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

[redacted] **2020**
Signature Confirmation

Case ID # [redacted]
Client ID # [redacted]
Request # 156902

NOTICE OF DECISION

PARTY

[redacted]

PROCEDURAL BACKGROUND

On [redacted] 2020, the Department of Social Services (the "Department") issued a notice of action to [redacted] (the "Appellant") discontinuing her Supplemental Nutrition Assistance Program ("SNAP") benefits effective [redacted] 2020, due to income above the program limit.

On [redacted] 2020, the Appellant requested an administrative hearing to contest the Department's discontinuance of her SNAP benefit.

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

On [redacted] 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 by telephone.

The following individuals participated in the hearing:

[redacted] Appellant
Debra James, Department's Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP benefit based on income more than the program limit.

FINDINGS OF FACT

1. On [redacted] 2020, the Appellant submitted an on-line application for SNAP benefits. (Exhibit 1: Application; Hearing summary)

2. On [redacted] 2020, the Department issued the Appellant a Proofs We Need form ("W-1348") requesting last day worked, last four pay stubs and a copy of her lease. An [redacted] 2020, due date was given. (Exhibit 2: W-1348)

3. On [redacted] 2020, the Department received the requested verification from the Appellant. (Exhibit 3: Wage stubs; Hearing summary)

4. On [redacted] 2020, the Department granted the Appellant's SNAP application effective [redacted] 2020. (Exhibit 4: Notice)

5. On [redacted] 2020, the Department issued the Appellant a notice indicating her [redacted] 2020 and [redacted] 2020 SNAP benefit would be $509.00. (Exhibit 5: Notice)

6. On [redacted] 2020, the Department issued the Appellant a notice of discontinuance effective [redacted] 2020, indicating the Appellant's monthly gross unemployment exceeds the SNAP gross monthly income limit for her household size. (Exhibit 6: Notice)

7. On [redacted] 2020, the Appellant submitted an on-line change report form indicating she returned to work for her previous employer, and her unemployment compensation ended on [redacted], 2020. (Exhibit 7: Change form)

8. The Appellant (DOB [redacted]) and her two children (DOB [redacted]) and (DOB [redacted]) comprise the assistance unit. (Exhibit 1; Hearing summary, Appellant's testimony)

9. The SNAP gross income limit for a family of three is $3,289.00 monthly. (Record)

10. There are no other types of income, earned or unearned, received by the Appellant or her children. (Hearing record; Appellant's testimony)

11. The Appellant's household does not contain an elderly member or a disabled individual. (Record; Appellant's testimony)

12. The Appellant has a $1,200.00 monthly rental obligation. (Hearing summary; Appellant's testimony)

13. The Appellant pays for gas heat. (Hearing summary; Appellant's testimony)

14. The Appellant has a $300 weekly daycare expense. (Record; Appellant's testimony)

15. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 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. 7 C.F.R. § 273.9 (a) provides that participation in the Program shall be limited to those households whose income 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. § 273.10 (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 Appellant's gross UCB income equaled $952.00 ($352.00 state + $600.00 federal) weekly or $4,093.60 monthly ($952.00 * 4.3) which is over the SNAP gross income limit of $3,289.00 for a household of three.

   The Department correctly discontinued the Appellant's SNAP assistance based on the Appellant's circumstances as of [redacted] 2020. However, when the Appellant reported her return to work on [redacted] 2020, ongoing SNAP eligibility existed.

   The Appellant's wages are calculated as follows: $640.00 * 4.3 = $2,752.00.

5. 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.

