with § 273.11(r).

**The W69: New Hires Match and The Work Number/Equifax are not verified upon receipt sources of information. As previously stated, the hearing record is void of evidence to substantiate that the Appellant reported an income change outside of the periodic report. Therefore, the Department should have waited for the periodic report (essentially the redetermination) to act on the change. The Department incorrectly discontinued benefits effective [REDACTED] 2023. However, the Department subsequently corrected its error by issuance of manual benefits under the SNAP for the benefit period of [REDACTED] 2023, through [REDACTED] 2023, on [REDACTED] 2023. Therefore, the Appellant did not experience a loss of benefits under the SNAP for [REDACTED] 2023.**

28. 7 C.F.R § 273.14(a) provides the following: *General*. No household may participate

beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

29.7 C.F.R § 273.14(b)(1)(i) provides the following: The State agency shall provide

households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The State agency shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly processed PA and GA households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their PA or GA redetermination.

**The Department did not comply with the Federal Regulations as a NOE was not mailed in ██████████ 2023, prior to the SNAP certification cycle expiration date of ██████████ 2023.**

30.7 C.F.R § 273.14(b)(2) provides the following: *Application*. The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of § 273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in § 273.2(b)(2), and provide the household with a notice of required verification as specified in § 273.2(c)(5).

31.7 C.F.R § 273.2(c)(7) provides the following: Signing an application or reapplication form. In this paragraph, the word “form” refers to applications and reapplications.

32.7 C.F.R § 273.2(c)(7)(i) provides the following: Requirement for a signature. A form must be signed to establish a filing date and to determine the State agency's deadline for acting on the form. The State agency shall not certify a household without a signed form.

**The Department correctly determined that a completed renewal form and/or its equivalent is required to establish the household's eligibility for continued benefits beyond the previously established SNAP certification cycle. The Department mailed the Appellant an application but failed to provide her with a deadline.**

## DISCUSSION

The Appellant argued that the Department should have counted her net wages rather than her gross wages. Most SNAP households are subject to the gross income standard (test) followed by the net income standard (test). However, SNAP households with a disabled member are exempt from the gross income standard but remain subject to the net income standard. To determine a household's net monthly income, the Department shall add countable gross monthly earned and unearned income and then subtract allowable income exclusions and deductions under the SNAP to accurately determine eligibility/benefit amount. The Department correctly determined that gross earned and unearned income inclusive of child support arrearage payments are countable income under the SNAP.

The Appellant argued that the child support payments she received do not match the Department records of the child support disbursements made. While a definite calculation cannot be established due to a lack of evidence for ■■■■■ period in ■■■■■ 2023, I find that there are significant discrepancies. Additionally, as the child support is being disbursed by the Department if there is an alleged inconsistency then eligibility staff should consult with child support staff to rectify it and/or may request records from the Appellant for the dates/amounts in question.

As previously stated, it appears that both the Appellant and the Department may have failed to comply with the simplified reporting requirements under the SNAP. The issue of this hearing was the discontinuance of benefits under the SNAP effective ■■■■■ 2023, due to excess income. The Department acknowledged its process error by prematurely updating the Appellant's income based on non-verified upon receipt sources of information outside of a periodic review period without the Appellant's report of the change. The Department subsequently issued manual benefits for the household under the SNAP for ■■■■■ 2023; thus, resolving the issue of the hearing. However, for the Department to accurately establish the household's eligibility or ineligibility for benefits under the SNAP beyond the previously established certification cycle a redetermination is required. The Appellant was not provided a NOE, given a deadline, and provided with an opportunity to complete a redetermination.

## DECISION

The Appellant's appeal is REMANDED.

**ORDER**

1). The Department shall issue the Appellant a renewal form or its equivalent and provide the Appellant a deadline to return the form completed. If the completed form is returned by the established deadline, then the Department shall evaluate the household's eligibility for benefits under the SNAP effective [REDACTED] 2023.

2). Compliance with this order is due to the undersigned no later than [REDACTED] 2024.

*Jessica Gulianello*

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**Jessica Gulianello  
Hearing Officer**

CC: Quashondra Thomas, ESW  
Annjerry Garcia, Robert Stewart, Jamel Hillard, SSOM's DO [REDACTED]

### **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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 06105-3725.

### **RIGHT TO APPEAL**

The appellant has the right to appeal this decision to Superior Court with 45 days of the mailing of this decision, or 45 days after the agency denies 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 06105-3725. 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 her 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.