

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

████████████████████
Request # 151876

NOTICE OF DECISION
PARTY

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PROCEDURAL BACKGROUND

████████████████████, 2020, the Department of Social Services (the "Department") issued (the "Appellant") a Notice of Action ("NOA") discontinuing her eligibility for the Supplemental Nutrition Assistance Program ("SNAP") effective ██████████ 2020.

████████████████████, 2020, the Appellant requested an administrative hearing because she disagrees with the Department's action.

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

████████████████████, 2020, 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
Lindsay Vallee, Department's Representative
Veronica King, Hearing Officer

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. ██████████, 2020, the Department received a completed Period Report Form ("PRF") from the Appellant. The Appellant reported that her daughter was now residing with her and wished to add her to the SNAP. (Exhibit 1: PRF Department's Representative Testimony)
2. The Appellant receives \$783 per month in Supplemental Security Income ("SSI"). (Exhibit 1 and Appellant's Testimony)
3. ██████████, 2020, the Department verified that the Appellant's daughter was working at ██████████. The Department calculated the Appellant's daughter's gross earned income using the following wages; ██████████/20 \$928.00 + ██████████/20 \$261.75 + ██████████/20 \$242.95 + ██████████/20 \$274.03. (Exhibit 4: Wages Verification and Department's Representative's Testimony)
4. The Appellant has a monthly rent obligation of \$238 and pays for heating. (Appellant's Testimony and Exhibit 2: NOA, ██████████ 20)
5. The Appellant did not report any out of pocket medical expenses. (Hearing Record)
6. ██████████, 2020, the Department sent the Appellant a NOA discontinuing her SNAP benefits effective ██████████ 2020, because the monthly net income of her household was more than the limit for the program. (Exhibit 2)
7. ██████████, 2020, the Department determined that on ██████████, 2020, they calculated the Appellant's daughter's income incorrect. (Department's Representative's Testimony)
8. ██████████ 2020, the Department recalculated the Appellant's daughter's gross earned income as \$1,116.18 per month (██████████/20 \$261.75 + ██████████/20 \$242.95 + ██████████/20 \$274.03 = \$778.73/3 = \$259.58 *4.3 = \$1,116.18). (Exhibit 3: W1216 SNAP Computation Sheet and Department's Representative's Testimony)
9. ██████████, 2020, the Department determined that the Appellant's household's total countable income was \$1,899.18 per month (\$783 SSI + \$1,116.18 ██████████ p earnings). (Hearing Record)
10. ██████████, 2020, the Department sent the Appellant a NOA informing her that she will receive \$16.00 per month in SNAP benefits effective ██████████ 2020.(Exhibit 5: NOA, ██████████/20)

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] 2020. Therefore, this decision is due not later than [REDACTED] 2020. (Hearing Record)

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 (“CFR”) § 273.12(a)(5)(iii)(A) provides that the State agency may require a household to submit a periodic report on its circumstances from once every 4 months up to once every 6 months.
3. 7 CFR § 273.10(c)(1)(i) provides in relevant part “For the purpose of determining the household’s eligibility and level of benefits, the State agency shall take into account...any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period....In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average....”
4. 7 CFR § 273.10(c)(1)(ii) provides in relevant part “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...”
5. 7 CFR § 273.10(c)(2) provides in relevant part “...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....”

The Department correctly used the Appellant’s daughter’s gross income received during the past 30 days during the recertification time.

The Department correctly converted the Appellant’s daughter’s weekly income to a monthly amount.

6. 7 CFR § 273.9(b)(2) discusses unearned income in the SNAP program and includes Social Security and SSI benefits as types of income that are counted for SNAP.

The Department correctly determined that the Appellant’s Social Security benefits were countable income.

7. 7 CFR § 273.9 (a) provides in relevant part 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))”.

8. 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”.

The Appellant’s household contain a disabled member, thus it is not required to meet the gross eligibility standards for SNAP.

The Appellant’s household must meet the net income eligibility standard for SNAP unless the household is determined categorically eligible as defined in 7 CFR § 273.2(j)(2) or § 273.2(j)(4).

9. 7 CFR § 273.2(j)(4) discusses categorical eligibility for households in which each member receives benefits from a State or local GA (General Assistance) program.

The Appellant’s household did not qualify as categorically eligible under the provisions of 7 CFR § 273.2(j)(4) because no member of the household received GA.

10. 7 CFR § 273.2(j)(2)(i) discusses categorical eligibility for households in which all members receive or are authorized to receive benefits from PA (Public Assistance) or SSI (Supplemental Security Income).

The Appellant’s household did not qualify as categorically eligible under the provisions of 7 CFR § 273.2(j)(2)(i) because no household member received SSI or PA.

11. Paragraph (j)(2)(ii) of 7 CFR § 273.2 discusses a provision whereby State agencies may, at their option, extend broad based categorical eligibility to certain households whose members receive, or are authorized to receive, non-cash or in-kind services from a program whose funding source meets the requirements outlined within the paragraph.

