

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

██████████ 2020
Signature Confirmation

Case ID # ██████████
Client ID ██████████
Request # 157603

NOTICE OF DECISION
PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant"), a Notice of Action ("NOA") denying her application for cash benefits under the Aid to the Aged, Blind, and Disabled Program (AABD).

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department's denial of cash benefits under the AABD program.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings, ("OLCRAH") sent a notice scheduling the administrative hearing for ██████████ 2020.

On ██████████ 2020, the Appellant requested to reschedule her administrative hearing.

On ██████████ ██████████ 2020, OLCRAH issued a notice rescheduling the telephone administrative hearing for ██████████ 2020.

On ██████████ 2020, OLCRAH, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, held a telephone administrative hearing. The following individuals were present at the hearing:

██████████ Appellant
Christopher Filek, Department's Representative
Swati Sehgal, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's application for AABD benefits.

FINDINGS OF FACT

1. On ██████████ 2020, the Appellant reapplied for cash benefits under the AABD program. (Exhibit 1: Case Notes and Appellant's Testimony)
2. The Appellant receives \$783.00 per month in Supplemental Security Income ("SSI") benefits (Exhibit 1 and Exhibit B: SSI Letter, Exhibit 3: Notice of Action, ██████████/20)
3. The Appellant shares an apartment with three other people, they all share one kitchen. She has a total monthly rent obligation of \$550.00. (Exhibit 1 and Appellant's Testimony, Exhibit C: Copy of Lease)
4. The Department calculated the Appellant's AABD eligibility using \$783.00 gross income and a standard living disregard of \$351.00 per month. (Exhibit 2: State Supplement Calculation Sheet and Hearing Record)
5. On ██████████ 2010, The Department sent the Appellant an NOA denying her application for cash benefits under the AABD program, because her net income is more than the limit for the program. (Exhibit 5)
6. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative hearing. The Appellant requested an administrative hearing on ██████████ 2020. This decision, therefore, was due no later than ██████████ 2020. However, the hearing, which was originally scheduled for ██████████ was rescheduled for ██████████ 2020, at the request of the Appellant, which caused a 28-day delay. Because this 28-day delay resulted from the Appellant's request, this decision is not due until ██████████ 2020. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the Aid to the Aged, Blind, and Disabled (AABD) State Supplement program.

2. State Statute provides that the Commissioner of Social Services shall administer the program of state supplementation to the Supplemental Security Income Program provided for by the Social Security Act and state law. The commissioner may delegate any powers and authority to any deputy, assistant, investigator or supervisor, who shall have, within the scope of the power and authority so delegated, all of the power and authority of the Commissioner of Social Services. The commissioner shall establish a standard of need based on the cost of living in this state for the temporary family assistance program and the state-administered general assistance program. The commissioner shall make a reinvestigation, at least every twelve months, of all cases receiving aid from the state, except that such reinvestigation may be conducted every twenty-four months for recipients of assistance to the elderly or disabled with stable circumstances, and shall maintain all case records of the several programs administered by the Department of Social Services so that such records show, at all times, full information with respect to eligibility of the applicant or recipient. In the determination of need under any public assistance program, such income or earnings shall be disregarded as federal law requires, and such income or earnings may be disregarded as federal law permits. In determining eligibility, the commissioner shall disregard from income Aid and Attendance pension benefits granted to a veteran, as defined under section 27-103, or the surviving spouse of such veteran. The commissioner shall encourage and promulgate such incentive earning programs as are permitted by federal law and regulations. [Conn. Gen. Stat. § 17b-104(a)]
3. “The Department’s Uniform Policy Manual (“UPM”) is the equivalent of a state regulation and, as such, carries the force of law.” *Bucchere v. Rowe*, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 2017 Conn. 601, 573 A.2d 712 (1990)).
4. UPM § 4520.05 provides that the basic needs of AABD assistance units consist of the sum of a personal needs standard that is uniform for all assistance units belonging to the same type of housing classification, and a shelter standard that varies according to: the housing classification, the actual cost of the housing, and rates or limits established by the Department.
5. UPM § 4520.05(A)(2) provides that AABD assistance units are classified by living arrangement into the following categories: (a) Residents of rated housing facilities; (b) Residents of housing which is not rated; and (c) Residents of long term care facilities.
6. UPM § 4520.15(A) provides that individuals living in the following types of housing are classified as residing in non-rated housing: (a) home owned property; (b) rented living arrangements; (c) room, including a hotel or motel room; (d) room and board in a housing unit that is not a licensed boarding facility; (e) all other housing that is not classified as a rated housing facility.

The Department correctly determined that the Appellant lives in non-rated housing.

