

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 163552

NOTICE OF DECISION

PARTY

██████████
██████████
████████████████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA) denying her application for benefits under the Supplemental Nutrition Assistance Program ("SNAP") effective ██████████, 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department's decision to deny 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 called in for the hearing:

██████████, Appellant
Christopher Filek, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to deny the Appellant's application for benefits under the SNAP effective [REDACTED] 2020 was correct.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Department received an application for benefits under the SNAP from the Appellant. The Appellant requested assistance for a household of four: the Appellant, [REDACTED] ("ex-husband"), [REDACTED] ("son"), and [REDACTED] ("daughter"). (Exhibit 4: Notice of Action and Appellant's Testimony)
2. On [REDACTED], 2020, the Appellant completed the application interview with the Department via telephone. (Exhibit 1: Case Notes and Department Representative's Testimony)
3. The Appellant is [REDACTED] years old. The Appellant is disabled. (Appellant's Testimony)
4. The ex-husband is [REDACTED] years old and not disabled. (Appellant's Testimony)
5. The son is [REDACTED] [REDACTED] years old and not disabled. (Appellant's Testimony)
6. The daughter is [REDACTED] years old and not disabled. (Appellant's Testimony)
7. The Appellant receives social security disability benefits ("SSDI") from the Social Security Administration ("SSA") each month. The Appellant's net monthly benefit is \$541.00 after the SSA recoups \$8.00 from the gross SSDI benefit of \$549.00 to pay back a prior overpayment of benefits. (Appellant's Testimony and Department Representative's Testimony)
8. The Appellant receives temporary family assistance ("TFA") totaling \$366.00 each month. (Appellant's Testimony, Exhibit 3: Federal SNAP – Income Test, and Exhibit 4: Notice of Action)
9. The ex-husband works full time for [REDACTED] (the "employer") earning \$13.00 per hour. The ex-husband earned the following bi-weekly pay:

Pay Date	Hours Worked	Gross Earnings
[REDACTED] 2020	85.51	\$1,349.69
[REDACTED] 2020	81.46	\$1,068.47

██████████ Total Wages	\$2,418.16
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(Exhibit 2: Work Number Income)

10. The household's monthly gross earnings total \$2,599.52. (██████████ gross earning $\$2,418.16 / 2$ biweekly pays = $\$1,290.08 \times 2.15 = \$2,599.522$) (Exhibit 2: Work Number Income and Exhibit 3: Federal SNAP – Income Test)
11. The household's monthly gross income totals \$3,514.52. (Appellant SSDI \$549.00 + TFA \$366.00 + ex-husband earnings \$2,599.52 = \$3,514.52) (Exhibit 3: Federal SNAP-Income Test)
12. The household received a twenty percent (20%) earned income deduction of \$519.90 under the SNAP. ($\$2,599.52 \times 20\% = \519.904) (Exhibit 3: Federal SNAP – Income Test)
13. The household received the standard deduction of \$181.00 under the SNAP. (Exhibit 3: Federal SNAP – Income Test)
14. The ex-husband paid monthly child support of \$80.22 and received a child support expense deduction of \$80.22 under the SNAP. (Exhibit 3: Federal SNAP – Income Test)
15. The Appellant owns her home and pays a mortgage of \$852.00 per month which includes property tax and homeowner's insurance. The Appellant pays for all utilities in the home which includes oil for heat. (Appellant's Testimony)
16. The household received a shelter deduction that totals \$221.30 under the SNAP. (Exhibit 3: Federal SNAP – Income Test)
17. The Department determined the household ineligible for benefits under the SNAP because the household's countable income exceeds the SNAP benefit amount for a household of four. (Hearing Record)
18. On ██████████ 2020, the Department issued a notice of action. The notice stated the Department denied the Appellant's application for SNAP for the reasons "the amount of income we count is higher than the maximum SNAP benefit for your household size and does not meet program requirements." (Exhibit 4: Notice of Action)
19. At the administrative hearing, the Appellant reported the ex-husband has not paid child support since ██████████ 2020 but he continues to pay for health care insurance through his employer for his ██████████ year old daughter who resides with her mother. (Appellant's Testimony)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes ("Conn. Gen. Stat.") states, "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 of the Code of Federal Regulations ("C.F.R.") Section 273.2(c)(1)(i) provides that:

Households must file SNAP applications by submitting the forms to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission.

