

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

██████████ 2019
Signature Confirmation

CLIENT No # ██████████
Request # 146630

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2019, the Department of Social Services - ("the Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") reducing the Supplemental Nutritional Assistance Program (SNAP) benefit from \$353.00 to \$51.00 effective ██████████ 2019.

On ██████████, 2019, the Appellant requested an administrative hearing to contest the amount of the SNAP benefits.

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

On ██████████ 2019, 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 following individuals were present at the hearing:

██████████, Appellant
Kristen Hagen, Department's Representative,
Almelinda McLeod, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department when it proposed to reduce the Appellant's SNAP benefits effective [REDACTED] 2019.

FINDINGS OF FACT

1. The Appellant had been eligible for SNAP benefits receiving \$353.00 per month since [REDACTED] 2019. (Appellants' testimony)
2. The Appellant, age [REDACTED], resides with her disabled spouse, age [REDACTED] she is a household of two. (Hearing summary)
3. The Appellant is in treatment for cancer and pending a Social Security determination for disability. (Appellant testimony)
4. The Appellants' spouse receives a monthly SSDI benefit of \$767.00. (Hearing record)
5. On [REDACTED], 2019, the Department received a W-1E application for Medicaid assistance the Appellant's spouse. (Hearing summary & Exhibit 1- W1E application)
6. On [REDACTED] 2019, the Department started processing the W-1E application where Unemployment Compensation Benefits ("UCB") was reported for the Appellant as \$196.00 per week and a rental obligation of \$415.00 monthly. (Hearing summary & Exhibit 1)
7. Based on the new information, the Appellant's SNAP benefits were reduced from \$353.00 to \$51.00 effective [REDACTED] 2019. (Hearing Summary)
8. On [REDACTED] 2019, the Department issued a Notice of Action ("NOA") advising the Appellant that effective [REDACTED] 2019, her SNAP benefit would be \$51.00 per month. (Hearing summary, Exhibit #7, NOA)
9. On [REDACTED], 2019, the Appellant requested an administrative hearing. (Exhibit A- Hearing request)
10. Subsequent to the Appellant's request for a hearing, the Department discovered the Appellant actually received \$226 per week in UCB income. In correcting the error, the Appellant was overpaid a total of \$35.00; which was removed by the Department as it was under \$100.00; however, the SNAP benefit amount was furthered reduced from \$51.00 to a \$16.00 minimum SNAP allotment. (Hearing record)

11. 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 fair hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2019, therefore the decision is due not later than [REDACTED], 2019.

CONCLUSIONS OF LAW

1. Section 17b-2 (7) of the Connecticut General Statutes, provides 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.
2. Title 7 of the CFR § 273.2 (j) (2) (E) (ii) provides the State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purposes of the Food Stamp Act: (A) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determining to confer categorical eligibility.
3. Title 7 of the CFR § 273. 1(b)(1) provides that 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.
 - I. Spouses;
 - II. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and
 - III. A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

The Department correctly determined this is a household of two.

4. Title 7 of the CFR § 273.9 (a) provides that 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 the Food Stamp Program. 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 the Food stamp program. 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)).
5. Title 7 of the CFR §273.9 (b) provides the definition of income. Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.
6. Title 7 of the CFR § 273.9 (b) (2) (ii) pertains to Unearned income which shall include, but not be limited to: Annuities; pensions; retirement, veteran's, or disability benefits; workers or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in §272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 2 hours a week.

The Department correctly determined that the SSDI income is unearned income.

The Department correctly determined that the UCB income as unearned income.

7. Title 7 of the CFR § 273.10(c) (2) (i) provides that income anticipated during the certification period shall be counted as income only in the month it is expected to be received unless the income is averaged. Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the State agency shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15, use the State Agency's PA conversion standard, or use the exact monthly figure if it can be anticipated for each month of the certification period. Nonrecurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income.

8. UPM 5025.05 (B) (1) provides that if income is received on a monthly basis, a representative monthly amount is used as the estimate of income.

The Department correctly determined the household's unearned income from SSDI monthly gross income as \$767.00.

Initially, the Department incorrectly determined that the household's unearned income from UCB was \$842.80 [$\$196.00 \times 4.3 = \842.80].

