

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

[REDACTED], 2019
SIGNATURE CONFIRMATION

[REDACTED]
Request # 146112

NOTICE OF DECISION

PARTY

[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2019, the Department of Social Services (the "Department") sent [REDACTED] (the "Appellant"), a Notice of Action ("NOA") reducing her Supplemental Nutrition Assistance Program ("SNAP") benefits from \$423.00 to \$182.00 effective [REDACTED] 2019.

On [REDACTED], 2019, the Appellant requested an administrative hearing to contest the reduction of her SNAP benefits.

On [REDACTED] 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for [REDACTED] 2019.

On [REDACTED] 2019, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

[REDACTED], Appellant
Karime # 10131, Interpreter # 2 via telephone

Ferris Clare, Department's Representative
Carla Hardy, Hearing Officer

The first interpreter, who participated in the hearing by telephone, was disconnected during the opening remarks before she could give her name.

The second interpreter, Karime # 10131, did not provide satisfactory services according to the Appellant. She did not interpret the entire hearing. The Appellant chose to proceed without an interpreter.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly reduced the Appellant's SNAP benefits.

FINDINGS OF FACT

1. The Appellant's household consists of three members that include herself and her two children, [REDACTED] (the "daughter") and [REDACTED] (the "son"). (Appellant's Testimony)
2. The Appellant is 43 years old (DOB [REDACTED]/75). No one in her household is elderly or disabled. (Appellant's Testimony; Hearing Record)
3. The Appellant and her daughter are both employed by [REDACTED] (Exhibit 3: Daughter's Wage Stubs; Exhibit 4: Appellant's Wage Stubs; Exhibit 6: Case Notes; Appellant's Testimony)
4. On [REDACTED] 2019, the Department completed the Appellant's renewal. They calculated that the Appellant earned \$1,109.11 monthly and that her daughter earned \$156.06 weekly. The daughter's earnings were excluded from the SNAP calculation because she was 17 years old at that time. (Exhibit 6; Exhibit 8: Earned Income Worksheet)
5. The Appellant's daughter is a senior in high school. (Appellant's Testimony)
6. The Appellant receives child support for her children. She received \$628.00 in [REDACTED] 2019; \$628.00 in [REDACTED] 2019; and \$785.00 in [REDACTED] 2019. The Appellant's child support income totals \$680.33 [$\$628 + \$628.00 + \785.00] = $\$2,041/3 = \680.33 . (Exhibit 6)
7. The Appellant's rent is \$189.00 monthly. She is responsible for gas heat. (Exhibit 6; Appellant's Testimony)
8. The Appellant pays \$50.00 weekly for daycare expenses. The Department calculated the Appellant's daycare expenses equals \$215.00 monthly. (Exhibit 2: NOA, [REDACTED] 19; Exhibit 6)

9. The Appellant has not reported a change of income, shelter, or daycare expenses since [REDACTED], 2019. (Hearing Summary)
10. On [REDACTED] 2019, the Appellant's earnings were \$144.04 weekly. Her daughter's wages were \$156.06 weekly. (Exhibit 2: NOA [REDACTED] 19)
11. On [REDACTED] 2019, the Department notified the Appellant that her SNAP benefits were being reduced from \$423.00 to \$182.00 effective [REDACTED] 2019. (Exhibit 1: NOA, [REDACTED]/19)
12. The Department used the Standard Utility Allowance ("SUA") in calculating the Appellant's SNAP benefit. (Exhibit 7: SNAP Income Test)
13. On [REDACTED], 2019, the Appellant's daughter turned 18 years old. (Hearing Record)
14. The Appellant's SNAP was reduced because her daughter turned 18 and her earnings were now included as part of the Appellant's household income. (Department's Testimony)
15. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached and the household notified within 60 days of receipt of a request for a hearing. The Appellant requested an administrative hearing on [REDACTED] 2019. Therefore this decision is due not later than [REDACTED] 2019, and is therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes, authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("C.F.R.") Section 273.1(b)(1)(ii) provides that a person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s) 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.

Uniform Policy Manual ("UPM") Section 2020.10(A)(1)(3) provides that children under the age of 18 and children ages 18 through 21 living with their parents must be included in the assistance unit, except when the child or adult is a foster child or foster adult.
3. The Department correctly determined that there are three people in the Appellant's household.

4. Title 7 of the C.F.R. § 273.9(b)(1) provides that household income shall include all wages and salaries of an employee.

