

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

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

Case # ██████████
Client # ██████████
Request # 157018

NOTICE OF DECISION

PARTY

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

On ██████████ 2020, the Department of Social Services (the "Department") sent ██████████ ██████████ (the "Appellant"), a Notice of Action ("NOA") discontinuing her Supplemental Nutrition Assistance Program ("SNAP") benefits because her monthly gross income is more than the program limit for her family size.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the discontinuance of the SNAP 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 a telephonic administrative hearing. The following individuals participated in the hearing:

████████████████████, Appellant
████████████████████, Appellant's witness
Chris Filek, Department's Representative
Marci Ostroski, Hearing Officer

The record was held open until close of business on [REDACTED] 2020, for the submission of additional evidence from the Department. The evidence was received.

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. The Appellant's household consists of; the Appellant; her daughter [REDACTED], DOB [REDACTED]/98; her daughter [REDACTED], DOB [REDACTED]/00; her son [REDACTED], DOB [REDACTED]/02; and her son [REDACTED] DOB [REDACTED]/10. (Appellant's testimony, Ex. 8: W1ER Notice of Renewal of Eligibility)
2. On [REDACTED] 2020, the Appellant submitted to the Department her Renewal of Eligibility for the SNAP program. (Hearing summary, Ex. 6: Case Notes, Ex. 8: W1ER Notice of Renewal of Eligibility)
3. On [REDACTED] 2020, the Department conducted a telephone interview with the Appellant. She reported in the interview that her daughter [REDACTED] lives at school and her daughter [REDACTED] lives at home while a college student. She reported that [REDACTED] employed as was her son [REDACTED] was 17 at the time of the interview but would be turning 18 within a few days. (Ex. 6: Case Notes)
4. On [REDACTED], 2020, the Department mailed to the Appellant, and printed a copy for her to pick up in person, a 1348 Proofs We Need form. The form requested the Appellant to provide verification of the most recent four weeks of gross wages for the Appellant, [REDACTED], and [REDACTED] and for proof of school status for [REDACTED]. The due date for the requested verifications was [REDACTED] 2020. (Ex. 6: Case Notes; Ex. 1: Proofs We Need)
5. On [REDACTED] 2020, the Department received the requested income verifications for all household members. (Ex. 6: Case Notes)
6. On [REDACTED] 2020, the Department calculated the Appellant's gross monthly earnings from her employment at the [REDACTED] based on a letter from her employer verifying the last 3 months of gross wages. The Appellant's average monthly gross wages were \$273.44. (Ex. 6: Case Notes; Ex. 7: Wage verifications)
7. The Appellant's daughter [REDACTED] is over the age of 22, she is a full time college student and does not purchase and prepare food with the Appellant's household. She was not included in the SNAP household. (Appellant's testimony)

