

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 ID # ██████████
Request # 147874

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2019, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) increasing her benefit under the Supplemental Nutrition Assistance Program (“SNAP”) to \$141.00 effective ██████████ 2019.

On ██████████ 2019, the Appellant requested an administrative hearing to appeal the Department’s calculation of her current monthly allotment from SNAP.

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
Rose Montinat, Department’s representative
James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

1. To determine the correct current level of SNAP benefits for the Appellant.

FINDINGS OF FACT

1. The Appellant is a 65 year old disabled individual who lives alone. (Hearing Record)
2. The Appellant receives income from Supplemental Security Income ("SSI") and from Social Security Disability Income ("SSDI") (Appellant's testimony, Hearing Record)
3. The Appellant's monthly SSI benefit is \$199.99. (Appellant's testimony, Hearing Record)
4. The Appellant's monthly SSDI benefit is \$592.00. (Appellant's testimony, Hearing Record)
5. The Appellant pays \$41.00 monthly for rent. (Appellant's testimony, Hearing Record)
6. The Appellant pays \$215.00 monthly for heat. (Hearing Record)
7. On [REDACTED], 2019, the Department issued a NOA to the Appellant increasing her monthly SNAP benefit from \$138.00 to \$141.00. (Ex. 1: NOA dated [REDACTED] 2019)
8. On [REDACTED], 2019, the Appellant requested a fair hearing to appeal the calculation of her monthly SNAP allotment. (Hearing Record)
9. Following the Appellant's hearing request, the Department updated the Appellant's case to reflect that her rent had increased from \$25.00 to \$41.00. The adjustment resulted in her monthly SNAP benefit increasing from \$141.00 to \$146.00. (Testimony)
10. The Appellant pays more for the cost of food due to the special diet she requires due to the many medical conditions she has, including end stage renal disease. (Appellant's testimony)
11. The Appellant's out-of-pocket costs for medical expenses do not normally exceed \$35.00 per month. (Appellant's testimony)

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 in accordance with federal law.
2. Title 7 of the Code of Federal Regulations (“CFR”) § 273.9 (a) provides, in relevant part, as follows:

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)).

3. 7 CFR § 273.9(a)(1) discusses the gross income eligibility standards for the Food Stamp Program and provides that: (i) “The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia”.
4. **The Appellant’s household contains a disabled member, thus it is exempt from the requirement to meet the gross income test for SNAP. The household is required meet the net income test, unless it is determined categorically eligible as defined in 7 CFR § 273.2(j)(2) or § 273.2(j)(4).**
5. “The following households are categorically eligible for SNAP benefits...(D) Any household in which all members receive or are authorized to receive SSI benefits...” 7 CFR § 273.2(j)(2)(i)
6. **The sole member of the Appellant’s household receives SSI benefits. The household is categorically eligible under the provisions of 7 CFR § 273.2(j)(2)(i) and, therefore, exempt from the requirement to meet the net income test.**
7. The Appellant’s household’s income and deductions are calculated pursuant to 7 CFR § 273.9. Net income and SNAP benefit levels are then calculated pursuant to 7 CFR § 273.10(e). The calculations are as follows:

Only certain income deductions are allowed to be used in the calculation of SNAP benefits. The household expenses which may be used as deductions are described in paragraphs (d)(1) to (d)(6) of 7 CFR § 273.9.

The *standard deduction* for a household size of one to six persons is equal to 8.31 percent of the monthly net income standard for each household size established under § 273.9(a)(2) rounded up to the nearest whole dollar. 7 CFR § 273.9(d)(1)

The Appellant's household qualifies for the standard deduction for a household of one person, currently \$167.00.

7 CFR § 273.9(d)(3) provides for an *excess medical deduction* for “(t)hat 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 § 271.2....”

The Appellant does not qualify for an *excess medical deduction*. The cost of a special diet is specifically excluded from being considered as a medical deduction. The Appellant's monthly out-of-pocket medical expenses do not normally exceed \$35.00.

The Appellant does not qualify for any of the other three remaining deductions provided for in paragraphs (d)(1) through (d)(5) of 7 CFR § 273.9, the *earned income deduction, dependent care deduction, or child support deduction*. The figure equaling the total deductions allowable under (d)(1) to (d)(5) is applicable to the next calculation.

7 CFR § 273.9(d)(6)(ii) provides for the *excess shelter deduction*. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of 7 CFR § 273.9 have been allowed, are allowed as an excess shelter deduction.

The Appellant's household only qualifies for one of the deductions in paragraphs (d)(1) through (d)(5) of 7 CFR § 273.9, the standard deduction. After deducting the \$167.00 standard deduction from the Appellant's household's countable gross income, the remaining income is \$624.00. (\$199.00 SSI + \$592.00 SSDI = \$791.00 total income; \$791.00 - \$167.00 standard deduction = \$624.00).

50% of \$624.00 is \$312.00, and is the figure referred to in 7 CFR § 273.9(d)(6)(ii) that is used in the calculation of the *excess shelter deduction*.

7 CFR § 273.9(d)(6) discusses shelter costs and provides that only certain expenses are allowable as shelter expenses, including rent, mortgage, property taxes, insurance on the structure, condo and association fees, and the actual costs of utilities.

7 CFR § 273.9(d)(6)(iii) provides for a *standard utility allowance* which may, at State option, be used in place of the actual cost of utilities in determining a household's *excess shelter deduction* and which may be made available both to households that incur actual utility expenses and to those that receive assistance under the LIHEAA (Low Income Home Energy Assistance Act).

The Department allows a standard utility allowance (SUA), currently \$736.00, in place of the actual cost of utilities for qualifying households. The Appellant is obligated for utility costs, thus her household qualifies to have the SUA used in place of her actual costs in the calculation of the *excess shelter deduction*.

The Appellant's shelter expenses are \$777.00 (\$41.00 rent + \$736.00 SUA).

The Appellant's *excess shelter deduction* is \$465.00 (\$777.00 shelter expenses - \$312.00 [50% of income remaining after subtracting deductions allowed under 7 CFR § 273.9(d)(1) through (d)(5)]).

The Appellant's *net income* after all deductions is \$159.00 (\$791.00 total gross income, minus \$167.00 *standard deduction*, minus \$465.00 *excess shelter deduction*).

"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...." 7 CFR § 273.10(e)(2)(ii)(A)

30% of the Appellant's household's net monthly income (\$159.00 multiplied by .3) is \$47.70, rounded up pursuant to 273.10(e)(2)(ii)(A)(1) is \$48.00.


The maximum food stamp allotment (known as the "thrifty food plan") for a household of one person is currently \$194.00.

The Appellant's household is currently eligible for a SNAP benefit of \$146.00 (\$194.00 maximum SNAP allotment - \$48.00 (30% of net income)).

8. The Department calculated the Appellant's current monthly SNAP allotment correctly. She is currently eligible for a benefit of \$146.00, the same benefit amount most recently calculated by the Department.

DECISION

The Appellant's appeal is DENIED.



James Hinckley
Hearing Officer

cc: Musa Mohamud
Judy Williams
Jessica Carroll
Jay Bartolomei
Rose Montinat

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.