UPM § 5005(A) provides that the Department counts the assistance unit's available income, and that income is considered available if it is:

1. received directly by the assistance unit,
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.

5. Title 7 C.F.R. § 273.9(c) provides for income exclusions. Only the following items shall be excluded from household income and no other income shall be excluded:

.... (7) The earned income (as defined in paragraph (b)(1) of this section) of any household member who is under age 18, who is an elementary or secondary school student, and who lives with a natural, adoptive, or stepparent or under the parental control of a household member other than a parent. . .

UPM § 5015.15(A)(11) provides that earned income received by children who are full or part time students in an elementary or high school, who are 17 years old or younger, and who also live in one of the following arrangements:

- a. under the supervision of another assistance unit member;
- b. with and [sic] a member of the assistance unit of a natural, adoptive or step-parent;
- c. with a natural, adoptive or step-parent but a separate assistance unit

6. The Department correctly included the Appellant's and her daughter's earnings when calculating eligibility for SNAP benefits.
7. Title 7 CFR § 273.10(c)(1)(ii) & (c)(2)(i) provides for converting income into monthly amounts.

UPM 5025.05(b) provides:

1. If income is received on a monthly basis, a representative monthly amount is used as the estimate of income.
2. If income is received on other than a monthly basis, the estimate of income is calculated by multiplying 4.3 by a representative weekly amount that is determined as follows:
 - a. If income is the same each week, the regular weekly income is the representative weekly amount;
 - b. If income varies from week to week, a representative period of at least four consecutive weeks is averaged to determine the representative weekly amount;
 - c. If there has been a recent change or if there is an anticipated future change, the amount expected to represent future income is the representative weekly amount;
 - d. If income is received on other than a weekly or monthly basis, the income is converted to a representative weekly amount by dividing the income by the number of weeks covered.

8. The Department correctly determined that the Appellant's gross earnings total \$619.35 ($\$144.04 \times 4.3 = \619.35).
9. The Department correctly determined that the Appellant's daughter's gross earnings total \$671.05 ($\$156.06 \times 4.3 = \671.05).
10. The Department correctly determined the Appellant's household income totals \$1,290.40 ($\$619.35 + \$671.05 = \$1,290.40$).
11. Title 7 C.F.R. § 273.9(b)(2)(iii) provides for counting support or alimony payments as unearned income.

UPM § 5050.19(B)(3) provides that child support received by any member of a Food Stamp (SNAP) unit is counted as unearned income in determining eligibility and calculating benefits.

12. The Department correctly determined the Appellant's monthly child support income totals \$680.33.
13. The Department correctly determined the Appellant's gross household income totals \$1,970.73 [$\$1,290.40$ earnings + $\$680.33$ child support = $\$1,970.73$].
14. Title 7 C.F.R. § 273.9(d)(1)&(2) provides for standard deductions and earned income deductions.

UPM § 5045.15 provides that the amount of applied income upon which the level of SNAP benefits is based is calculated in the following way:

- A. The monthly net earned income amount is calculated by reducing monthly earnings by:
 1. the actual amount of self-employment expenses, if applicable; and
 2. any earned income deductions approved by the Social Security Administration in regards to individual self-support plans (Cross reference: 5035.15); and
 3. a deduction of 20% of the gross earnings for personal employment expenses.
- B. The monthly net earned income is added to the monthly gross unearned income amount and the total of the income deemed to the unit.
- C. The amount of applied income is calculated by reducing the combined total of net earnings, gross unearned income and deemed income by the following in the order presented:
 1. a deduction for farming losses, if any;
 2. a disregard of \$164.00 per month; {effective October 1, 2018}
 3. a deduction for unearned income to be used to fulfill a bona-fide plan to achieve self-support (PASS); Cross reference: 5035.15
 4. the appropriate deduction for work related dependent care expenses;
 5. deduction for allowable medical expenses for those assistance unit members who qualify;
 6. a deduction for legally obligated child support when it is paid for a child who is not a member of the assistance unit;
 7. a deduction for shelter hardship, if applicable.
(Cross References: 5030 - "Income Disregards" and 5035 "Income Deductions")

D. The remaining amount after the disregards and deductions are subtracted is the amount of the unit's applied income.

15. The Department correctly allowed \$215.00 ($\$50.00 \times 4.3 = \215.00) as a dependent care deduction.

16. The Department correctly determined that the Appellant's adjusted gross income equals \$1,330.65 [$\$1,290.40 - \$258.08 (\$1,290.40 \times .20) + \680.33 (Child Support) - $\$164.00$ Standard Deduction - $\$215.00$ child care expense = $\$1,333.65$].