Subsequently, the Department correctly determined the household's unearned income from UCB was \$971.80. [$\$226 \times 4.3 = \971.80].

The Department correctly determined the Appellant's household total unearned income was \$ 1738.80. [$\$767.00$ SSDI + 971.80 UCB]

9. Title 7 CFR § 273.9 (d) (1) (i) pertains to a **standard deduction** in 48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands and provides, in part, 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 applied the \$167.00 standard deduction to the total income of \$1738.80 to determine the amount of the Appellant's household adjusted gross income of \$ 1571.80. ($\$1738.80 - \167.00).

10. CFR § 273.9 (d) (3) pertains to **allowable medical expenses** and provides that portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is elderly or disabled as defined in § 271.20. Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. Allowable medical costs are:

(i) Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by State law or other qualified health professional.

(ii) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a

household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the State.

(iii) Prescription drugs, when prescribed by a licensed practitioner authorized under State law, and other over-the-counter medication (including insulin), when approved by a licensed practitioner or other qualified health professional.

(A) *Medical supplies and equipment.* Costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible;

(B) *Exclusions.* The cost of any Schedule I controlled substance under the Controlled Substances Act, 21 U.S.C. 801 *et seq.*, and any expenses associated with its use, are not deductible.

(iv) Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump sum settlements for death or dismemberment or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible;

(v) Medicare premiums related to coverage under Title XVIII of the Social Security Act; any cost-sharing or spend down expenses incurred by Medicaid recipients; (vi) Dentures, hearing aids, and prosthetics;

(vii) Securing and maintaining a seeing-eye or hearing dog including the cost of dog food and veterinarian bills;

(viii) Eyeglasses prescribed by a physician skilled in eye disease or by an optometrist;

(ix) Reasonable cost of transportation and lodging to obtain medical treatment or services;

(x) Maintaining an attendant, homemaker, home health aide, or childcare services, housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one person benefit allotment shall be deducted if the household furnishes the majority of the attendant's meals. The allotment for this meal-related deduction shall be that in effect at the time of initial certification. The State agency is only required to update the allotment amount at the next scheduled recertification; however, at their option, the State agency may do so earlier. If a household incurs attendant care costs that could qualify under both the medical deduction of §273.9(d) (3) (x) and the dependent care deduction of §273.9(d) (4), the costs may be deducted as a medical expense or a dependent care expense, but not both.

The Department correctly did not allow medical deductions for medical expenses over \$35.00 in this case as the Appellant did not report any medical expenses in her applications.

11. Title 7 CFR § 273.9 (d) (6) (ii) provides, in part, for excess shelter deduction. Monthly shelter 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. 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.

(B) Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

(C) The cost of fuel for heating; cooling (i.e., the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.

(D) The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.

(E) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

12. Title 7 CFR 273.9(d) (6) (iii) pertains to the **standard utility allowance** and provides, in part,

(A) With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection.

(B) The State agency must review the standards annually and make adjustments to reflect changes in costs, rounded to the nearest whole dollar.

(C) A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA).

(D) 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.

(E) A State agency may mandate use of standard utility allowances for all households with qualifying expenses if the State has developed one or more standards that include the costs of heating and cooling and one or more standards that do not include the costs of heating and cooling, the standards will not result in increased program costs, and FNS approves the standard.

(F) If a household lives with and shares heating or cooling expenses with another individual, another household, or both, the State agency shall not prorate the standard for such households if the State agency mandates use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. The State agency may not prorate the SUA if all the individuals who share utility expenses but are not in the SNAP household are excluded from the household only because they are ineligible.

The Standard Utility Allowance ("SUA") effective [REDACTED] 2019 was \$736.00.

The Department correctly applied the SUA of \$736.00 towards the SNAP benefit.

13. 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 [REDACTED] 1. The Maximum Shelter hardship effective [REDACTED] 2018 is \$569.00.

The Department correctly determined the Appellant's shelter costs were \$1151.00 (\$415.00 rent + \$736.00 SUA).

The Department correctly determined that Appellant is not subject to the maximum shelter hardship because the Appellant's spouse is disabled.