   7 C.F.R. § 273.9(d)(4) provides for Dependent Care. Payments for dependent care when necessary for a household member to search for, accept or continue employment, comply with the employment and training requirements as specified under §273.7(e), or attend training or pursue education that is preparatory to employment, except as provided in §273.10(d)(1)(i). Costs that may be deducted are limited to the care of an individual for whom the household provides dependent care, including care of a child under the age of 18 or an incapacitated person of any age in

need of care. The costs of care provided by a relative may be deducted so long as the relative providing care is not part of the same SNAP household as the child or dependent adult receiving care. Dependent care expenses must be separately identified, necessary to participate in the care arrangement, and not already paid by another source on behalf of the household. If a household incurs attendant care costs that could qualify under both the medical deduction of §273.9(d)(3)(x) and dependent care deduction of §273.9(d)(4), the costs may be deducted as a medical expense or a dependent care expense, but not both. Allowable dependent care costs include:

(i) The costs of care given by an individual care provider or care facility;

(ii) Transportation costs to and from the care facility; and

(iii) Activity or other fees associated with the care provided to the dependent that are necessary for the household to participate in the care.

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 for a household of three. {effective 10-01-19 to 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.

Twenty percent (20%) of the Appellant's earnings equal $550.40.

The Appellant is entitled to a disregard of $167.00.

The Appellant is entitled to a dependent care deduction of $1,290.00 ($300 week * 4.3)

The Appellant's adjusted gross income is calculated as follows: $2,752.00 – $2,007.40 ($550.40 + $167.00 + $1,290.00) = $744.60.

6. 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.

   Fifty percent (50%) of the Appellant's adjusted gross income is $372.30 ($744.60 * 0.50).

7. 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 Appellant is not eligible for an uncapped shelter deduction based on disability or age.

8. 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 Appellant is entitled to the SUA.

The Appellant's shelter cost is $1,936.00 ($1,200.00 rent + $736.00 SUA).

The Appellant's shelter hardship effective [redacted] 2020, is $569.00.

The Appellant's net adjusted income effective [redacted] 2020, is $175.60 ($744.60 - $569.00).

9. 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 Appellant's net adjusted income, rounded up, is $53.00 ($175.60 * 0.30).

10. 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 the Thrifty Food Plan for a qualified assistance unit with no applied income for a household of three is $509.00.

11. The Appellant's [redacted] SNAP benefit is computed as follows:

SNAP BENEFIT CALCULATION

EARNED INCOME	
Appellant – CMC	$2,752.00
Total Income	**$2,752.00**
Less 20% earnings	-$550.40
Less standard deduction	-$167.00
Day care	$-1,290.00
Adjusted Gross Income	**=$744.60**
SHELTER COSTS	
Mortgage	$1,200.00
SUA	$736.00
Total shelter costs	**$1,936.00**
SHELTER HARDSHIP	
Shelter costs	$1,936.00
Less 50% of adjusted gross income	-$372.30
Total shelter hardship	**$1,563.70** (Cannot exceed $569 unless elderly or disabled)
NET ADJUSTED INCOME	
Adjusted gross income	$744.60
Less shelter hardship	-$569.00
Net Adjusted Income (NAI)	**$175.60**
BENEFIT CALCULATION	
Thrifty Food Plan for 3 Persons	$509.00
Less 30% of NAI	-$53.00
SNAP award	**$456.00**

The Appellant is eligible for $456.00 per month in SNAP benefits effective [redacted] 2020.

DECISION

The Appellant's appeal is denied with regards to the Department's [redacted] 2020 action to discontinue her SNAP assistance effective [redacted], 2020, for having income above the program limit. However, based on the Appellant's return to work and discontinuance of her unemployment compensation, her gross monthly earned income of $2,752.00 is less than the SNAP gross income limit of $3,289.00. In turn, the Appellant is eligible for all the proper deductions afforded for her household thereby making her eligible for SNAP effective [redacted] 2020.

ORDER

The Department is instructed directed to reopen the Appellant's SNAP assistance using the above SNAP benefit calculation figures. Proof of compliance is due by [redacted] 2020, and will consist of a copy of the Appellant's grant notice.

Christopher Turner
Hearing Officer

Cc: Rachel Anderson, Operations Manager New Haven
Cheryl Stuart, Operations Manager New Haven
Lisa Wells, Operations Manager New Haven
Debra James, Department's Representative

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 the 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.