

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

Client ID ██████████
Case ID. ██████████
Request # 158374

NOTICE OF DECISION

PARTY

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

On ██████████ 2020, the Department of Social Services (the "Department") issued a notice of action to ██████████ (the "Appellant"). The notice informed the Appellant she is eligible for benefits under the Supplemental Nutritional Assistance Program ("SNAP") in the amount of \$37.00 for the month of ██████████ 2020 and \$53.00 per month beginning ██████████ 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the amount of her benefits under the SNAP.

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 called in for the hearing:

████████████████████, Appellant
Debra James, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's calculation of the Appellant's benefits under the SNAP is correct.

FINDINGS OF FACT

1. The Appellant is married to [REDACTED] ("Spouse"). (Exhibit 1: Online Application and Appellant's Testimony)
2. The Appellant is age [REDACTED] born on [REDACTED]. (Exhibit 1: Online Application and Appellant's Testimony)
3. The Spouse is age [REDACTED] born on [REDACTED]. (Exhibit 1: Online Application and Appellant's Testimony)
4. The Appellant and Spouse are the parents of four children with whom they reside with: [REDACTED] age [REDACTED] ("Child 1"), [REDACTED] age [REDACTED] ("Child 2"), [REDACTED] age [REDACTED] ("Child 3") and [REDACTED] born on [REDACTED] ("infant"). (Exhibit 1: Online Application and Appellant's Testimony)
5. On [REDACTED] 2020, the Appellant submitted an online application to the Department requesting SNAP benefits for herself, her Spouse, and their four children: Child 1, Child 2, Child 3, and Infant. (Exhibit 1: Online Application)
6. The Department determined a SNAP household of six: the Appellant, the Spouse, Child 1, Child 2, Child 3, and Infant. (Hearing Record)
7. The Appellant worked for the [REDACTED] ("former employer"). The Appellant last worked in [REDACTED] 2020 after her doctor instructed her to stop working due to complications during her pregnancy. The Appellant did not return to work after the birth of her child due to the Co-Vid19 pandemic. The Appellant received the following last two paychecks from her former employer: [REDACTED] 2020 gross wages \$95.88 and [REDACTED] 2020 gross wages \$95.88. The former employer listed the Appellant's termination date of employment as [REDACTED] 2020. (Appellant's Testimony and Department Representative's Testimony)
8. The Department determined the Appellant's monthly gross wages as \$95.88. (Exhibit 4: Email Supporting Document)
9. The Spouse works for [REDACTED] (the "employer") earning the following bi-weekly pays: Pay Date [REDACTED] 2020 Gross Wages \$1,694.25 and Pay Date [REDACTED] 2020 Gross Wages \$2,217.38. The

Spouse's working hours fluctuate with some pay weeks including overtime. (Appellant's Testimony and Exhibit 3: Wage Stubs)

10. The Department determined the Spouse's monthly gross wages as \$4,205.01. (Exhibit 4: Email Supporting Document)
11. The Appellant receives child support for Child 1 of \$60.00 per week. (Stipulated)
12. The Department determined Child 1's child support as \$260.00 per month. (Exhibit 4: Email Supporting Document and Exhibit 5: Notice of Action)
13. The Department determined the standard deduction as \$240.00 per month for a household of six under the SNAP. (Exhibit 4: Email Supporting Document)
14. The Appellant pays \$1,750.00 per month for rent. The Appellant heats the apartment with oil. Heat is not included in the rent. The apartment is cooled with central air conditioning which uses electricity. Electricity is not included in the rent. (Exhibit 1: Online Application and Appellant's Testimony)
15. The Appellant received the standard utility allowance ("SUA") of \$736.00. (Department Representative's Testimony)
16. For the period [REDACTED] 2020 through [REDACTED] 2020, the application month, the Department determined the Appellant eligible for \$37.00 under the SNAP and issued such benefit to the household. (Exhibit 4: Email Supporting Document and Exhibit 5: Notice of Action)
17. Beginning [REDACTED] 2020, the Department determined the Appellant's monthly SNAP allotment as \$53.00. (Exhibit 4: Email Supporting Document and Exhibit 5: Notice of Action)
18. The issuance of this decision is timely under Executive Order 7M issued on [REDACTED], 2020 which extends the time frame required to issue a decision under Connecticut General Statutes § 17b-61(a) from 90 days to 120 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 Statute provides that 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 Section 273.1(B)(1) of the Code of Federal Regulations (“C.F.R.”) 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.

- 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. “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. Section 2020.10(A)(1) of the Uniform Policy Manual (“UPM”) provides as follows:

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.