The Department correctly determined the shelter hardship was \$365.10 (\$1151.00 shelter costs - \$785.90 (50% of the adjusted gross income)).

14. Title 7 CFR §273.10 (e) (2) (i) (A) provides households which contain an elderly or disabled member as defined in §271.2, shall have their net income, as calculated in (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.

The Department correctly determined the Appellant's net adjusted income as \$1206.70. (\$1571.80 - \$365.10)

15. Title 7 CFR 273.10 (e) (2) (ii) (A) (1) provides for the monthly SNAP benefit calculation. 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 the 30 percent of net income up to the nearest higher dollar.

The Department correctly determined that 30% of the Appellant's net adjusted (applied) income of \$1013.20, rounded up, was \$304.00. (\$1013.20 x 30%= \$303.96)

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

SNAP BENEFIT CALCULATION

INCOME	
Earned Income	\$0.00
Less 20%	-\$0.00
Total	\$0.00
Plus Unearned Income	+\$1609.80
Total	\$1609.80
Less standard deduction	-\$167.00
Adjusted gross income	\$1442.80
<u>SHELTER COSTS</u>	
Rent	\$415.00
SUA	+\$736.00
Total shelter costs	\$1151.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1151.00
Less 50% of adjusted gross income	-\$721.40
	<u>\$429.60</u>
Total shelter hardship	\$429.60 (Cannot exceed \$552 unless elderly or disabled)
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$1442.80
Less shelter hardship	-\$429.60
Net Adjusted Income (NAI)	\$1013.20
30% of NAI =	304.00
303.96 rounded up ->	
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for # Person/s	\$355.00
-30% NAI	-\$304.00
SNAP BENEFIT	\$51.00

17. The Department incorrectly calculated the Appellant's SNAP benefit amount of \$51.00 effective [REDACTED] 2019, based on the net UCB a household of two.
18. Subsequently, the Department re-calculated the SNAP because interface match verification with the Department of Labor ("DOL") indicated the Appellant received \$226.00 rather than \$196.00 in UCB income. - See the corrected SNAP calculation below.

INCOME	
Earned Income	\$0.00
Less 20%	-\$0.00
Total	\$0.00
Plus Unearned Income	+\$1738.80
Total	\$1738.80
Less standard deduction	-\$167.00
Adjusted gross income	\$1571.80
SHELTER COSTS	
Rent	\$415.00
SUA	+\$736.00
Total shelter costs	\$1151.00
SHELTER HARDSHIP	
Shelter costs	\$1151.00
Less 50% of adjusted gross income \$1571.80. x 05	-\$785.90
	\$365.10
Total shelter hardship	\$365.10 (Cannot exceed \$552 unless elderly or disabled)
ADJUSTED NET INCOME	
Adjusted gross income	\$1571.80
Less shelter hardship	-\$365.10
Net Adjusted Income (NAI)	\$1206.70
30% of NAI = 1206.70 x .30	\$363.00
362.01 rounded up ->	
BENEFIT CALCULATION	
Thrifty Food Plan for # Person/s	\$355.00
-30% NAI	\$363.00
SNAP BENEFIT	-\$0.00
Minimum SNAP allotment	\$16.00

19. Title 7 CFR § 273.10 (e) (2) (ii) (c) provides that 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. (Thrifty Food Plan for one = \$192.00 x .08 = \$15.36)

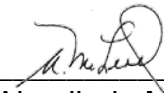
20. The Department correctly calculated the Appellant's SNAP benefit amount of \$16.00 effective [REDACTED] 2019.

DISCUSSION

The Appellant did not report medical expenses in the application but has testified that the household has medical expenses exceeding \$35.00 per month. The Appellant is encouraged to provide those medical expenses to the Department for future re-calculation of her SNAP benefit.

DECISION

The Appellant's appeal is DENIED.



Almelinda McLeod
Hearing Officer

CC: Tyler Nardine, SSOM Norwich Regional Office
Cheryl Stuart, SSOM Norwich Regional Office
Kristen Hagen, Fair Hearing Liaison, Norwich

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 Legal Counsel, Regulations, and Administrative Hearings, 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, 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 his 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.