3. The Department correctly determined the Appellant filed an application for benefits under the SNAP.
4. Federal regulation provides that:

The date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

7 C.F.R. § 273.2(c)(1)(iv)

5. The Department correctly determined the date of the application for SNAP as [REDACTED] 2020.
6. "A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: a group of individuals who live together and customarily purchase food and prepare meals together for home consumption." 7 C.F.R. § 273.1(a)(3)

Federal regulation provides that:

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. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

7 C.F.R. § 273.1(b)(1)(ii)

7. The Department correctly determined an assistance unit of four: the Appellant, the ex-husband and their two children, under the SNAP.
8. Federal regulation provides that:

The State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

7 C.F.R. § 273.2(e)(2)

9. On ██████████ 2020, the Department correctly completed an application interview with the Appellant via telephone.
10. "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)
11. Federal regulation provides that:

Unearned income shall include, but not be limited to: Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in §272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in

which a household member is not actively engaged in the management of the property at least 20 hours a week.

7 C.F.R. § 273.9(b)(2)(ii)

12. The Department correctly determined SSDI as countable income under the SNAP.

13. Federal regulation provides that:

Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in §271.2); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt from consideration as countable income under the provisions of paragraph (c)(1) of this section. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.

7 C.F.R. § 273.9(b)(2)(i)

14. The Department correctly determined TFA benefits as countable income under the SNAP.

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

16. The Department correctly determined earned income as countable income under the SNAP.

17. Federal regulation provides that:

Month of application-(1) Determination of eligibility and benefit levels. A household's eligibility shall be determined for the month of application by considering the household's circumstances for the entire month of application. Most households will have the eligibility determination based on circumstances for the entire calendar month in which the household filed its application. However, State agencies may, with the prior approval of FNS, use a fiscal month if the State agency determines that it is more efficient and satisfies FNS that the accounting procedures fully comply with certification and issuance requirements contained in these regulations. A State agency may elect to use either a standard fiscal

month for all households, such as from the 15th of one calendar month to the 15th of the next calendar month, or a fiscal month that will vary for each household depending on the date an individual files an application for the Program. Applicant households consisting of residents of a public institution who apply jointly for SSI and SNAP benefits prior to release from the public institution in accordance with §273.11(i) will have their eligibility determined for the month in which the applicant household was released from the institution.

7 C.F.R. § 273.10(a)(1)(i)

18. Federal regulation provides that:

Determining Income-Anticipating income. 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.R.F. § 273.10(c)(1)(i)

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)

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)

19. Federal regulation provides that:

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

7 C.F.R. § 273.9(b)(5)(i)

20. The Department incorrectly determined the Appellant's countable SSDI benefit as \$549.00 per month. The correct SSDI benefit is \$541.00 per month. Federal regulation provides that the monies recouped each month at the rate of \$8.00 per month are excluded under the SNAP.

21. The Department correctly counted the TFA benefit of \$366.00 in the calculation of benefits.
22. The Department correctly calculated the ex-husband's monthly countable earnings as \$2,599.52.
23. The Department incorrectly determined the gross household's income as \$3,514.52. The correct gross household income is \$3,506.52 (\$541.00 SSDI + \$366.00 TFA + \$2,599.52 = \$3,506.52).
24. "*Determining deductions.* 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)
25. Federal regulation provides for:

Income deductions. Deductions shall be allowed only for the following household expenses:

Standard deduction - 48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands. Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under paragraph (a)(2) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

7 C.F.R. § 273.9(d)(1)(i)

United States Department of Agriculture("USDA") Food and Nutrition Service ("FNS") July 24, 2019 Memorandum provides for the 2020 Cost-of-Living Adjustments (COLA) to the SNAP. The standard deduction for the 48 States and D.C. for a household of four equals \$178.00.