8. The Appellant's daughter [REDACTED] is a full time college student. She is employed by [REDACTED]. Her gross monthly earnings at the time of redetermination were: \$88.00, [REDACTED]/20; \$440.00, [REDACTED]/20; \$277.75, [REDACTED]/20; \$132.00, [REDACTED]/20. Her gross monthly income averaged \$1008.08 ($\$88.00 + \$440.00 + \$277.75 + 132.00 = 937.75 / 4 \times 4.3$). She worked the following hours: 8 hours, [REDACTED]/20; 40 hours, [REDACTED]/20, 25.25 hours, [REDACTED]/20; 12 hours, [REDACTED]/20. Her monthly hours averaged 92 ($8 + 40 + 25.25 + 12 = 85.85 / 4 \times 4.3 = 91.64$). Because [REDACTED] is under the age of 22 and resides with the Appellant and works over 80 hours per month as a full time college student, the Department added her to the Appellant's SNAP household. (Ex. 7: Wage verifications, Appellant's testimony, Department's testimony)
9. The Appellant's son [REDACTED] was a high school student and turned 18 years old on [REDACTED] 2020. He was employed at the [REDACTED]. [REDACTED] received the following gross earnings for his last four week period: \$67.08, [REDACTED]/20, \$ 223.32 [REDACTED]/20; \$56.04, [REDACTED]/20. His gross monthly income averaged \$372.42 ($\$67.08 + \$223.32 + \$56.04 = 346.44 / 4 \times 4.3 = \372.42). Because he is under the age of 22 and resides with the Appellant the Department added him to the SNAP household and included his wages once he turned 18. (Ex. 7: Wage verifications, Appellant's testimony, Department's testimony)
10. The Appellant received child support on behalf of her son [REDACTED]. For the months of [REDACTED] the Appellant received the following amounts: \$32.63, \$32.63, \$28.58, \$28.58, \$33.92, \$33.92, \$40.75, \$40.75, \$33.93, \$33.93, \$46.01, \$46.01, \$44.80, \$44.80, \$55.69, \$55.69 \$55.69, \$55.69. When added together and divided by three the average monthly child support income equaled \$248.00. (Ex. 2: CCSES income printout)
11. The Appellant's son [REDACTED] is under the age of 18 and resides with the Appellant. He is disabled and receives Supplemental Security Income ("SSI") in the amount of \$783.00 per month. (Ex. 4: Federal SNAP Income Test, Appellant's testimony)
12. The Department determined that the Appellant's SNAP household consists of four members; the Appellant, her daughter [REDACTED] and her two sons [REDACTED] [REDACTED]. (Department's Testimony)
13. The Appellant's rent was \$320.00 per month. She pays for heating expenses. (Appellant's testimony, Ex.8: W1ER Notice of Renewal of Eligibility)
14. The Appellant does not have monthly dependent care or child support expenses, and she does not have out of pocket medical expenses. (Appellant's Testimony)
15. On [REDACTED] 2020, the Department processed the Appellant's SNAP renewal. The Department determined that the Appellant exceeded the income limit for a family of four and discontinued the SNAP benefits effective [REDACTED] 2020. (Ex. 6: Case Notes; Hearing Summary; Ex. 3: Notice of Action [REDACTED]/20)

16. On [REDACTED], 2020, the Department issued a Notice of Action to the Appellant discontinuing the SNAP benefits effective [REDACTED] 2020 for exceeding the income limit. (Ex. 3: Notice of Action, [REDACTED]/20, Hearing Summary)
17. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached and the household notified within 60 days of receipt of a request for a hearing. The Appellant requested an administrative hearing on [REDACTED] 2020. Therefore this decision is due not later than [REDACTED] 2020 and is therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes, authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Title 7 of the Code of Federal Regulations (“CFR”) § 273.1 provides for the household concept. (a) General household definition. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption. (b) Special household requirement (1) Required household combinations. 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. (i) Spouses; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).
3. Title 7 CFR § 271.2 provides for the definition of *elderly or disabled member* to include individuals who receive supplemental security income benefits under title XVI of the Social Security Act.
4. The Appellant’s son [REDACTED] is considered a disabled member for purposes of the SNAP program, because he receives SSI benefits.
5. “The Department’s uniform policy manual 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)).
6. Uniform Policy Manual (“UPM”) § 2020.10 provides 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 (A) 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.

7. The Department correctly determined that [REDACTED] must be included in the SNAP assistance unit.
8. 7 CFR § 273.5 (a) provides that an individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for one of the exemptions contained in paragraph (b) of this section. An individual is considered to be enrolled in an institution of higher education if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.
9. 7 CFR § 273.5 (b) provides that to be eligible for the program, a student as defined in paragraph (a) of the section must meet at least one of the following criteria. (1) Be age 17 or younger or age 50 or older; (2) Be physically or mentally unfit; (3) Be receiving Temporary Assistance for Needy Families under Title IV of the Social Security Act; (4) Be enrolled as a result of participation in the Job Opportunities and Basic Skills program under Title IV of the Social Security Act or its successor program; (5) Be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours. The State agency may choose to determine compliance with this requirement by calculating whether the student worked an average of 20 hours per week over the period of a month, quarter, trimester or semester. State agencies may choose to exclude hours accrued during academic breaks that do not exceed one month. A State agency that chooses to average student work hours must specify this choice and specify the time period over which the work hours will be averaged in its State plan of operation; (6) Be participating in a State or federally financed work study program during the regular school year. (7) Be participating in an on-the-job training program. A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer (8) Be responsible for the care of a dependent household member under the age of 6; (9) Be responsible for the care of a dependent household member who has reached the age of 6 but is under age 12 when the State agency has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements of paragraph (b)(5) or (b)(6) of this section. (10) Be a single parent enrolled in an institution of higher education on a *full-time basis* (as determined by the institution) and be responsible for the care of a dependent child under age 12. (i) This provision applies in those situations where only one natural, adoptive or stepparent (regardless of marital status) is in the same food stamp household as the child. (ii) If

