

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3730

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

████████████████████
Request # 152154

NOTICE OF DECISION

PARTY

████████████████████
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PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") issued a notice of action to ██████████ (the "Appellant") indicating his Supplemental Nutrition Assistance Program ("SNAP") benefits would be reduced from \$219.00 to \$16.00 effective ██████████ 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department's reduction of such 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, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals were present at the hearing:

████████████████████ Appellant
Princess O'Reggio, Department's Representative
Joseph Alexander, Department's Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

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

A separate decision will be issued to address the Appellant's spenddown amount.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Department received the Appellant's Periodic Review Form ("PRF"). The Appellant's PRF contained two wage stubs from the [REDACTED] [REDACTED] (Exhibit 1: Case notes; Exhibit 2: PRF; Exhibit 3: Pay stubs)
2. On [REDACTED] 2020, the Department completed the Appellant's PRF and sent a notice of action to the Appellant that indicated his ongoing SNAP benefit effective [REDACTED] 2020, will be \$16.00. (Exhibit 1; Exhibit 12: Notice)
3. On [REDACTED] 2020, the Appellant received \$219.00 in SNAP benefits. (Exhibit 12; Hearing summary)
4. The Appellant receives SNAP benefits for a household of two. The Appellant and his spouse comprise the assistance unit. (Hearing summary; Appellant's testimony)
5. The Appellant is [REDACTED] years old (DOB [REDACTED]) and the Appellant's spouse is [REDACTED] years old (DOB [REDACTED]). (Appellant's testimony)
6. The Appellant receives \$1,371.00 in gross monthly Social Security ("SSA"). The Appellant's spouse earns an average of \$631.15 in gross monthly wages. (Exhibit 3; Exhibit 5: SNAP Income Test, Exhibit 10: MAABD Income test; Appellant's testimony)
7. There are no other types of income, earned or unearned, received by the Appellant or his spouse. (Hearing record; Appellant's testimony)
8. The Appellant has a \$619.00 monthly rental obligation. (Exhibit 4: Rent statement; Appellant's testimony)
9. The Appellant is entitled to the Standard Utility Allowance ("SUA"). (Hearing summary)
10. The Appellant is a recipient of the Medicare Savings Program as administered by the Department. (Department representative's testimony)
11. The Appellant did not submit unpaid medical expenses at the hearing. (Record)

12. The issuance of this decision is timely under the Title 7 of the Code of Federal Regulations § 273.15 (c) (1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2020; therefore, this decision is due no later than [REDACTED] 2020. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. “The department’s Uniform Policy Manual (“UPM”) is the equivalent of 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 (“C.F.R.”) § 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 that 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 levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

7 C.F.R. § 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.

The Department correctly extended categorical eligibility to the Appellant’s household.

4. 7 C.F.R. § 273.9 (b) (2) (ii) addresses which types of unearned income are included in the calculation of the SNAP allotment, and provides that annuities; pensions; retirement, veteran's, or disability benefits; worker's 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 20 hours a week shall be considered unearned income.

UPM § 5050.13 (A) (6) provides that benefits received from Social Security by any member of a Food Stamps unit is counted in the calculation of eligibility and benefits for the entire unit.

The Department correctly determined the Appellant's monthly SSA amount is \$1,371.00.

5. 7 C.F.R. § 273.10 (c) (2) (i) provides for converting income into monthly amounts. 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 (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: b. 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 correctly determined the wages for the Appellant's spouse as follows: $\$433.12 + \$154.00 = \$587.12$. $\$587.12/2 = \293.56 . $\$293.56 * 2.15 \text{ weeks} = \631.15 .

6. 7 C.F.R. § 273.9 (d) (1) provides for the standard deduction.

7 C.F.R. § 273.9(d) provides for income deductions. (2) Earned income deduction. Twenty percent of gross earned income as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in paragraph (c)(17) of this section.

UPM § 5045.15 (A) (3) provides the monthly net earned income is calculated by reducing monthly earnings by a deduction of 20% of the gross earnings for personal employment expenses.

UPM § 5045.15 (C) provides that 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 \$167.00 per month; {effective 10-1-19 through 9-30-20}
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. 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")

UPM § 5045.15 (D) provides the remaining amount after the disregards and deductions are subtracted is the amount of the unit's applied income.

The Department correctly deducted 20% (\$126.23) of the household's gross monthly-earned income of \$631.15 to arrive at \$504.92 (\$631.15 - \$126.23).

The Department correctly determined the Appellant's total income equaled \$1,875.92 (\$1,371.00 SSA + \$504.92).

