

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

Case ID # ██████████
Client ID # ██████████
Request # 157007

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Appellant requested, by telephone, an administrative hearing to contest the Department's calculation of her SNAP benefit.

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

On ██████████ 2020, OLCRAH, at the Appellant's request, rescheduled the administrative hearing for ██████████ 2020.

On ██████████ 2020, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184 of the Connecticut General Statutes, inclusive, OLCRAH held an administrative hearing by telephone.

The following individuals called into the hearing:

██████████ Appellant
Marybeth Mark, 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.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Appellant reported her rent for [REDACTED] 2020 would be \$199.00. This change resulted in a reduction of the Appellant's SNAP benefit from \$47.00 to \$19.00 effective [REDACTED] 2020. (Hearing summary)
2. The Appellant is [REDACTED] years old (DOB [REDACTED]) and receives SNAP benefits for a household of one. The Appellant alone comprises the assistance unit. (Hearing summary, Record)
3. The Appellant has received \$47.00 in SNAP from [REDACTED] 2020, through [REDACTED] 2020. (Exhibit 1: Notice dated [REDACTED] 2020; Hearing summary; Appellant's testimony)
4. The Appellant had previously been given a \$95.00 credit for back rent owed to her previous landlord that increased her rental obligation to \$294.00. As of the hearing date, the Appellant no longer makes this payment. (Appellant's testimony)
5. The Appellant's SNAP certification period is [REDACTED] 2018, through [REDACTED], 2020. (Exhibit 1)
6. The Appellant receives a monthly gross Social Security Disability ("SSDI") check of \$1,179.00. (Hearing record; Appellant's testimony)
7. There are no other types of income, earned or unearned, received by the Appellant. (Hearing record; Appellant's testimony)
8. The Department credited the Appellant with a Standard Utility Allowance ("SUA"). (Record)
9. The Appellant is a recipient of the Medicare Savings Program as administered by the Department. (Hearing record; Appellant's testimony)
10. The Appellant wishes to receive credit for other household costs including but not limited to cable and internet charges and car expenses. (Appellant's testimony)

CONCLUSIONS OF LAW

1. Section § 17b-2 of the Connecticut General Statutes 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. 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 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 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 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.

3. 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.

7 C.F.R. § 273.9 (b) (5) (i) provides income shall not include the following: Moneys withheld from an assistance payment, earned income, or other income source, or moneys received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source, provided that the overpayment was not excludable under paragraph (c) of this section. However, moneys withheld from assistance from another program, as specified in §273.11(k), shall be included as income.

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

The Department correctly determined that the Appellant's monthly gross unearned income is \$1,179.00.

4. 7 C.F.R. § 273.9 (d) (1) provides for the standard deduction.

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 one.
{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.

The Department correctly subtracted the \$167.00 standard deduction from the Appellant's total income of \$1,179.00 to determine the amount of the Appellant's adjusted income of \$1,012.00.

5. 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.

(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.

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 Appellant is not eligible for shelter costs associated with a temporary absence due to employment, training away from home, or abandonment caused by a natural disaster as the additional payment credit is for her previous apartment, not a home.

The Department correctly determined that 50% of the Appellant's adjusted gross income is \$506.00 (\$1,012.00 * 0.50).

6. 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 is eligible for an uncapped shelter deduction based on disability.

7. 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 a 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 SUA from [REDACTED] 2019 through [REDACTED] 2020 is \$736.00

The Department correctly allowed the Appellant the SUA.

The Department correctly excluded from consideration the Appellant's request for household and living expenses not related to heating and cooling costs.

The Department incorrectly determined the Appellant's shelter cost was \$1,030.00 (\$294.00 rent + \$736.00 SUA).

The Appellant's correct shelter cost is \$935.00 (\$199.00 rent + \$736.00 SUA).

The Department incorrectly determined the Appellant's shelter hardship is \$524.00. (\$1,030.00 - \$506.00)

The Appellant's shelter hardship is \$429.00. (\$935.00 - \$506.00).

The Department incorrectly determined the Appellant's net adjusted income is \$488.00 (\$1,012.00 - \$524.00 shelter hardship).

The Appellant's net adjusted income is \$583.00 (\$1,012.00 - \$429.00 shelter hardship).

8. 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 incorrectly determined that 30% of the Appellant's net adjusted income, rounded up, was \$147.00 (\$488.00 * 0.30).

Thirty percent (30%) of the Appellant's net adjusted income, rounded up, is \$175.00 (\$583.00 * 0.30).

9. 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 one is \$194.00.

10. The Appellant’s SNAP benefit for [REDACTED] and [REDACTED] 2020 was computed as follows:

SNAP BENEFIT CALCULATION

<u>UNEARNED INCOME</u>	
Appellant SSDI	\$1,179.00
Total	\$1,179.00
Less standard deduction	\$167.00
Adjusted gross income	\$1,012.00
<u>SHELTER COSTS</u>	
Rent	\$294.00
SUA	\$736.00
Total shelter costs	\$1,030.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,030.00
Less 50% of adjusted gross income	\$506.00
Total shelter hardship	\$524.00 (Cannot exceed \$569 unless elderly or disabled)

<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$1,012.00
Less shelter hardship	<u>-\$524.00</u>
Net Adjusted Income (NAI)	\$488.00
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 1 Person	\$194.00
Less 30% of NAI	<u>-\$147.00</u>
SNAP award	\$47.00

The Department incorrectly determined the Appellant eligible for \$47.00 per month in SNAP benefits for [REDACTED] and [REDACTED] 2020 and all prior months back to [REDACTED] 2020.

11. The Appellant's SNAP benefit for [REDACTED] 2020 is computed as follows:

SNAP BENEFIT CALCULATION

<u>UNEARNED INCOME</u>	
Appellant SSDI	\$1,179.00
Total	\$1,179.00
Less standard deduction	\$167.00
Adjusted gross income	\$1,012.00
<u>SHELTER COSTS</u>	
Rent	\$199.00
SUA	<u>\$736.00</u>
Total shelter costs	\$935.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$935.00
Less 50% of adjusted gross income	<u>\$506.00</u>
Total shelter hardship	\$430.00
	(Cannot exceed \$569 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$1,012.00
Less shelter hardship	<u>-\$430.00</u>
Net Adjusted Income (NAI)	\$582.00
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 1 Person	\$194.00
Less 30% of NAI	<u>-\$175.00</u>
SNAP award	\$19.00

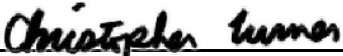
The Appellant is eligible for \$19.00 per month in SNAP benefits.

DISCUSSION

The Appellant has erroneously been given a \$95.00 credit for a back rent payment expense in excess of her current rental obligation. This credit mistakenly raised her SNAP allotment for more than six months. The Appellant is eligible for \$19.00 in SNAP as detailed in the above calculation.

DECISION

The Appellant's appeal is denied.



Christopher Turner
Hearing Officer

Cc: Cheryl Stuart, Operations Manager Norwich
Marybeth Mark, 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 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.