

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

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

████████████████████  
████████████████████  
Request 152181

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 2020, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA) denying her application for food stamp benefits under the Supplemental Nutrition Assistance Program (“SNAP”) effective ██████████ 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department’s decision to deny 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 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals were present at the hearing:

████████████████████  
Rose Montinat, Department Representative  
Lisa Nyren, Fair Hearing Officer

## **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's decision to deny the Appellant's application for benefits under the SNAP effective [REDACTED] 2020 was correct.

## **FINDINGS OF FACT**

1. On [REDACTED] 2020, the Department received an online application for benefits under the SNAP from the Appellant. The Appellant requested assistance for herself and her four children: [REDACTED] ("Child 1"), [REDACTED] ("Child 2"), [REDACTED] ("Child 3"), and [REDACTED] ("Child 4"). (Exhibit 1: Online Application)
2. On [REDACTED] 2020, the Appellant completed the application interview with the Department via telephone. (Exhibit 12: Case Notes)
3. The Appellant is [REDACTED] years old born on [REDACTED]. The Appellant is disabled. (Appellant's Testimony and Exhibit 1: Online Application)
4. Child 1 is [REDACTED] years old born on [REDACTED] and not disabled. (Appellant's Testimony and Exhibit 1: Online Application)
5. Child 2 is [REDACTED] years old born on [REDACTED] and not disabled. (Appellant's Testimony and Exhibit 1: Online Application)
6. Child 3 is [REDACTED] years old born on [REDACTED] and not disabled. (Appellant's Testimony and Exhibit 1: Online Application)
7. Child 4 is [REDACTED] years old born on [REDACTED] and not disabled. (Appellant's Testimony and Exhibit 1: Online Application)
8. The Appellant receives social security disability benefits ("SSDI") from the Social Security Administration. In 2019, the Appellant received SSDI of \$1,557.00 per month. Beginning [REDACTED] 2020, the Appellant's monthly SSDI benefit increased to \$1,582.00. (Exhibit 1: Online Application, Exhibit 3: SSA-1099, and Exhibit 9: SOLQ-I Results)
9. Child 1 receives social security benefits ("SSA") from the Social Security Administration. In 2019, Child 1 received SSA of \$194.00 per month. Beginning [REDACTED] 2020, Child 1's SSA monthly benefit increased to \$197.00. (Exhibit 1: Online Application, Exhibit 3: SSA-1099, and Exhibit 9: SOLQ-I Results)

10. Child 2 receives social security benefits (“SSA”) from the Social Security Administration. In 2019, Child 2 received SSA of \$194.00 per month. Beginning [REDACTED] 2020, Child 2’s SSA monthly benefit increased to \$197.00. (Exhibit 1: Online Application, Exhibit 3: SSA-1099, and Exhibit 9: SOLQ-I Results)
11. Child 3 receives social security benefits (“SSA”) from the Social Security Administration. In 2019, Child 3 received SSA of \$194.00 per month. Beginning [REDACTED] 2020, Child 3’s SSA monthly benefit increased to \$197.00. (Exhibit 1: Online Application, Exhibit 3: SSA-1099, and Exhibit 9: SOLQ-I Results)
12. Child 4 receives social security benefits (“SSA”) from the Social Security Administration. In 2019, Child 4 received SSA of \$194.00 per month. Beginning [REDACTED] 2020, Child 4’s SSA monthly benefit increased to \$197.00. (Exhibit 1: Online Application, Exhibit 3: SSA-1099, and Exhibit 9: SOLQ-I Results)
13. The Appellant receives child support on behalf of Child 3 of \$151.00 per week. The Appellant received the following child support income:

Date Issued	Amount	Date Issued	Amount
[REDACTED] 19	\$302.00	[REDACTED] 19	\$302.00
[REDACTED] 19	\$302.00	[REDACTED] 19	\$151.00
[REDACTED] 19	\$151.00	[REDACTED] 19	\$151.00
[REDACTED] 19	\$151.00	[REDACTED] 19	\$302.00
[REDACTED] 19	\$302.00	[REDACTED] 19	\$302.00
[REDACTED] 19	\$151.00	[REDACTED] 20	\$302.00
[REDACTED] 19	\$151.00	[REDACTED] 20	\$302.00
[REDACTED] 19	\$302.00	[REDACTED] 20	\$151.00
[REDACTED] 19	\$151.00	[REDACTED] 20	\$151.00
[REDACTED] 19	\$151.00		

