

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

Client ID # ██████████  
Request #158945

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2020, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) discontinuing her Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to appeal the Department’s discontinuance of her 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, the Department updated the Appellant’s information and reinstated her SNAP with no interruption in benefits. With the original issue having been resolved, the Appellant requested to change the issue of her appeal to whether her monthly SNAP allotment was calculated correctly. The Department had no objection to holding a hearing on the new issue on the originally scheduled date.

On ██████████ 2020, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The hearing was held telephonically due to the COVID-19 pandemic with no objection from any party. The following individuals were present at the hearing:

██████████ Appellant

Jacqueline Taft, Department's representative  
James Hinckley, Hearing Officer

### **STATEMENT OF THE ISSUE**

1. The issue is whether the Department correctly determined the Appellant's monthly SNAP allotment.

### **FINDINGS OF FACT**

1. The Appellant's household consists of two persons, herself and her newborn child. (Appellant's testimony, Hearing Record)
2. No member of the Appellant's household is disabled. (Appellant's Testimony, Hearing Record)
3. The Appellant is currently unemployed. Her income consists of state unemployment compensation benefits ("UCB") of \$416.00 per week. (Appellant's testimony, Hearing Record)
4. The Appellant pays rent of \$900.00 per month. (Appellant's testimony, Hearing Record)
5. The Appellant is responsible to pay for electricity and gas. Gas is her heating fuel. (Appellant's testimony, Hearing Record)
6. On ██████████ 2020, the Department issued an NOA to the Appellant notifying her that she was approved for a monthly SNAP allotment of \$39.00 effective ██████████ 2020. (Ex.2: NOA dated ██████████ 2020)

### **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 in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("CFR") Sec. 273.9(a) provides, in relevant part, as follows:
  - i. 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)).

3. **The Appellant's household did not contain an elderly or disabled member. The household was, therefore, subject to both the SNAP net income and gross income eligibility standards, unless categorically eligible.**
4. "Unearned income shall include, but not be limited to: (ii)...unemployment compensation..." 7 CFR § 273.9(b)(2)
5. "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...." 7 CFR § 273.10(c)(1)(i)
6. "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...." 7 CFR § 273.10(c)(1)(ii)
7. "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...." 7 CFR § 273.10(c)(2)
8. **The Appellant received UCB benefits of \$416.00 per week. The weekly income had to be converted to a monthly amount. The weekly benefit of \$416.00, multiplied by 4.3, equaled \$1,788.80.**
9. States may, at their option, extend categorical eligibility to households "in which all members receive or are authorized to receive non-cash or in-kind services" from a program that is funded in part with State money counted for MOE purposes under Title IV-A, if the program was designed to further either purposes one and two, or three and four, of the TANF block grant. FNS must be informed of, or must approve, the TANF services that a State determines to confer categorical eligibility. 7 CFR § 273.2(j)(2)(ii)
10. **Households in Connecticut with incomes below 185% of the federal poverty level ("FPL") qualify for the State's "Help for People in Need" program which is funded with money counted for TANF MOE purposes and meets the requirements in 7 CFR § 273.2(j)(2)(ii). As such, the Department extends**

**broad-based categorical eligibility for SNAP to all households that qualify for “Help for People in Need”.**

11. Pursuant to SNAP rules, the Appellant’s household size was two and her household’s total countable gross monthly income was \$1,788.80.
12. The standards used in the SNAP are adjusted each year on the first day of October. The Federal Poverty Standards applicable to the Appellant’s SNAP eligibility determination are published in the Federal Register, Vol. 84, No. 22 / Friday, February 1, 2019, pp. 1167-1168
13. **185% of the FPL for a household of two persons was \$2,607.00 monthly. The Appellant’s household’s total income of \$1,788.80 was less than 185% of the FPL. Her household was, therefore, eligible for “Help for People in Need” and, therefore, categorically eligible for SNAP under the provisions of 7 CFR § 273.2(j)(2)(ii). Because the household was categorically eligible, it was not required to meet either the gross or net income eligibility standards pursuant to 7 CFR § 273.9(a).**
14. In the benefit determination, the Appellant’s household’s income and deductions must be calculated pursuant to 7 CFR § 273.9. Net income and SNAP benefit levels then must be calculated pursuant to 7 CFR § 273.10(e). The calculations are as follows:

Only certain income deductions are allowed to be used in the calculation of SNAP benefits. The household expenses which may be used as deductions are described in paragraphs (d)(1) to (d)(6) of 7 CFR § 273.9.