17. Title 7 CFR § 273.9(d)(6)(ii) provides for excess shelter deduction.

UPM § 5035.15(F)(1) provides for the calculation of the shelter hardship for the SNAP and states in part that the amount of shelter expenses which exceeds 50% of that portion of the assistance unit's income which remains after all other deductions have been subtracted is allowed as an additional deduction. Shelter expenses are limited to the following:

- a. rent, mortgage payments, and any continuing charges leading to ownership of the property occupied by the assistance unit excluding any portions allowed as self-employment deductions in multiple-family dwellings;

18. Title 7 CFR § 273.9(d)(6)(iii) provides for the standard utility allowances.

UPM § 5035.15(F)(6) provides that a standard utility allowance determined annually by the agency to reflect changes in utility costs is used to represent the total monthly utility expenses of the assistance unit if:

- a. the assistance unit incurs heating fuel or cooling costs separately from rent or mortgage payments; and
- b. the bill is established on the basis of individualized metering of service to the unit; or
- c. the costs are paid:
 - (1) totally or partially by the unit; or
 - (2) partially from a federal means-tested energy program directly to the service provider or to the recipient when these payments are less than the unit's total monthly heating or cooling costs; or
 - (3) totally by CEAP regardless of whether the payment is made to the unit or directly to the service provider.

19. The Standard Utility Allowance is \$736.00 effective October 1, 2018.

20. The Department correctly determined the Appellant's shelter costs totals \$925.00 ($\189.00 Rent + $\$736.00$ Standard Utility Allowance = $\$925.00$) per month.

21. Title 7 CFR § 271.2 provides for the maximum shelter deduction.

UPM § 5035.15(F)(10) provides that for those units which do not have any members who are elderly or disabled, a maximum shelter hardship is revised annually effective October 1. (Maximum shelter hardship effective October 1, 2018, is \$552.00).

22. The Department correctly determined that the Appellant's shelter hardship is \$258.17.

23. Title 7 C.F.R. § 273.10(e)(2)(ii)(A)(1) provides for the monthly SNAP benefit calculation.

UPM § 6005(C) provides that in the SNAP, the amount of benefits is calculated by: (1) multiplying the assistance unit's applied income by 30%; and (2) rounding the product up to the next whole dollar if it ends in 1-99 cents; and (3) subtracting the rounded product from the Food Stamp standard of assistance for the appropriate unit size.

24. Effective [REDACTED] 2019, the Appellant's SNAP benefits are computed as follows:

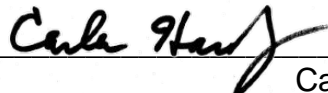
| SNAP BENEFIT CALCULATION | |
|---|-------------------|
| INCOME | |
| Earned Income | \$1,290.40 |
| Less 20 percent | -\$258.08 |
| = Adjusted earned income | \$1,032.32 |
| + Unearned income | 680.33 |
| = Total income | <u>\$1,712.65</u> |
| - Standard deduction | -\$164.00 |
| - Medical expenses | \$0 |
| -Dependent care expenses | -215.00 |
| =Adjusted gross income | \$1,333.65 |
| SHELTER COSTS | |
| Rent | \$189.00 |
| + SUA | <u>\$736.00</u> |
| Total shelter costs | \$925.00 |
| SHELTER HARDSHIP | |
| Shelter costs | \$925.00 |
| Less 50% of adjusted gross income | <u>-\$666.83</u> |
| = Total shelter hardship (max \$569 if not disabled or elderly) | \$258.17 |
| ADJUSTED NET INCOME | |
| Adjusted gross income | \$1,333.65 |
| Less shelter hardship | <u>-\$258.17</u> |
| Net Adjusted Income (NAI) | \$1,075.48 |

| <u>BENEFIT CALCULATION</u> | |
|--|------------------|
| Thrifty Food Plan for three persons | \$505.00 |
| Less 30% of NAI (rounded up to nearest whole dollar) | <u>-\$323.00</u> |
| SNAP award | \$182.00 |

25. On [REDACTED] 2019, the Department correctly calculated the Appellant's SNAP benefit amount as \$182.00 per month effective [REDACTED] 2019.

DECISION

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



 Carla Hardy
 Hearing Officer

Pc: Rachel Anderson, Cheryl Stuart, Lisa Wells, Ferris Clare, Department of Social Services, New Haven

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 060105-3725.

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 06105-3725. 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 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.