(Exhibit 10: Payments/Disbursements)

14. The Department determined the monthly child support average as \$654.33. [REDACTED] 2019 \$604.00 + [REDACTED] 2019 \$604.00 + [REDACTED] 2019 \$755.00 = \$1,963.00 / 3 months = \$654.3333] (Department Representative’s Testimony and Exhibit 10: Payments/Disbursements)
15. The Appellant owns her home where she and her children reside. The Appellant does not pay a mortgage. The Appellant pays property taxes of \$4,000.00 per year and homeowner’s insurance of \$1,300.00 annually. (Hearing Record)
16. The Department determined the Appellant’s shelter cost as \$1,177.66. \$4,000.00 property tax /12 months = \$333.33. \$1,300.00 annual

homeowner's insurance = \$108.3333. Standard utility allowance "(SUA)" \$736.00. [\$333.33 taxes + \$108.33 insurance + \$736.00 = \$1,177.66] (Exhibit 5: Federal SNAP Income Test, Exhibit 7: SNAP Computation Sheet, and Exhibit 8: Shelter Expenses)

17. The Appellant pays for all utilities in the home which include gas heat, water, electricity, and cable. (Appellant's Testimony)
18. The Department determined the Appellant's monthly gross income as \$3,012.33. Appellant SSDI \$1,582.00 + Child 1 SSA \$194.00 + Child 2 SSA \$194.00 + Child 3 SSA \$194.00 + Child 4 SSA \$194.00 + Child Support \$654.33 = \$3,012.33. (Exhibit 5: Federal SNAP-Income Test and Exhibit 7: SNAP Computation Sheet)
19. The Department determined the household ineligible for benefits under the SNAP because the household's countable income exceeds the SNAP benefit amount for a household of five. (Hearing Record)
20. On [REDACTED] 2020, the Department issued a notice of action. The notice stated the Department denied the Appellant's application for SNAP for the reasons "the amount of income we count is higher than the maximum SNAP benefit for your household size and does not meet program requirements." (Exhibit 2: Notice of Action)
21. The issuance of this decision is timely under Connecticut General Statutes § 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] 2020. Therefore, this decision is due not later than [REDACTED] 2020.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statutes ("Conn. Gen. Stat.") states, "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 Code of Federal Regulations ("C.F.R.") Section 273.2(c)(1)(i) provides as follows:

Households must file SNAP applications by submitting the forms to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission.

Section 1505.10(B)(1) of the Uniform Policy Manual (“UPM”) states, “Individuals who desire to obtain aid must file a formal request for assistance.”

“The formal request must be made in writing on the application form.”  
UPM § 1505.10(B)(2)

3. “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))
4. The Department correctly determined the Appellant filed an application for benefits under the SNAP.
5. Federal regulation provides as follows:

The date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

7 C.F.R. § 273.2(c)(1)(iv)

“The date of application is the date a formal written request for assistance is filed with the Department in accordance with the rules established for the program for which application is made.” UPM § 1500.01

“For Food Stamps applications, except as noted below in 1510.10D.4, the date of application is considered to be the date that a signed application form is received by: the appropriate District Office designated to serve the applicant’s geographic region of resident.” UPM § 1505.10(D)(3)(a)

6. The Department correctly determined the date of the application for SNAP as [REDACTED] 2020.
7. “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.” 7 C.F.R. § 273.1(a)(3)

Federal regulation provides as follows:

The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

7 C.F.R. § 273.1(b)(1)(ii)

“A group of individuals living together, buying food, preparing meals for home consumption and eating together are, as a general rule, a Food Stamp assistance unit.” UPM § 2020.05(A)

“Certain closely related family members must be included in the same assistance unit unless they meet the special conditions applicable only to certain elderly or disabled individuals.” UPM § 2020.05(C)

“The assistance unit must include certain individuals who are in the home, if they are not specifically excluded or ineligible to participate in the Food Stamp program.” UPM § 2020.10

Department policy provides as follows:

Those who are related as follows must be included in the assistance unit, except when the child or adult is a foster child or foster adult:

1. A child under age 18 under the parental control of a member of the assistance unit;
2. A spouse of a member of the assistance unit including any who presents himself or herself as a spouse;
3. Children ages 18 through 21 living with their parents.

