

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

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

Case # ██████████
Client ID # ██████████
Request # 151748

NOTICE OF DECISION

PARTY

██████████

PROCEDURAL BACKGROUND

On ██████████, 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") reducing her Supplemental Nutritional Assistance Program ("SNAP") benefit from \$114.00 to \$16.00 per month.

On ██████████, 2020, the Appellant requested an administrative hearing to contest the reduction of the SNAP benefits.

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

On ██████████, 2020, 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
Kristin Haggan, Department's Representative
Jasminne Samuels, Department's Observer
Shelley Starr, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly calculated the Appellant's [REDACTED] 2020, SNAP benefit amount.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old, DOB [REDACTED], disabled and resides in a household consisting of one member. (Hearing Summary; Appellant's Testimony)
2. On [REDACTED] 2019, the Appellant reported to the Department a change of address and decrease in her rental obligation from \$775.00 to \$370.00 per month. She is responsible for heating and cooling. (Hearing Summary; Department's Testimony)
3. Effective [REDACTED] 2020, the Appellant's gross Social Security Disability Income ("SSDI") increased to \$1,350.00. (Hearing Summary; Exhibit 3: Notice of Action dated [REDACTED], 2020)
4. On [REDACTED] 2020, the Department processed the Appellant's submitted Periodic Report Form and updated the Appellant's reported changes. The Department determined that she was eligible for \$16.00 SNAP benefits effective the month of [REDACTED] 2020, due to changes in her income and shelter costs. (Hearing Summary; Department's Testimony; Exhibit 3: Notice of Action dated [REDACTED] 2020.)
5. On [REDACTED] 2020, the Department issued to the Appellant a Notice of Action, advising that her SNAP benefit amount effective [REDACTED] 2020, would be reduced from \$114.00 to \$16.00 per month. (Hearing summary; Exhibit 3: Notice of Action dated [REDACTED], 2020)
6. The Appellant has no reported medical expenses in excess of \$35.00 per month. (Hearing Record; Appellant's Testimony; Exhibit 5: W-1216 SNAP computation)
7. The Appellant has no reported dependent care or child support obligation. (Hearing Record; Appellant's Testimony; Exhibit 5; W-1216 SNAP computation)
8. The Appellant was afforded the standard deduction of \$167.00 towards the calculation of the SNAP benefits. (Exhibit 5; W-1216 SNAP Computation)

9. The Appellant was afforded the Standard Utility Allowance (“SUA”) of \$736.00 per month towards the calculation of the SNAP benefits. (Exhibit 10, SNAP computation)
10. 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 the receipt of a request for a fair hearing. The Appellant requested an Administrative Hearing on [REDACTED], 2020; therefore this decision is due no later than [REDACTED] 2020.

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. 1 (a) provides general household definition which states that a household is composed of one who lives alone or an individual who lives alone but purchases and prepares meals for home consumption separately or a group of individuals who live together who customarily purchases and prepare meals together for home consumption.

The Department correctly determined the Appellant resides in a household consisting of one member.

3. 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)).

The Department correctly determined the Appellant’s household consists of a disabled member and must meet the net income eligibility standards for the Food Stamp Program.

4. 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.
5. 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 Appellant's SSDI is unearned income.

The Department correctly included the Appellant's SSDI when calculating the SNAP benefits.

6. 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.
7. "The Department's Uniform Policy Manual ("UPM") is the equivalent of state regulation and, as such, carries the force of law." *Bucchere vs. 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)).

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 Appellant's monthly SSDI gross income as \$1,350.00 effective [REDACTED] 2020.

8. 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.

The Department correctly determined the Appellant's household Adjusted Gross Income as \$1,183.00 effective [REDACTED] 2020. (\$1,350.00 - \$167.00)

9. CFR § 273.9 (d)(3) pertains to allowable medical expenses and states that portion of medical expenses in excess of \$35.00 per month, excluding special diets incurred by any household member who is elderly or disabled as defined in § 271.20.
10. UPM § 5035.15 (E) (1) provides that members of the assistant unit who are elderly or disabled are allowed medical expenses as deductions.