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 and under the parental control of a member of the assistance unit;
 2. A spouse of a member of the assistance unit including any who present himself or herself as a spouse;
 3. Children ages 18 through 21 living with their parents.
5. The Department correctly determined a household of six, the Appellant, the Spouse and their four children (Child 1, Child 2, Child 3 and the infant).
 6. “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)

Departmental policy provides as follows:

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:

1. Received directly by the assistance unit; or
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.

UPM § 5005(A)

7. "Earned income shall include: (i) All wages and salaries of an employee."
7 C.F.R. § 273.9(b)(1)(i)

"Earned Income is income which the assistance unit receives in exchange for the performance of duties or through self-employment and may be in the form of wages, salary, benefits, or proceeds from self-employment."
UPM § 5000.01

8. "Unearned income shall include, but not be limited to: Support or alimony payments made directly to the household from nonhousehold members."
7 C.F.R. § 273.9(b)(2)(iii)

"Unearned income is income which does not constitute compensation for work or services performed or business conducted and includes returns from capital investments when the individual is not actively involved in the production of the income." UPM § 5000.01

"Unearned income shall include, but not be limited to: Support or alimony payments made directly to the household from nonhousehold members."
7 C.F.R. § 273.9(b)(2)(iii)

"Unearned income shall include, but not be limited to: Payments from Government-sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit." 7 C.F.R. § 273.9(b)(2)(v)

"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." UPM § 5050.19(B)(3)

9. Federal regulation provides as follows:

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.F.R. § 273.10(c)(1)(i)

10. 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)

11. The Department correctly included the Appellant's wages in the calculation of SNAP benefits in the month of application, [REDACTED] 2020.
12. The Department incorrectly included the Appellant's wages in the calculation of SNAP benefits in the month of [REDACTED] and ongoing months because the Appellant's employment with the former employer ended. The Department 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. The Department had information from the Appellant and the former employer confirming her termination of employment.
13. The Department correctly include the Spouse's wages in the calculation of SNAP benefits.
14. The Department correctly included the child support income in the calculation of SNAP benefits.
15. 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)

Department policy provides as follows:

The Department uses the best estimate of the amount of income the unit will have, if the exact amount of income 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)

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

Department policy provides as follows:

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’s weekly amount;
- c. If there has been a recent change or if there is an anticipated future change, the amount expected to representative 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.

UPM § 5025.05(B)(2)(d)

16. For the month of █████ 2020, the Department correctly determined the Appellant’s monthly gross wages as \$95.88 using the exact amount of wages paid to the Appellant during the month since employment terminated and additional wages were not expected.
17. For █████ 2020 and ongoing months, the Department incorrectly determined the Appellant’s monthly gross wages as \$95.88. Since the Appellant’s employment ended, future anticipated income from her former employer is \$00.00. The correct amount of earnings for the Appellant for █████ 2020 and ongoing months is \$00.00.
18. The Department correctly determined the Spouse’s monthly gross wages as \$4,205.01 correctly using the minimum required four week period outlined by regulations and department policy. (█████ \$1,694.25 + █████ \$2,217.38 = \$3,911.63 / 2 weeks = 1,955.815 biweekly x 2.15 = \$4,205.00225) The Department 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.
19. The Department incorrectly determined the child support as \$260.00 per month. The correct child support is \$258.00 per month because child support income is the same each week. ($\$60.00/\text{week} \times 4.3 = \258.00 per month average)

20. Federal regulation provides as follows:

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 SNAP. 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 SNAP. 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)).

7 C.F.R. § 273.9(a)

21. Federal regulation provides as follows:

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.

7 C.F.R. § 273.2(j)(2)(ii)(A)

“Assistance unit is considered categorically eligible for the SNAP program if: At least one member of the assistance unit receives or is authorized to receive TANF-funded services under the Help for People in Need Program.” UPM § 2545.05(A)(2)

“Those assistance unit’s which qualify as categorically eligible are not subjected to gross or applied income eligibility tests. UPM § 5520.40(C)

Department policy provides for the gross income limit for SNAP under expanded categorical eligibility as 185% of the Federal Poverty Level (“FPL”). UPM § P-5520.36

22. The Department of Health and Human Services lists the annual 2019 Poverty Guideline for the 48 Contiguous States and the District of

Columbia as \$34,590.00 for a household of six. [Federal Register, Vol. 84, No, 22, February 1, 2019 pp1168]

23. Under expanded categorical eligibility, the gross income limit for a household of six is \$5,333.00 per month. ($\$34,590.00 \text{ annually} / 12 \text{ months} = \$2,882.5 \times 185\% = \$5,332.625$)
24. The Department incorrectly determined the gross household income as \$4,560.89. For ██████ the correct gross household income is \$4,558.89. Beginning ██████ 2020, the correct gross household income is \$4,463.01. ██████ calculation: \$95.88 Appellant wages + \$4,205.01 Spouse's wages + \$258.00 CS = 4,558.89 ██████ calculation: \$4,205.01 Spouse's wages + \$258.00 CS = \$4,463.01]
25. The Department correctly determined the SNAP household as categorically eligible under expanded categorical eligibility because the household income of \$4,558.89 is below the income limit under expanded categorical eligibility of \$5,333.00.
26. The Department correctly determined the SNAP household is not subject to the gross income test and the net income test because the household is categorically eligible.
27. "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)
28. Federal regulation provides as follows:

Deductions shall be allowed only for the following household expenses:

Notwithstanding paragraphs (d)(1)(i) and (d)(1)(ii) of this section, the standard deduction for FY 2009 for each household in the 48 States and the District of Columbia, Alaska, Hawaii, Guam and the U.S. Virgin Islands shall not be less than \$144, \$246, \$203, \$289, and \$127, respectively. Beginning FY 2010 and each fiscal year thereafter, the amount of the minimum standard deduction is equal to the unrounded amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

7 C.F.R. § 273.9(d)(1)(iii)

“The FS income disregard is subtracted from the combined monthly total of the unit’s gross unearned income and net earned income. The amount of the disregard is established by the USDA and is revised annually effective October 1. The appropriate disregard is subtracted without any durational limitation.” UPM § 5030.25(A)

Effective October 1, 2019 through September 30, 2020 the standard deduction for the 48 States & District of Columbia for a household of 6 is \$240.00. (United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2019 Maximum Allotments and Deductions, www.fns.usda.gov/snap, Memorandum SNAP – Fiscal Year 2019 Cost-of-Living Adjustments, July 24, 2019)

Federal regulation provides as follows:

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)(2)

“The total amount of monthly income earned by the assistance unit members, including that derived from self-employment is adjusted by subtracting 20% for personal employment expenses. There are no other deductions applied exclusively to earned income.” UPM § 5035.15(B)

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 follows:

- 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 assessments, 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. Non-reimbursable costs of repairing a home which was damaged due to a natural disaster.

UPM § 5035.15(f)(1)

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)

Department policy provides as follows:

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 individual metering of service to the unit.

UPM § 5035.15(F)(6)

29. The Department correctly determined the standard disregard as \$240.00 for a household of six..
30. The Department correctly determined the earned income deduction as \$860.17 for █████ 2020. ($\$4,300.89 \times 20\% = \860.178)

31. The Department incorrectly determined the earned income deduction as \$860.17 beginning [REDACTED] 2020. The correct earning income deduction beginning [REDACTED] 2020 is \$841.00. ($\$4,205.01 \times 20\% = \841.002)
32. The Department correctly determined the Appellant's shelter costs as \$2,486.00 per month. ($\$1,750.00$ rent + $\$736.00$ SUA = $\$2,486.00$)
33. Federal regulation provides the following:

To determine a household's net monthly income, the State agency shall:

- A. Add the 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 under § 273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with §273.9(d)(5), subtract allowable monthly 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 cost. 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 cost 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)

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:
 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 \$134.00 per month;
 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.

UPM § 5045.15

34. 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)

Departmental 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(C)

35. Federal regulation provides for the Thrifty Food Plan (TFP) and Maximum SNAP Allotments:

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.

7 CFR § 273.10(e)(4)

United States Department of Agriculture Food and Nutrition Services provides as follows:

Effective October 1, 2019 through September 30, 2020 the maximum monthly SNAP allotment for the 48 States & District of Columbia for a household six is \$921.00. (United States Department of Agriculture, Food and Nutrition Services, Fiscal Year (FY) 2020 Maximum Allotments and Deductions, www.fns.usda.gov/snap, Memorandum SNAP – Fiscal Year 2020 Cost-of-Living Adjustments, July 24, 2019)

“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 standard of assistance for a qualified assistance unit with no applied income is the Thrifty Food Plan amount for the appropriate assistance unit size as established by the USDA. The Thrifty Food Plan amounts are revised annually effective October 1.” UPM § 4535.10(B)

36. Federal regulation provides as follows:

A household's benefit level for the initial months of certification shall be based on the day of the month it applies for benefits and the household shall receive benefits from the date of application to the end of the month unless the applicant household consists of residents of a public institution. For households which apply for SSI prior to their release from a public institution in accordance with §273.11(i), the benefit level for the initial month of certification shall be based on the date of the month the household is released from the institution and the household shall receive benefits from the date of the household's release from the institution to the end of the month. As used in this section, the term “initial month” means the first month for which the household is certified for participation in SNAP following any period during which the household was not certified for participation, except for migrant and seasonal farmworker households. In the case of migrant and seasonal farmworker households, the term “initial month” means the first month for which the household is certified for participation in SNAP following any period of more than 1 month during which the household was not certified for participation. Recertification shall be processed in accordance with §273.10(a)(2). The State agency shall prorate a household's benefits according to one of the two following options: The State agency shall prorate benefits over the exact length of a particular calendar or fiscal month.