UPM § 2020.10(A)(3)

8. The Department correctly determined an assistance unit of five, the Appellant and her four children, under the SNAP.
9. Federal regulation provides as follows:

The State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or

training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one

7 C.F.R. § 273.2(e)(2)

“In certain programs, the applicant may be required to appear at an appropriate certification site for a face to face interview, unless the applicant is entitle to a waiver of the requirement” UPM § 1505.30(A)(1)

“For the FS program, the Department conducts a telephone interview or a home visit once every twelve months if the office interview is waived.” UPM § 1505.30(G)(3)

10. On ██████████ 2020, the Department correctly completed an application interview with the Appellant via telephone.

11. “Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.” 7 C.F.R. 273.9(b)

“In consideration of income, the Department counts the assistance unit's available income, except to the extent that it is specifically excluded. Income is considered available if it is: received directly by the assistance unit.” UPM § 5005(A)(1)

12. Federal regulation provides as follows:

Unearned income shall include, but not be limited to: 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.

7 C.F.R. § 273.9(b)(2)(ii)

“Income from [Social Security] these sources is treated as unearned income in all programs.” UPM § 5050.13(A)(1)

“Income received from [Social Security] these sources by any member of a Food Stamps unit is counted in the calculation of eligibility and benefits for the entire unit.” UPM § 5050.13(A)(6)

13. Federal regulation provides as follows:

*Month of application-(1) Determination of eligibility and benefit levels.* A household's eligibility shall be determined for the month of application by considering the household's circumstances for the entire month of application. Most households will have the eligibility determination based on circumstances for the entire calendar month in which the household filed its application. However, State agencies may, with the prior approval of FNS, use a fiscal month if the State agency determines that it is more efficient and satisfies FNS that the accounting procedures fully comply with certification and issuance requirements contained in these regulations. A State agency may elect to use either a standard fiscal month for all households, such as from the 15th of one calendar month to the 15th of the next calendar month, or a fiscal month that will vary for each household depending on the date an individual files an application for the Program. Applicant households consisting of residents of a public institution who apply jointly for SSI and SNAP benefits prior to release from the public institution in accordance with §273.11(i) will have their eligibility determined for the month in which the applicant household was released from the institution.

7 C.F.R. § 273.10(a)(1)(i)

“Income which is counted in determining the unit's eligibility and calculating its benefits must be converted into monthly amounts if it is not already received in that manner. This chapter described the methods of conversion used under various circumstances.” UPM § 5025

14. Federal regulation provides as follows:

*Determining Income-Anticipating income.* 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. If the amount of income that will be received, or



when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by §273.12.

7 C.R.F. § 273.10(c)(1)(i)

Department policy provides as follows:

The Department uses the best estimate of the amount of income the unit will have, if the exact amount is unknown. This estimate is based upon:

- a. Information about what the unit received in similar past periods of time; and
- b. A reasonable anticipation of what circumstances will exist to affect the receipt of income in future months.

UPM § 5025.05(A)(2)

15. Federal regulation provides as follows:

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. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income. Similarly, if the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income. The State agency shall exercise particular caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the State

agency automatically attribute to the household the amounts of any past income. The State agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

7 C.F.R. § 273.10(c)(1)(ii)

Federal regulation provides as follows:

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 C.F.R. § 273.10(c)(2)(i)

"If income is received on a monthly basis, a representative monthly amount is used as the estimate of income." UPM § 5025.05(B)(1)

16. The Department correctly included the Appellant's SSDI and the children's SSA benefits in the calculation of SNAP benefits.
17. The Department correctly determined the Appellant's SSDI benefit as \$1,582.00 per month.
18. The Department incorrectly determined Child 1's SSA benefit as \$194.00 per month. The correct amount of SSA benefits received by Child 1 is \$197.00 per month effective [REDACTED] 2020.
19. The Department incorrectly determined Child 2's SSA benefit as \$194.00 per month. The correct amount of SSA benefits received by Child 2 is \$197.00 per month effective [REDACTED] 2020.
20. The Department incorrectly determined Child 3's SSA benefit as \$194.00 per month. The correct amount of SSA benefits received by Child 3 is \$197.00 per month effective [REDACTED] 2020.
21. The Department incorrectly determined Child 4's SSA benefit as \$194.00 per month. The correct amount of SSA benefits received by Child 4 is \$197.00 per month effective [REDACTED] 2020.