Households in Connecticut with incomes below 185% of the federal poverty level (“FPL”) qualify for the State’s “Help for People in Need” program, which meets the requirements outlined in 7 CFR § 273.2(j)(2)(ii), allowing the Department to extend broad-based categorical eligibility for SNAP to all such qualifying households.

The 2019 Poverty Guidelines (FPL) for the 48 Contiguous States and the District of Columbia are published in the Federal Register. The 2019 Poverty Guideline for a household of one person is \$1,005 monthly.

185% of the FPL for a household of two people is currently \$2,528.20 monthly. The Appellant’s household’s gross countable income of \$1,899.18 per month is below 185% of the FPL, thus her household is eligible for “Help for People in Need” and qualifies for broad-based categorical eligibility for SNAP under the provisions of 7 CFR § 273.2(j)(2)(ii).

The Appellant’s household is not required to meet either the gross or net income eligibility standard for SNAP because his household is categorically eligible.

12. Paragraph (d) of 7 CFR § 273.9 provides for income deductions for the SNAP, and provides that only certain expenses described within the paragraph are included as deductible expenses.

13. 7 CFR § 273.9(d)(1) provides for the standard deduction.

All SNAP households qualify for the standard deduction, currently \$167.00 for a household of two people.

14. 7 CFR § 273.9(d)(2) provides for the earned income deduction equal to “Twenty percent of gross earned income...”

The Appellant’s daughter’s gross monthly earned income is \$1,116.18. 20% of the gross amount is \$223.23. After deducting the 20% the net earned income is \$892.95.

The Appellant does not qualify for any of the other deductions in paragraphs (d)(1) through (d)(5) of 7 CFR § 273.9, the excess medical deduction, dependent care deduction, or child support deduction. This result is applied in the next calculation.

15. 7 CFR § 273.9(d)(6)(ii) provides for the excess shelter deduction, and provides in part that the deduction equals the 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.

The Appellant's household qualifies for two of the deductions in paragraphs (d)(1) through (d)(5) of 7 CFR § 273.9, the standard deduction and earned income deduction. After deducting the \$167.00 standard deduction and the \$223.23 earned income deduction from the Appellant's household's countable gross income, the remaining income is \$1,508.95 (Appellant's household's gross countable income of \$1,899.18; \$1,899.18 - \$167.00 standard deduction - \$223.23 earned income deduction = \$1,508.95).

50% of \$1,508.95 is \$754.48, 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.

16.7 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.

17.7 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 \$738.00, in place of the actual cost of utilities for qualifying households. The Appellant is obligated for the actual cost of utilities, thus her household qualifies to have the SUA used in place of her actual utility costs in the calculation of the excess shelter deduction.

The Appellant's shelter expenses are \$976.00 (\$238 rent + \$738.00 SUA).

The Appellant's excess shelter deduction is \$221.52 (\$976.00 shelter expenses - \$754.48 [50% of income net of allowable deductions outlined in 7 CFR § 273.9(d)(1) through (d)(5)]).

The Appellant's net income after all deductions is \$1,287.43 (\$1,899.18 total gross income, minus \$167.00 standard deduction, minus \$223.23 earned income deduction, minus \$221.52 excess shelter deduction).

18.7 CFR § 273.10(e)(2)(ii)(A) provides in relevant part that, "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...."

30% of the Appellant's household's net monthly income is \$386.30 (\$1,287.43 multiplied by .3 [product is rounded up])

The maximum food stamp allotment (known as the “thrifty food plan”) for a household of two people is currently \$355.

The Appellant’s household’s allotment is \$0 (\$355, maximum of thrifty food plan - \$387, 30% of Appellant’s household’s net monthly income)

- 19.7 CFR § 273.10(e)(ii)(C) provides in part that except during an initial month, all eligible one- and two-person households shall receive minimum monthly allotments equal to the minimum benefit.
20. Uniform Policy Manual § 6020.15(C) provides that benefit payments to SNAP units are issued subject to the following guidelines:
1. In the initial month of eligibility, no benefits are issued to any assistance unit for which a benefit payment of less than the minimum amount established by the USDA has been calculated.
 2. In all months except the initial month of eligibility: a.
Assistance units consisting of 1 or 2 members which have a calculated benefit amount of less than the minimum amount established by the Food and Nutrition Act of 2008, which is equal to 8 percent of the cost of the thrifty food plan for a household of one member, rounded to the nearest whole dollar increment.

The Department correctly determined that the Appellant’s household is eligible for a monthly SNAP benefit of \$16.00. The household qualifies for the minimum benefit for a categorically eligible two-person household which is equal to 8 percent of the thrifty food plan for a household of one member (\$194, multiplied by 8%, equals \$15.52, rounded to the nearest whole dollar equals \$16.00).

DECISION

The Appellant’s appeal is **DENIED**.

Veronica King

Veronica King
Hearing Officer

Cc: Yecenia Acosta, DSS Operations Manager, RO #32 Stamford
Lindsay Vallee, Fair Hearing Liaison, DSS, RO #32 Stamford

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.