USDA FNS July 29, 2020 Memorandum provides for the 2021 Cost-of-Living Adjustments (COLA) to the SNAP. The standard deduction for the 48 States and D.C. for a household of four equals \$181.00.

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)

Excess medical deduction. That portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is elderly or disabled as defined in §271.2. Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction

7 C.F.R. § 273.9(d)(3)

Elderly or disabled member means a member of a household who:

1. Is 60 years of age or older;
2. Receives supplement security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act;
3. Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act;
4. Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66;
5. Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.
6. Is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code;
7. Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under title 38 of the United States Code;
8. Is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States Code;
9. Is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under title 38 of the United States Code *and* has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and surviving

- children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; or
10. Receives an annuity payment under: section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 *and* is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act.
 11. Is a recipient of interim assistance benefits pending the receipt of Supplemented Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State general assistance benefits *provided* that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the State agency which are at least as stringent as those used under title XVI of the Social Security Act (as set forth at 20 CFR part 416, subpart I, Determining Disability and Blindness as defined in Title XVI).

7 C.F.R. § 271.2

Optional child support deduction. At its option, the State agency may provide a deduction, rather than the income exclusion provided under paragraph (c)(17) of this section, for legally obligated child support payments paid by a household member to or for a nonhousehold member, including payments made to a third party on behalf of the nonhousehold member (vendor payments) and amounts paid toward child support arrearages. Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction. A State agency that chooses to provide a child support deduction rather than an exclusion in accordance with this paragraph (d)(5) must specify in its State plan of operation that it has chosen to provide the deduction rather than the exclusion.

7 C.F.R § 273.9(d)(5)

Optional child support deduction. If the State agency opts to provide households with an income deduction rather than an income exclusion for legally obligated child support payments in accordance with §273.9(d)(5), the State agency may budget such payments in accordance with paragraphs (d)(2) through (d)(5) of this section, or retrospectively, in accordance with §273.21(b) and §273.21(f)(2), regardless of the budgeting system used for the household's other circumstances.

7 C.F.R. § 273.10(d)(8)

Legal obligation and actual child support payments. The State agency shall obtain verification of the household's legal obligation to pay child support, the amount of the obligation, and the monthly amount of child support the household actually pays. Documents that are accepted as verification of the household's legal obligation to pay child support shall not be accepted as verification of the household's actual monthly child support payments. State agencies may and are strongly encouraged to obtain information regarding a household member's child support obligation and payments from Child Support Enforcement (CSE) automated data files. For households that pay their child support exclusively through their State CSE agency, the State agency may use information provided by that agency in determining a household's legal obligation to pay child support, the amount of its obligation and amount the household has actually paid. A household would not have to provide additional verification unless it disagrees with the data presented by the State CSE agency. Before the State agency may use the CSE agency's information, the household must sign a statement authorizing release of the household's child support payment records to the State agency. State agencies that choose to rely on information provided by their State CSE agency in accordance with this paragraph (f)(1)(xii) must specify in their State plan of operation that they have selected this option. The State agency shall give the household an opportunity to resolve any discrepancy between household verification and CSE records in accordance with paragraph (f)(9) of this section.

7 C.F.R. § 273.2(f)(1)(xii)

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)

Standard Utility Allowances. 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)