22. The Department incorrectly determined the gross household's income as \$3,012.33 by counting the children's 2019 SSA benefit of \$194.00 per month in error rather than the 2020 SSA benefit of \$197.00 per month. The correct gross household income is \$3,024.33. (\$1,582.00 SSDI + child 1 SSA \$197.00 + child 2 SSA \$197.00 + child 3 SSA \$197.00 + child 4 SSA \$197.00 + CS \$654.33 = \$3,024.33).
23. "*Determining deductions.* Deductible expenses include only certain dependent care, shelter, medical and at State agency option, child support costs as described in § 273.9." 7 C.F.R. § 273.10(d)
24. Federal regulation provides as follows: *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.
  - 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.

7 C.F.R. § 273.9(d)(6)(ii)

Department policy provides as follows:

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 assessment, and insurance on real property;
- c. The entire amount paid as a condominium fee;
- d. Utility costs including the following:
  - 1. Heat;
  - 2. Cooking fuel;
  - 3. Electricity;
  - 4. Water;
  - 5. Sewer charges;
  - 6. Garbage collection;
  - 7. Basic monthly charge including taxes for a telephone;
  - 8. Installation charges for a utility.
- e. For eligible residents of group homes who make a single payment for room, meals and medical expenses, the amount of the payment identified for room and meals which exceeds the thrifty food plan for the number of persons in the household; and
- f. Nonreimbursable costs of repairing a home which was damaged due to a natural disaster.

## UPM § 5035.15(F)(1)

“Shelter expenses are allowed as deductions for the assistance unit if they are incurred in relation to a home which is occupied by the assistance unit.” UPM § 5035.15(F)(2)(a)(1)

## 25. Federal regulation provides as follows:

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.

## 7 C.F.R. § 273.9(d)(6)(iii)(A)

## Federal regulation provides as follows:

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). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. Households that receive direct or

indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

7 C.F.R. § 273.9(d)(6)(iii)(C)

“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: the assistance unit incurs heating fuel or cooling costs separately from rent or mortgage payments.” UPM § 5035.15(F)(6)(a)

26. The Department correctly determined the Appellant eligible for the SUA of \$736.00 because she incurs both heating and cooling costs in her home.
27. The Department correctly determined the Appellant’s shelter costs as \$1,177.66 per month. ( $\$4,000$  annual taxes / 12 months =  $\$333.333$  monthly,  $\$1,300.00$  homeowners insurance /12 months =  $\$108.3333$  monthly.  $\$333.33 + \$108.33 + \$736.00 = \$1,177.66$ )
28. The Department correctly determined the shelter hardship as \$00.00. Refer to Conclusion of Law (“COL”) # 35.
29. Federal regulation provides as follows:

*Calculating net income and benefit levels-Net monthly income.* To determine a household’s net monthly income, the State agency shall:

- A. Add gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household’s total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with § 273.11(a)(2)(iii).
- B. Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent, and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with § 273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income.

- C. Subtract the standard deduction.
- D. If the household is entitled to an excess medical deduction as provided in § 273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.
- E. Subtract allowable monthly dependent care expenses, if any, as specified un 273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated child support payments in accordance with § 273.9(d)(5)
- G. Subtract the homeless shelter deduction, if any, up to the maximum of \$143.
- H. Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter costs. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section.
- I. Subtract the excess shelter costs up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

7 C.F.R. § 273.10(e)(1)(i)

Federal regulation provides as follows:

*Standard deduction-48 States, District of Columbia, Alaska, Hawaii, and the virgin Islands.* 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.

7 C.F.R. § 273.9(d)(1)(i)

Department policy provides as follows:

The amount of applied income upon which the level of Food Stamps benefits is based is calculated in the following way:

- A. The monthly net earned income amount is calculated by reducing monthly earnings by:
  - i. The actual amount of self-employment expenses, if applicable; and
  - ii. Any earned income deductions approved by the Social Security Administration in regards to individual self-support plans (Cross reference: 5035.15); and
  - iii. 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 \$[209.00] 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 application. (Cross Reference 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.