no natural, adoptive or stepparent is in the same SNAP household as the child, another full-time student in the same SNAP household as the child may qualify for eligible student status under this provision if he or she has parental control over the child and is not living with his or her spouse. (11) Be assigned to or placed in an institution of higher education through or in compliance with the requirements of one of the programs identified in paragraphs (b)(11)(i) through (b)(11)(iv) of this section. Self-initiated placements during the period of time the person is enrolled in one of these employment and training programs shall be considered to be in compliance with the requirements of the employment and training program in which the person is enrolled provided that the program has a component for enrollment in an institution of higher education and that program accepts the placement. Persons who voluntarily participate in one of these employment and training programs and are placed in an institution of higher education through or in compliance with the requirements of the program shall also qualify for the exemption.

10. The Department correctly determined that the Appellant's daughter [REDACTED] was a full time college student and she met the eligibility criteria for SNAP benefits as she was employed a minimum of 20 hours per week. She was correctly added to the SNAP household.
11. The Department correctly determined that the Appellant's SNAP assistance unit consists of four people.
12. Title 7 CFR § 273.9(b)(2)(ii) provides for counting pensions and social security benefits as unearned income.
13. UPM § 5050.13(B)(5) provides S.S.I. income received by members of a Food Stamp assistance unit is treated as unearned income and is counted in determining eligibility and calculating benefits for the entire unit.
14. The Appellant's son's \$783.00 SSI income is counted in determining her SNAP eligibility.
15. Title 7 CFR § 273.9(b)(2)(iii) provides for counting support and alimony payments as unearned income.
16. UPM § 5050.19(B)(3) provides: child support payments received from absent parents by members of a Food Stamps assistance unit who are not members of an AFDC unit are counted as unearned income in determining eligibility and calculating benefits.
17. The child support that the Appellant received on behalf of her son is counted in determining SNAP eligibility.
18. Title 7 CFR § 273.9(b)(1) provides that household income shall include all wages and salaries of an employee.

19. UPM § 5005(A) provides that the Department counts the assistance unit's available income, and that income is considered available if it is:
1. received directly by the assistance unit,
 2. received by someone else on behalf of the assistance unit and the unit fails to prove that it is inaccessible; or
 3. deemed by the Department to benefit the assistance unit.
20. UPM § 5015.15(A)(11) provides for excluded income in the SNAP program; earned income received by children who are full or part time students in an elementary or high school, who are 17 years old or younger, and who also live in one of the following arrangements:
- a. under the supervision of another assistance unit member;
 - b. with and a member of the assistance unit of a natural, adoptive or step-parent;
 - c. with a natural, adoptive or step-parent but a separate assistance unit;
21. The Department correctly included ██████ earned income once he turned 18 years old when calculating the household's SNAP benefits.
22. The Department correctly included the gross earnings of the Appellant, her son ██████ and her daughter ██████ when calculating the SNAP benefits.
23. Title 7 CFR § 273.10(c)(1)(ii) & (c)(2)(i) provides for converting income into monthly amounts.
24. UPM § 5025.05(b) provides:
1. If income is received on a monthly basis, a representative monthly amount is used as the estimate of income.
 2. 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:
 - a. If income is the same each week, the regular weekly income is the representative weekly amount;
 - 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;
 - c. If there has been a recent change or if there is an anticipated future change, the amount expected to represent future income is the representative weekly amount;
 - d. If income is received on other than a weekly or monthly basis, the income is converted to a representative weekly amount by dividing the income by the number of weeks covered
25. The Appellant's son's and daughter's earned income based on four consecutive weeks of gross earnings and averaged by 4.3 is included when calculating the Appellant's SNAP eligibility. The Appellant's gross monthly average based on the last three months of wages is included when calculating the SNAP eligibility.

