

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

CL ID # ██████████  
Case ID # ██████████  
Request # 148427

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2019, the Department of Social Services (the "Department") issued ██████████ (the "Appellant") a Notice of Action denying her Supplemental Nutrition Assistance Program ("SNAP") benefits.

On ██████████ 2019, the Appellant requested an administrative hearing because she disagrees with the denial of 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, 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:

██████████ Appellant  
Jerrett Wyant, Department's Representative  
Sybil Hardy, Hearing Officer

### **STATEMENT OF THE ISSUE**

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

### **FINDINGS OF FACT**

1. On [REDACTED] 2019, the Appellant applied for SNAP benefits for a household of four. (Hearing Summary, Exhibit 5: Application [REDACTED]/19)
2. The Appellant lives with her spouse and two children. (Appellant's testimony)
3. The Appellant is pregnant with an estimated due date of [REDACTED] 2020. (Exhibit 5: Application, [REDACTED] 19)
4. There are no disabled or elderly household members. (Hearing Record)
5. The Appellant's spouse is employed by [REDACTED]. The Appellant's spouse gross weekly earnings were as follows: [REDACTED]/19 \$907.25; [REDACTED] 19 \$1,159.00; [REDACTED] 19 \$760.00; [REDACTED] 19 \$760.00. (Exhibit 8: Pay Stubs)
6. The Appellant has a rental obligation of \$300.00 monthly. (Hearing Summary, Ex. 5: Application dated [REDACTED] 19)
7. The Appellant pays for her heating expenses and receives the Standard Utility Allowance ("SUA"). (Hearing Record)
8. On [REDACTED], 2019, the Department mailed the Appellant a Notice of Action denying the Appellant SNAP benefits. The notice stated the amount of countable income is higher than the maximum SNAP benefit for her household size. ( Ex. 1: Notice of Action, [REDACTED]/19)
9. 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] 2019. Therefore, this decision is due not later than [REDACTED] 2019.

### 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. "The department's uniform policy manual 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*, 214 Conn. 601, 573 A.2d 712 (1990)).
3. Title 7 of the Code of Federal Regulations (CFR) § 273.1(a)(3) provides for general household definition and states that a household is composed of one of the following individuals or groups of individuals unless otherwise specified in paragraph (b) of this section: A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

**The Department correctly determined the Appellant's household consists of four people.**

4. Title 7 CFR § 273.10(c)(1)(i) provides that for the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period.
5. Title 7 CFR § 273.10(c)(1)(ii) provides for converting income into monthly amounts and provides in part that income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period.
6. Title 7 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.

UPM § 5025.05(A)(1) provides for converting income to monthly amounts and states for past months the Department uses the exact amount of the unit's available income received or deemed in the month.

Or

UPM § 5025.05(B)(2) provides that 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: if income is the same each week, the

regular weekly income is the representative weekly amount; if income varies from week to week, a representative period of at least four consecutive weeks is averaged to determine the representative weekly amount.

**The Department incorrectly determined the Appellant's household gross monthly income was \$3735.84.**

**The correct gross monthly household income is \$3855.21 ( $\$907.25 + 1,159.00 + \$760.00 + \$760.00 = \$3586.25 / 4 \text{ weeks} = 896.56 \times 4.3 = \$3855.21$ ).**

7. 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 \$178.00 per month, effective 10-1-19
  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. a 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.

**The Department correctly applied the 20% earned income deduction to the Appellant's monthly gross earnings. The correct adjusted earned income is \$3084.70 (\$3855.21 gross earnings - \$771.04 [20% earned income] = \$3084.17).**

**The Department correctly applied the \$178.00 standard deduction to the total income. The correct adjusted gross income is \$2906.17. (\$3084.17 adjusted earned income – \$178.00).**

8. Title 7 C.F.R. § 273.9(d)(6)(ii) provides for an 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;
- b. taxes, state and local assessments, and insurance on real property;
- c. the entire amount paid as a condominium fee;

9. Title 7 C.F.R. § 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.

10. Title 7 C.F.R. § 273.9(d)(6)(iii)(B) requires states to review the cost of heating and cooling homes and to update the standard utility allowance based on such costs.

11. 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 deduction, which is established by the USDA, is allowed. The maximum shelter hardship is revised annually effective October 1. (Maximum effective October 2019 is \$569.00)

**The Department correctly determined the Appellant's shelter costs were \$1036.00 (\$300.00 rent + \$736.00 SUA).**

**The Department correctly determined the Appellant's shelter hardship was \$0.00 (\$1036.00 shelter costs - \$1453.08 fifty percent of adjusted gross income).**

**The Department incorrectly determined the Appellant's applied income was \$2814.67. The correct applied income is \$2906.17 (\$2906.17 adjusted gross income - \$0.00 shelter hardship).**

12. 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.

**The Department incorrectly determined that the Appellant's 30% net adjusted income was \$844.00. The correct 30% net adjusted income is \$872.00 (\$2906.17 applied income x 30% = \$872.00).**

13. Title 7 CFR S 273.9 (a) provides for income eligibility standards and states 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 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.

**The Department correctly determined that the Appellant's household must pass the gross income and net (applied) income tests because there are no elderly or disabled household members.**

14. Under expanded eligibility, the SNAP gross income limit equals 185 percent of the federal poverty level, (FPL).
15. Effective [REDACTED] 2019, the 100% FPL for a household of four equals \$25,750 / 12 months = \$2,146.00 (Federal Register: [REDACTED] 2019 [Volume 84, Number 22]).
16. The gross income limit for an assistance unit of four persons in [REDACTED] 2019 is \$3970.00 (185% FPL).
17. The net (applied) income limit for an assistance unit of four persons in [REDACTED] 2019 is \$2,146.00 (100% FPL).
18. The Appellant's SNAP benefits are computed as follows:

#### **SNAP BENEFIT CALCULATION**


<b><u>INCOME</u></b>	
Earned Income	\$3855.21
Less 20%	\$771.04
<b>Net Earned Income</b>	\$3084.17
<b>Total Countable Income</b>	\$3084.17
Less standard deduction	\$178.00
<b>Adjusted gross income</b>	\$2906.17
<b><u>SHELTER COSTS</u></b>	
Rent	\$300.00
SUA	<u>+\$736.00</u>
<b>Total shelter costs</b>	\$1036.00
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1036.00
Less 50% of adjusted gross income	<u>-\$1453.08</u>
<b>Total shelter hardship</b>	\$0.00 (Cannot exceed \$569 unless elderly or disabled)
<b><u>ADJUSTED NET INCOME</u></b>	

Adjusted gross income	\$2906.17
Less shelter hardship	-\$0.00
<b>Net Adjusted Income (NAI)</b>	\$2906.17
<b>Net Income Limit for 4</b>	\$2146.00
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for four people	\$646.00
Less 30% of NAI	-\$872.00
<b>SNAP award</b>	\$0.00

19. The Department correctly denied the Appellant's application for SNAP benefits because the household's monthly net (applied) income of \$2906.17 exceeds the SNAP net income limit of \$2146.00 for an assistance unit of four persons.

### DECISION

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

  
 Scott Zuckerman  
 Hearing Officer

For: Sybil Hardy  
 Hearing Officer

Pc: Patricia Ostroski, Operations Manager, DSS, New Britain Regional Office  
 Jerrett Wyant, Operations Manager, DSS, New Britain Regional Office



### **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.