The Department correctly applied the \$167.00 standard deduction to the Appellant's income of \$1,875.92 to determine the amount of the Appellant's household adjusted gross income of \$1,708.92 for ██████████ 2020.

7. 7 C.F.R. § 273.9 (d) (6) (ii) provides for 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 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. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. 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.

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;

The Department correctly determined that 50% of the Appellant's household adjusted gross income is \$854.46 (\$1,708.92 * 50%).

8. 7 C.F.R. § 271.2 provides the definition of an elderly or disabled member means a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.

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 household includes an elderly individual and therefore is not subject to a maximum shelter hardship.

9. 7 C.F.R. § 273.9(d) (6) (iii) provides for the Standard Utility Allowance ("SUA"). (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. The LUA must include expenses for at least two utilities. However, at its option, the State

agency may include the excess heating and cooling costs of public housing residents in the LUA if it wishes to offer the lower standard to such households. The State agency may use different types of standards but cannot allow households the use of two standards that include the same expense. In States in which the cooling expense is minimal, the State agency may include the cooling expense in the electricity component. The State agency may vary the allowance by factors such as household size, geographical area, or season. Only utility costs identified in paragraph (d)(6)(ii)(C) of this section must be used in developing standards.

UPM § 5035.15 (F) (6) provides that an SUA 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.

The Department correctly determined the Appellant's shelter cost for [REDACTED] 2020 is \$1,355.00 (\$619.00 + \$736.00 SUA).

The Department correctly determined the Appellant's shelter hardship for [REDACTED] 2020 is \$500.54 (\$1,355.00 - \$854.46).

The Department correctly determined the Appellant's net adjusted income for [REDACTED] 2020 is \$1,208.38 (\$1,708.92 - \$500.54).

10. 7 C.F.R. § 273.10 (e) (2) (ii) (A) provides 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 in one of the following ways: (1) The State agency shall round the 30 percent of net income up to the nearest higher dollar.

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 correctly determined that 30% of the Appellant's net adjusted income, rounded up, for [REDACTED] 2020 is \$363.00 ($\$1,208.38 * 0.30$).

11. 7 C.F.R. § 273.10(e) (4) (i) provides for the Thrifty Food Plan (TFP) and Maximum Food Stamp Allotments. Maximum food stamp allotment level. Maximum food stamp allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at www.fns.usda.gov/fsp.

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 monthly nutritional requirements 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 P-4535.10 provides for the Thrifty Food Plan for a qualified assistance unit with no applied income for a household of two effective [REDACTED] 2019 through [REDACTED] 2020 is \$355.00.

12. Effective [REDACTED] 2020, the Appellant's SNAP benefit is computed as follows:

SNAP BENEFIT CALCULATION

<u>EARNED INCOME</u>	
P.P.	\$631.15
Total Earned Income	<u>\$631.15</u>
Less 20%	<u>-\$126.23</u>
Adjusted Earned Income	<u>\$504.92</u>
<u>UNEARNED INCOME</u>	
Social Security	\$1,371.00
Adjusted Earned Income	+\$504.92
Total Income	<u>\$1,875.92</u>
Less standard deduction	<u>-\$167.00</u>
Adjusted Gross Income	=<u>\$1,708.92</u>
<u>SHELTER COSTS</u>	
Rent	\$619.00
SUA	<u>\$736.00</u>
Total shelter costs	<u>\$1,355.00</u>
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,355.00
Less 50% of adjusted gross income	<u>-\$854.46</u>
Total shelter hardship	<u>\$500.54</u> <small>(Cannot exceed \$569 unless elderly or disabled)</small>
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$1,708.92
Less shelter hardship	<u>-\$500.54</u>
Net Adjusted Income (NAI)	<u>\$1,208.38</u>
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 2 Persons	\$355.00
Less 30% of NAI	<u>-\$363.00</u>
SNAP award	<u>\$16.00</u>


13. 7 C.F.R. 273.10(e) (2) (ii) (C) provides that except during an initial month, all eligible one-and two-person household 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.

UPM § 6020.15 (C) (2) provides that in all months except the initial month of eligibility assistance units consisting of one or two members which has 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 containing one member, rounded to the nearest whole dollar.

The Department correctly determined the Appellant eligible for \$16.00 (\$194.00 * 0.08 = \$15.52 rounded up to \$16.00) per month in SNAP benefits effective [REDACTED] 2020.

DECISION

The Appellant's appeal is denied.


Christopher Turner
Hearing Officer

Cc: Fred Presnick, Operations Manager Bridgeport
Yecenia Acosta, Operations Manager Bridgeport
Tim Latifi, Operations Manager Bridgeport
Joseph Alexander, DSS Bridgeport

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, law, and 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, if 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 06105-3725. 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.