

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-9902

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

CL ID # ██████████
CASE ID # ██████████
Hearing Request # 157540

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”) denying him Supplemental Nutritional Assistance Program (“SNAP”) benefits because his income exceeds the allowable limit for the program.

On ██████████, 2020, the Appellant requested an administrative hearing because he disagrees with the denial of such benefits.

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

On ██████████ 2020, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

████████████████████ Appellant
Jerrett Wyant, Department’s representative
Scott Zuckerman, Hearing Officer

The hearing record remained open for the submission of additional evidence per request of the Appellant. On ██████████ 2020, the hearing record closed.

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. On [REDACTED] [REDACTED], 2020, the Appellant submitted a claim for Unemployment Compensation Benefits ("UCB"). (Appellant's Testimony)
2. The Appellant's weekly UCB amount is \$346.00 + \$600.00 weekly federal UCB for a total of \$946.00 weekly. (Hearing Summary and Exhibit 8: Unemployment Compensation Benefit Details)
3. On [REDACTED] 2020, the Appellant received his first payment of UC benefits of \$946.00 weekly. (Ex. 8: Unemployment Benefits Details)
4. On [REDACTED] 2020, the Appellant applied for SNAP benefits for a household of one. The Department contacted the Appellant and completed the SNAP interview. (Hearing Summary, Exhibit 3: Application, [REDACTED]/2020, Exhibit 7: Case note, [REDACTED]/2020)
5. The Appellant is [REDACTED] years old (DOB [REDACTED]/1956). (Exhibit 3, Application [REDACTED]/2020)
6. The Appellant pays monthly rent of \$700.00 (Exhibit 3)
7. The Appellant is responsible for paying his heating expenses. (Exhibit 3)
8. On [REDACTED] 2020, the Department denied the Appellant's application for SNAP benefits. The reason cited was, the monthly net income of your household is more than the limit for this program. (Hearing Summary, Exhibit 5: Notice dated [REDACTED]/2020).
9. 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 fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2020. Therefore, this decision is due not later than [REDACTED] 1, 2020. However, the hearing record remained open through [REDACTED], 2020, at the request of the Appellant, which caused a 12 - day delay. Because this 12 - day delay resulted from the Appellant's request, this decision is not due until [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. "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 Maintenance*, 214 Conn. 601, 573 A.2d (1990)).
3. Title 7 of the Code of Federal Regulations ("CFR") § 273.9(b)(2)(ii) provides for counting unemployment compensation benefits as unearned income.
4. Title 7 of the Code of Federal Regulations (CFR) § 273.10(c)(1)(ii) & (c)(2)(i) provides for converting income into monthly amounts.
5. "For past months the Department uses the exact amount of the unit's available income received or deemed in the month." Uniform Policy Manual ("UPM") § 5025.05(A)(1)
6. "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." UPM § 5025.05(B)(2)(a)

The Department correctly determined that the Appellant's monthly gross unearned income from UCB was \$4067.80 (\$946 week x 4.3 weeks).

7. Title 7 CFR § 273.9(d)(1)&(2) provides for standard deductions and earned income deductions.

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 \$147.00 per month; {effective October 2011}
 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")
- D. The remaining amount after the disregards and deductions are subtracted is the amount of the unit's applied income.

The Department correctly applied the \$167.00 standard deduction to the total income of \$4067.80 to determine the amount of the Appellant's household adjusted gross income of \$3900.80. (\$4067.80 - \$167.00 standard deduction = \$3900.80)

8. Title 7 CFR § 273.9(d)(6)(ii) provides for excess shelter deduction.
9. 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;
10. Title 7 CFR § 273.9(d)(6)(iii) provides for the standard utility allowances.

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.

The Department correctly determined the Appellant's shelter costs were \$1436.00 (\$700.00 rent + \$736.00 utility standard = \$1436.00).

10. Title 7 CFR § 271.2 provides for the maximum shelter deduction.

“For those units, which do not have any members who are elderly or disabled, a maximum shelter hardship deduction, which is established by the USDA, is allowed. The maximum shelter hardship is revised annually effective October 1.” (Maximum effective October 2019 is \$552.00) UPM § 5035.15 (F)(10)

The Department correctly determined the Appellant's shelter hardship was \$0.00. (\$1436.00 total shelter costs - \$1950.40, ½ of adjusted gross income). The Appellant is not subject to the maximum shelter hardship because he is elderly.

The Department correctly determined the Appellant's net adjusted (applied) income was \$3900.80 (\$3900.80 Adjusted gross income - \$0.00 shelter hardship = \$3900.80).

11. Title 7 CFR § 273.9 provides (a) *Income eligibility standards*. Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households 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 Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

12. UPM § 5520.40 provides that income eligibility for the SNAP program is determined either through the use of SNAP gross and applied income tests or through meeting the eligibility requirements for Temporary Family Assistance (“TFA”) (including diversion assistance), Aid to Families with Dependent Children (“AFDC”), Aid to the Aged, Blind and Disabled (“AABD”), General Assistance (“GA”), State Administered General Assistance (“SAGA”), refugee assistance or Supplemental Security Income (“SSI”).

A. Gross Income Eligibility Test

1. The Gross Income Eligibility test is used for all units except those which:
 - a. include one or more persons who are elderly or disabled; or
 - b. are categorically eligible for FS benefits.
2. When the Gross Income Test is used, the assistance unit's gross monthly income is compared to a limit which is equal to 130% of the Food Stamp Applied Income Limit (FSAIL) for the number of persons in the needs group:
 - a. If the unit's total gross income exceeds the standard, the unit is not eligible for Food Stamps benefits.
 - b. If the unit's gross income equals or is less than the limit, the unit's applied income is then subjected to the Applied Income Test.

B. Applied Income Eligibility Test

1. Income eligibility is determined on the basis of the assistance unit's total monthly applied income:
 - a. including those units which are not subjected to the Gross Income Eligibility Test; and
 - b. excluding those units which are considered categorically eligible for FS benefits.
2. The unit's total monthly applied income is compared to an amount equivalent to the Food Stamp Applied Income Limit for the respective unit size:
 - a. If the total applied income exceeds the FSAIL, the unit is not eligible for Food Stamps benefits;
 - b. If the total applied income equals or is less than the FSAIL, the unit is eligible.

C. Categorical Eligibility Test

Those assistance unit's which qualify as categorically eligible are not subjected to gross or applied income eligibility tests.

13. UPM § 2545.05(A) provide for an assistance's unit categorically eligibility for the SNAP program and states that if:
 1. all members of the assistance unit receive or are authorized to receive benefits under one or more of the following cash assistance programs:
 - a. TFA, including diversion assistance;
 - b. AABD;
 - c. SSI (except if the individual does not meet the Food Stamp technical requirement of citizenship status);
 - d. SAGA individual or family assistance;

The Appellant's household is not subject to the Gross Income Test because the Appellant is elderly.


The Appellant's SNAP is subject to Applied Income Test because he is not categorically eligible for SNAP benefits. The Appellant does not receive TFA (including diversion assistance), AFDC, AABD, GA, SAGA, refugee assistance or SSI.

The Appellant's applied income of \$3900.80 exceeds the FSAIL of \$1354.00 for a household size of one (1) person.

The Department correctly denied the Appellant's application for SNAP benefits because his household income exceeds the applied income limit.

DECISION

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


Scott Zuckerman
Hearing Officer

Pc: Patricia Ostroski, Operation Manager, DSS, New Britain Regional Office
Jerrett Wyant, Fair Hearings Liaison, DSS, New Britain 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 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, 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.