7 C.F.R. § 273.10(a)(ii)(B)

Federal regulation provides as follows:

To determine the amount of the prorated allotment, the State agency shall use either the appropriate Food Stamp Allotment Proration Table provided by FNS or whichever of the following formulae is appropriate: For State agencies which use the exact number of days in a month, the formula is:

$$X = a + b / c$$

Full months benefit x (number of days in month + 1 – date of application) / number of days in the month = allotment

7 C.F.R. § 273.10(a)(1)(iii)(B)

37. “If after using the appropriate formula the result ends in 1 through 99 cents, the State agency shall round the product down to the nearest lower whole dollar. If the computation results in an allotment of less than \$10, then no issuance shall be made for the initial month.” 7 C.F.R. § 273.10(a)(1)(iii)(C)

38. Federal regulation provides as follows:

Changes in allotment levels. As a result of anticipating changes, the household's allotment for the month of application may differ from its allotment in subsequent months. The State agency shall establish a certification period for the longest possible period over which changes in the household's circumstances can be reasonably anticipated. The household's allotment shall vary month to month within the certification period to reflect changes anticipated at the time of certification, unless the household elects the averaging techniques in paragraphs (c)(3) and (d)(3) of this section.

7 C.F.R. § 273.10(a)(4)

39. The Department correctly determined the Appellant's SNAP benefit for ■■■ 2020, the month of application as \$37.00. Prorated calculation: \$54.00 x {(31 days + 1) – 10th of month / 31 days in ■■■} = \$37.00. The \$2.00 reduction in the amount of countable child support did not impact the calculation of SNAP for the month of application.

INCOME	
Total Earned Income	\$4,300.89
Less 20%	<u>-\$860.17</u>
Total	\$3,440.72
Plus child support	<u>+\$258.00</u>
Total	\$3,698.72

Less standard deduction	-\$240.00
Adjusted gross income	\$3,458.72
<u>SHELTER COSTS</u>	
Rent	\$1,750.00
SUA	+\$736.00
Total shelter costs	\$2,486.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,486.00
Less 50% of adjusted gross income	<u>-\$1,729.36</u>
Total shelter hardship	\$756.64 (Can not exceed \$569 unless elderly or disabled)
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$3,458.72
Less shelter hardship	<u>-\$569.00</u>
Net Adjusted Income (NAI)	\$2,889.72
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 6 Person/s	\$921.00
Less 30% of NAI	<u>-\$867.00</u>
Prorated SNAP award	\$54.00
\$37.00	

40. The Department incorrectly determined the Appellant's SNAP benefits beginning [REDACTED] 2020 as \$53.00. The correct benefit is \$77.00. The Department miscalculated the household's gross monthly income by erroneously including earnings from the Appellant that ended and a \$2 error under child support income. The end result is a miscalculation of ongoing SNAP benefits.

SNAP BENEFIT CALCULATION

INCOME	
Total Earned Income	\$4,205.01
Less 20%	<u>-\$841.00</u>
Total	\$3,364.01
Plus child support	<u>+\$258.00</u>
Total	\$3,622.01
Less standard deduction	-\$240.00
Adjusted gross income	\$3,382.01
<u>SHELTER COSTS</u>	
Rent	\$1,750.00

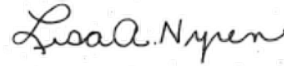
SUA	<u>+\$736.00</u>
Total shelter costs	\$2,486.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,486.00
Less 50% of adjusted gross income	<u>-\$1,691.00</u>
Total shelter hardship	\$795.00 (Can not exceed \$569 unless elderly or disabled)
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$3,382.01
Less shelter hardship	<u>-\$569.00</u>
Net Adjusted Income (NAI)	\$2,813.01
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 6 Persons	\$921.00
Less 30% of NAI	<u>-\$844.00</u>
SNAP award \$77.00	\$77.00

DECISION

The Appellant's appeal is in part denied and in part granted. The Department correctly calculated the Appellant's SNAP benefits for the month of [REDACTED] 2020, but incorrectly calculated benefits beginning [REDACTED] 2020.

ORDER

1. The Department must recalculate the household's monthly gross income effective [REDACTED] 2020.
2. The Department must correct the monthly child support income from \$260.00 to \$258.00 effective [REDACTED] 2020.
3. The Department must exclude the Appellant's wages from the former employer beginning [REDACTED] 2020.
4. The Department must recalculate the Appellant's monthly benefits beginning [REDACTED] 2020, the date of application and issue any SNAP benefits due the Appellant.
5. Compliance is due 14 days from the date of this decision.



Lisa A. Nyren
Fair Hearing Officer

CC: Rachel Anderson, DSS #20
Cheryl Stuart, DSS #20
Lisa Wells, DSS #20
Debra James, DSS #20

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.