UPM § 5045.15

- 30. The Department incorrectly determined the household net applied income as \$2,803.33. The correct net applied income is \$2,815.33. Refer to COL #35.
- 31. Federal regulation provides as follows:

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: the State agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)



Department policy provides as follows:

In the FS program, 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 FS standard of assistance for the appropriate unit size. (Cross Reference 5000 – Treatment of Income, 4500 – Standards of Assistance)

UPM § 6005

32. The Department incorrectly determined 30% of the net adjusted income as \$841.00. The correct net adjusted income is \$845.00. ( $\$2,815.33 \times 30\% = 844.599$ ) Refer to COL #35.

33. Federal regulation provides as follows:

Maximum SNAP allotment level. Maximum SNAP 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](http://www.fns.usda.gov/fsp).

7 C.F.R. § 273.10(e)(4)(i)

Federal regulation provides as follows:

*Adjustment.* Effective October 1, 1996, the maximum SNAP allotments must be based on 100% of the cost of the TFP as defined in §271.2 of this chapter for the preceding June, rounded to the nearest lower dollar increment, except that on October 1, 1996, the allotments may not fall below those in effect on September 30, 1996.

7 C.F.R. § 273.10(e)(4)(ii)

“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(A0(1)

“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(A)(2)

“The Thrifty Food Plan for a qualified assistance unit with no applied income for a household of five is \$768.00.” UPM P-4535.10

34. Federal regulation provides as follows:

For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements of paragraph (a)(1) and the provision precluding issuances of less than \$10 in an initial month of paragraph (e)(2)(ii)(B)) of this section: The State agency shall deny the household’s application on the grounds that its net income exceeds the level at which benefits are issued.

7 C.F.R. § 273.10(e)(2)(iii)(A)

“The Department takes one of the following actions if due to the method of computing benefits an otherwise eligible assistance unit is determined to have a non-prorated benefits level of zero (Cross Reference: 6000): denies or discontinues assistance on the basis that income exceeds the need level.” UPM § 1535.05(A)(1)(b)

35. The Department correctly determined the SNAP benefit as \$00.00 and denied the Appellant’s application for benefits for the reasons the amount of income we count is higher than the maximum SNAP benefits for your household size and does not meet program requirements. The discrepancies noted in the household’s gross income and net applied income does not impact the results of this decision. The household remains ineligible for benefits under the SNAP because the household’s income exceeds the level of need in which benefits are issued.

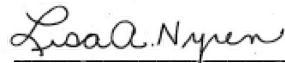
<b>INCOME</b>	
Appellant’s SSDI	\$1,582.00
Child 1 SSA	+\$197.00
Child 2 SSA	+\$197.00
Child 3 SSA	+\$197.00
Child 4 SSA	+\$197.00
Child Support	<u>+\$654.33</u>
<b>Total Household Income</b>	<b>3,024.33</b>

Less standard deduction	<u>-\$209.00</u>
<b>Adjusted gross income</b>	\$2,815.33
<b>SHELTER COSTS</b>	
Mortgage/Homeowner Ins	\$441.66
SUA	<u>+\$736.00</u>
<b>Total shelter costs</b>	\$1,177.66
<b>SHELTER HARDSHIP</b>	
Shelter costs	\$1,177.66
Less 50% of adjusted gross income	<u>-\$1,407.67</u>
<b>Total shelter hardship</b>	(-\$230.01) (Can not exceed \$569 unless elderly or disabled)
<b>ADJUSTED NET INCOME</b>	
Adjusted gross income	\$2,815.33
Less shelter hardship	<u>-\$00.00</u>
<b>Net Adjusted Income (NAI)</b>	\$2,815.33
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for # Person/s	\$768.00
Less 30% of NAI	<u>-\$845.00</u>
<b>SNAP award</b>	\$00.00

36. On [REDACTED] 2020, the Department correctly issued a Notice of Action to the Appellant informing her that the Department denied her application for benefits under the SNAP effective [REDACTED] 2020.

### DECISION

The Appellant's appeal is denied.



\_\_\_\_\_  
Lisa A. Nyren  
Fair Hearing Officer

CC: Musa Mohamud, DSS RO 10  
Judy Williams, DSS RO 10  
Jessica Carroll, DSS RO 10  
Jay Bartolomei, DSS RO 10  
Rose Montinat, DSS RO 10

### **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.

### **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.