UPM § 5035.15 (E) (2) provides that an elderly or disabled assistance member who provides an estimate of the medical expenses he or she expects to incur over a certification period that does not exceed twelve months can choose to have medical expenses averaged over the certification period.

The Department correctly determined that the Appellant has no reported medical expenses in excess of \$35.00 per month.

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 ("SUA") 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 SUA effective [REDACTED] 2019 is \$736.00. The Department correctly applied the SUA of \$736.00 in the calculation of the SNAP benefit.

13. UPM § 5035.15 (F) (11) provides that for those units, which include elderly or disabled members, or units whose only elderly or disabled member has been disqualified, a shelter hardship deduction is allowed with no maximum limit.

The Department correctly determined the Appellant's shelter costs are \$1,106.00 for [REDACTED] 2020. (\$370.00 rent + \$736.00 SUA).

The Department correctly determined the shelter hardship was \$514.50 in [REDACTED] 2020. (\$1,106.00 shelter costs - \$591.50 [50% of the ADG \$1,183.00 x .05 = \$591.50]).

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 ("NAI") as \$668.50 effective [REDACTED] 2020. (\$1,183.00 - \$514.50)

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 NAI of \$668.50, rounded up, was \$201.00 effective [REDACTED] 2020. (\$668.50 x .30 = 201.00)

16. UPM § 4535.10 (A) (1) provides that the Thrifty Food Plan represents the minimum food expenditure that is required to meet an assistance unit's basic nutritional requirement and the maximum amount of benefits available to a qualified assistance unit with no applied income.

UPM § 4535.10 (A)(2) provides that the Thrifty Food Plan standards vary according to the size of the assistance units and are uniform statewide for assistance unit of equal size.

UPM 4535.10 (P) provides for the Thrifty Food Plan for a qualified assistance unit with no applied income for a household of one is \$194.00.

17. Effective [REDACTED], 2020 the Appellant's SNAP benefits was computed as follows:

SNAP BENEFIT CALCULATION

INCOME	
Earned Income	\$0.00
Less 20%	-\$0.00
Total	\$0.00
Plus Unearned Income	+\$1,350.00
Total	\$1,350.00
Less standard deduction	-\$167.00
Adjusted gross income (ADG)	\$1,183.00
<u>SHELTER COSTS</u>	
Rent	\$370.00
SUA	+\$736.00
Total shelter costs	\$1,106.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,106.00
Less 50% of adjusted gross income [1,183.00 x .5= 591.50]	-\$591.50
	\$514.50
Total shelter hardship	\$514.50 (Cannot exceed \$569 unless elderly or disabled)
<u>NET ADJUSTED INCOME (NAI)</u>	
Adjusted gross income	\$1,183.00
Less shelter hardship	-\$514.50
Net Adjusted Income (NAI)	\$668.50
NAI x 30% (668.50 x .30 = 200.55)	201.00
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan	\$194.00
Minus 30% NAI	201.00
SNAP benefit	\$0.00
SNAP Minimum Benefit	\$16.00

18. Title 7 CFR § 273.10 (e)(2)(ii)(c) provides for eligibility and benefits and states in part that except during an initial month, all eligible one or two person households shall receive the minimum monthly allotments equal to the minimum benefits.

UPM § 1535.05 (c) provides that SNAP assistance units containing one or two members that have a computed benefits of zero are eligible for a minimum benefit and are subject to normal certification procedures if they are otherwise eligible.

The current monthly SNAP minimum benefit is \$16.00.

The Department correctly calculated the Appellant's SNAP benefit amount of zero, however, because she is eligible for the minimum benefit, she is correctly issued \$16.00 SNAP benefit for [REDACTED] 2020, and ongoing months.

DECISION

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


Shelley Starr
Hearing Officer

pc: E. Tyler Nardine, Norwich, DSS Regional Office
Cheryl Stuart, Norwich, DSS 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 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.