7. UPM § 4520.15(B)(1) provides that the personal needs standard for assistance units residing in non-rated housing contains a cost allowance for the following expenses: clothing, cooking fuel, electricity, food, heat, hot water, household supplies, laundry, personal incidentals, telephone, transportation.
8. UPM § 4520.15(B)(2) provides that the standard of assistance for personal needs for an individual residing in non-rated housing is \$170.06 per month.

The Department correctly determined that the Appellant qualified for a personal needs allowance of \$170.06 per month because she resides in non-rated housing.

9. UPM § 4520.15(C)(1)(a) provides that an individual is considered to be living in Level 1 Housing in the following situations: (1) he or she is living in commercial housing or in a Department of Mental Health (DMH) sanctioned supervised apartment and not sharing a bedroom with any other individual; (2) he or she is living in a shelter for the homeless or for battered women; (3) he or she is living in any type of housing not mentioned in (1) or (2) above, and is not sharing his or her bedroom, bathroom or kitchen with another individual.
10. UPM § 4520.15(C)(2)(a) provides that an individual is considered to be living in Level 2 Housing in the following situations: (1) he or she is sharing a bedroom in any type of housing except a shelter for the homeless or a shelter for battered women; (2) he or she is sharing a bathroom or kitchen in any housing except a shelter for the homeless, a shelter for battered women, a DMH sanctioned supervised apartment, or commercial housing.

The Department correctly determined that the Appellant resides in Level 2 Housing.

11. UPM § 4520.15(C)(2)(b) provides the standard of assistance for shelter for assistance units living in Level 2 Housing is the amount that the assistance unit is obligated to pay for housing, up to \$200 per month. This includes rent, mortgage principal and interest, fire insurance premiums, property taxes, and water bills.
12. UPM § 4520.05 (B)(5) states that the assistance unit's basic needs are equal to the sum of the personal and shelter need standards.

The Department correctly determined that the Appellant's monthly basic needs equal \$370.06 (\$170.06, personal needs standard + \$200.00, rent).

13. UPM § 5005 provides for consideration of income and states:
 - A. In consideration of income, the Department counts the assistance unit's available income, except to the extent that it is specifically excluded. Income is considered available if it is:
 1. received directly by the assistance unit; or
 2. received by someone else on behalf of the assistance unit and the unit fails to prove that it is inaccessible; or

3. deemed by the Department to benefit the assistance unit.
 - B. The Department does not count income which it considers to be inaccessible to the assistance unit.
 - C. The Department computes applied income by subtracting certain disregards and deductions, as described in this section, from counted income.
 - D. The Department uses the assistance unit's applied income to determine income eligibility and to calculate the amount of benefits.
14. UPM § 5050.13 provides for treatment of specific types of income and states in part: A. Social Security and Veterans' Benefits (1) Income from these sources is treated as unearned income in all programs (2) This income is subject to unearned income disregards in the AABD and MAABD programs. B. Supplemental Security Income, SSI income is treated as unearned income for applicants or recipients of the State Supplement programs. It is subject to reduction by unearned income disregards when determining eligibility and calculating the amount of benefits for assistance units residing in rated and non-rated housing.

The Department correctly determined that the Appellant's monthly gross income from SSI in the amount of \$783.00.

15. UPM § 5030.15(B)(1)(a) provides for standard disregards and stated that the disregard is \$227.00 for those individuals who reside in their own homes in the community or who live as roomers in the homes of others and those who reside in long term care facilities, shelters for the homeless or battered women shelters. Effective January 1, 2008, and each January 1st thereafter, this disregard shall be increased to reflect the annual cost of living adjustment used by the Social Security Administration. The current standard disregard equals \$351.00 per month as of October 1, 2019.
16. UPM § 5045.10 (E) provides that the assistance unit's total applied income is the sum of the unit's applied earnings, applied unearned income, and the amount deemed.

The Department correctly determined that the Appellant's applied income equals \$432.00 (\$783.00, gross unearned income - \$351.00, disregard).

17. UPM § 5520.10 (B)(1) provides that if the needs group comprises only the individual applicant or recipient, the assistance unit's total applied income is compared to the total needs of the individual.

The Appellant's monthly applied income of \$432.00 exceeds her verified total needs of \$370.00.

The Department correctly denied the Appellant's application for cash benefits under the AABD program.

DECISION

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

Swati Sehgal
Hearing Officer

CC: Brian Sexton, DSS Operations Manager, RO #50 Middletown
Christopher Filek, Fair Hearing Liaison, DSS, RO #50 Middletown

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 06105-3725.

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, 55 Elm Street, 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.