26. The Appellant's household's average gross earnings total \$1653.94 (Appellant's earnings \$273.44 + [REDACTED] earnings \$1008.08 + [REDACTED] gross earnings \$372.42).
27. Title 7 CFR § 273.9(d)(1)&(2) provides for standard deductions and earned income deductions.
28. UPM § 5045.15 provides that the amount of applied income upon which the level of SNAP benefits is based is calculated in the following way:
- A. The monthly net earned income amount is calculated by reducing monthly earnings by:
 1. the actual amount of self-employment expenses, if applicable; and
 2. any earned income deductions approved by the Social Security Administration in regards to individual self-support plans (Cross-reference: 5035.15); and
 3. 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 \$164.00 per month; {effective October 1, 2018}
 3. a deduction for unearned income to be used to fulfill a bonafide 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")
 - D. The remaining amount after the disregards and deductions are subtracted is the amount of the unit's applied income.
29. The Appellant's adjusted gross income equals \$2176.15 (\$1653.94 - \$330.79 (20% deduction) - \$178.00 (standard deduction) + \$783.00 (SSI unearned income) + \$248.00 (child support)= \$2176.15
30. Title 7 CFR § 273.9(d)(6)(ii) provides for excess shelter deduction.
31. 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;

32. Title 7 CFR § 273.9(d)(6)(iii) provides for the standard utility allowances.
33. UPM § 5035.15(F)(6) provides that 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:
 - 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.
34. The Standard Utility Allowance is \$736.00 effective October 1, 2019.
35. Title 7 CFR § 271.2 provides for the maximum shelter deduction.
36. UPM § 5035.15(F)(10) provides that for those units which do not have any members who are elderly or disabled, a maximum shelter hardship is revised annually effective October 1. (Maximum shelter hardship effective October 1, 2019, is \$569.00).
37. The Appellant's shelter hardship is not capped at \$569.00 because the household contains a disabled member.
38. The Appellant's shelter costs totaled \$1056.00 (\$320.00 (rent) + \$736.00 (Standard Utility Allowance) = \$1056.00)
39. Title 7 CFR § 273.10(e)(2)(ii)(A)(1) provides for the monthly SNAP benefit calculation.
40. 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.
41. Effective [REDACTED] 2020, the Appellant's SNAP benefits are computed as follows:

SNAP BENEFIT CALCULATION	
INCOME	
Earned Income	\$1653.94
Less 20 percent	-\$330.79
= Adjusted earned income	\$1323.15
+ Unearned income SSI	\$783.00
+ Unearned income Child support	\$248.00
= Total income	<u>\$2354.15</u>
- Standard deduction	-\$178.00
- Medical expenses	\$0.00
-Dependent care expenses	\$0.00
=Adjusted gross income	\$2176.15
SHELTER COSTS	
Rent	\$320.00
+ SUA	<u>\$736.00</u>
Total shelter costs	\$1056.00
SHELTER HARDSHIP	
Shelter costs	\$1056.00
Less 50% of adjusted gross income	<u>-\$1088.08</u>
= Total shelter hardship (max \$552 if not disabled or elderly)	\$0.00
ADJUSTED NET INCOME	
Adjusted gross income	\$2176.15
Less shelter hardship	<u>-\$0.00</u>
Net Adjusted Income (NAI)	\$2176.15
BENEFIT CALCULATION	
Thrifty Food Plan for four persons	\$646.00
Less 30% of NAI (rounded up to nearest whole dollar)	<u>\$653.00</u>
SNAP award	\$0.00

42. On [REDACTED] 2020, the Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] 2020.

DISCUSSION

At the time of the Appellant's redetermination, there were several changes to her household that affected her SNAP eligibility. Her daughter [REDACTED] work hours increased to exceed 80 hours per month. This increase made [REDACTED] eligible for SNAP benefits when she hadn't previously been eligible. Because she is under the age of 22 and residing with

the Appellant, not only is she required to be a part of the SNAP household, but her income was also counted toward the income limit.

Another change which affected the SNAP determination was when the Appellant's son turned 18. At that point, his income was also included in the SNAP calculation where it hadn't been counted before. Because he was under the age of 22 and residing with the Appellant he is also required to be a part of the SNAP household and his income is counted toward the income limit.

At the Administrative Hearing, the Appellant reported that there had been changes to her household's income. She is encouraged to reapply for SNAP with the income changes.

DECISION

The Appellant's appeal is **DENIED**.



Marci Ostroski
Hearing Officer

Pc: Brian Sexton, Operations Manager, Department of Social Services, Middletown Regional Office
Chris Filek, Hearing Liaison, Department of Social Services, Middletown Regional Office

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 060105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision, or 45 days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 55 Elm Street, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105-3725. 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.