The *standard deduction* for a household size of one to six persons is equal to 8.31 percent of the monthly net income standard for each household size established under § 273.9(a)(2) rounded up to the nearest whole dollar. 7 CFR § 273.9(d)(1)

**The Appellant’s household qualified for the standard deduction for a household of two persons, which was \$167.00.**

**The Appellant did not qualify for any of the other four remaining deductions provided for in paragraphs (d)(1) to (d)(5) of 7 CFR § 273.9, the *earned income deduction, excess medical deduction, dependent care deduction, or child support deduction*. The figure equaling the total deductions allowable under (d)(1) to (d)(5) is applicable to the next calculation.**

7 CFR § 273.9(d)(6)(ii) provides for the *excess shelter deduction*. Monthly shelter expenses in excess of 50 percent of the household’s income after all other deductions in paragraphs (d)(1) to (d)(5) of 7 CFR § 273.9 have been allowed, are allowed as an excess shelter deduction.

**The Appellant’s household only qualified for one of the deductions in paragraphs (d)(1) to (d)(5) of 7 CFR § 273.9, the *standard deduction*. After deducting the \$167.00 *standard deduction* from the Appellant’s household’s total gross income, the remaining income was \$1,621.80 (\$1,788.80 total income - \$167.00 *standard deduction* = \$1,621.80).**

**50% of \$1,621.80 is \$810.90, and is the figure referred to in 7 CFR § 273.9(d)(6)(ii) that is used in the calculation of the *excess shelter deduction*.**

7 CFR § 273.9(d)(6) discusses shelter costs and provides that only certain expenses are allowable as shelter expenses, including rent, mortgage, property taxes, insurance on the structure, condo and association fees, and the actual costs of utilities.

7 CFR § 273.9(d)(6)(iii) provides for a *standard utility allowance* which may, at State option, be used in place of the actual cost of utilities in determining a household's *excess shelter deduction* and which may be made available both to households that incur actual utility expenses and to those that receive assistance under the LIHEAA (Low Income Home Energy Assistance Act).

**The Department allows a standard utility allowance (SUA), currently \$736.00, in place of the actual cost of utilities for qualifying households. The Appellant was obligated for the costs of electricity and gas heating fuel, thus her household qualified to have the SUA used in place of her actual costs in the calculation of the *excess shelter deduction*.**

**The Appellant's shelter expenses were \$1,636.00 (\$900.00 rent + \$736.00 SUA).**

"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...." 7 CFR § 273.9(d)(6)(ii)

7 CFR § 271.2 defines *elderly or disabled member* as 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", or who is approved for certain other government payments for blindness or disability.

**The Appellant's household did not contain an elderly or disabled member. Her household's shelter deduction was, therefore, capped at the Department's maximum shelter deduction limit of \$569.00**

**The Appellant's calculated *excess shelter deduction* was \$825.50 (\$1,636.00 shelter expenses - \$810.90 [50% of income remaining after subtracting deductions allowed under 7 CFR § 273.9(d)(1) to (d)(5)]). Her actual deduction was limited to \$569.00, as explained above.**

**The Appellant's *net income* after all deductions was \$1,052.80 (\$1,788.80 total gross income, minus \$167.00 *standard deduction*, minus \$569.25 *excess shelter deduction*).**

"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...." 7 CFR § 273.10(e)(2)(ii)(A)

**30% of the Appellant's household's net monthly income (\$1,052.80 multiplied by .3) was \$315.84; the figure was rounded up to \$316.00 pursuant to 273.10(e)(2)(ii)(A)(1).**

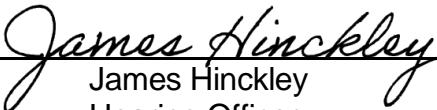
The maximum food stamp allotment (known as the “thrifty food plan”) for a household of two persons was \$355.00.

The Appellant’s household was eligible for a SNAP benefit of \$39.00 (\$355.00 maximum SNAP allotment - \$316.00 (30% of net income)).

15. The Department correctly determined the Appellant’s monthly SNAP allotment.

**DECISION**

The Appellant’s appeal is **DENIED**.

  
James Hinckley  
Hearing Officer

cc: Rachel Anderson  
Cheryl Stuart  
Lisa Wells  
Jacqueline Taft

### **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.