26. Effective [REDACTED] 2019, the standard deduction for a household of four under the SNAP calculation is \$178.00. Refer to Conclusion of Law ("COL") # 44
27. Beginning [REDACTED], 2020, the Department correctly applied the standard deduction of \$181.00 for a household of four under the SNAP calculation. Refer to COL # 45.
28. The Department correctly calculated the earned income deduction as \$519.90 under the SNAP calculation. Refer to COL # 44 and # 45.
29. The Department correctly excluded medical insurance premiums paid by the ex-husband as a medical expense because the ex-husband is under the [REDACTED] and not disabled and therefore does not meet the medical expense deduction criteria under federal regulation.
30. The Department correctly applied the child support deduction of \$80.22 based on the information provided at time of application. Because the Appellant failed to report legally obligated insurance premiums paid by the ex-husband at the time of application, the Department correctly excluded any any such payments of health care insurance premiums paid by the ex-husband for his [REDACTED] year old daughter who resides with her mother. In addition, verification of such legal obligation is required under SNAP regulations prior to allowing health care insurance premiums as a child support deduction. Refer to COL # 44 and # 45.
31. The Department correctly determined the Appellant eligible for the SUA because she incurs all utility costs in her home which includes heating and cooling costs. Effective [REDACTED] 2019, the SUA equaled \$736.00. Effective [REDACTED] 2020, the SUA remained at \$736.00.
32. The Department correctly determined the Appellant's total shelter costs as \$1,588.00.

33. Effective [REDACTED] 2020, the shelter hardship is calculated as \$223.80. Refer to Conclusion of Law (“COL”) # 44.
34. Effective [REDACTED] 2020, the Department incorrectly determined the shelter hardship as \$221.30. The correct shelter hardship is \$225.30. Refer to COL # 45.
35. Federal regulation provides as follows:

Calculating net income and benefit levels-Net monthly income. To determine a household’s net monthly income, the State agency shall:

- A. Add 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 un 273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated 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 costs. 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 costs 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)

36. The adjusted gross income for ██████████ 2020 is \$2,728.40 Refer to COL # 44.

37. Effective ██████████ 2020, the Department incorrectly determined the household adjusted gross income as \$2,733.40. The correct adjusted gross income is \$2,725.40. Refer to COL #45.

38. 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)

39. For ██████████ 2020, the 30% of the net adjusted income equals \$752.00. ($\$2,504.60 \times 30\% = \751.38) Refer to COL # 44.

40. Beginning ██████████ 2020, the 30% of the net adjusted income equals \$751.00. ($\$2,500.10 \times 30\% = \750.03) Refer to COL # 45.

41. Federal regulation provides as follows:

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 C.F.R. § 273.10(e)(4)(i)

Federal regulation provides as follows:

Adjustment. Effective October 1, 1996, the maximum SNAP allotments must be based on 100% of the cost of the TFP as defined in §271.2 of this chapter for the preceding June, rounded to the nearest lower dollar increment, except that on October 1, 1996, the allotments may not fall below those in effect on September 30, 1996.

7 C.F.R. § 273.10(e)(4)(ii)

USDA FNS July 24, 2019 Memorandum provides for the 2020 Cost-of-Living Adjustments (COLA) to the SNAP. The maximum SNAP allotment for the 48 States and D.C. for a household of four equals \$646.00.

USDA FNS July 29, 2020 Memorandum provides for the 2021 Cost-of-Living Adjustments (COLA) to the SNAP. The maximum SNAP allotment for the 48 States and D.C. for a household of four equals \$680.00.

42. Federal regulation provides as follows:

For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements of paragraph (a)(1) and the provision precluding issuances of less than \$10 in an initial month of paragraph (e)(2)(ii)(B)) of this section: The State agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued.

7 C.F.R. § 273.10(e)(2)(iii)(A)

43. The Department correctly determined the SNAP benefit as \$00.00 and denied the Appellant's application for benefits for the reasons the amount of income we count is higher than the maximum SNAP benefits for your household size and does not meet program requirements. The discrepancies noted in the household's gross income and net applied income does not impact the results of this decision. The household remains ineligible for benefits under the SNAP because the household's income exceeds the level of need in which benefits are issued.

44. Calculation for [REDACTED] 2020:

<u>INCOME</u>	
Earned Income	\$2,599.52
Less 20%	<u>-\$519.90</u>
Total	<u>\$2,079.62</u>
Plus SSDI	+\$541.00
Plus TFA	+\$366.00
Total Income	\$2,986.62
Less standard deduction	-\$178.00
Less child support paid	<u>-\$80.22</u>
Adjusted gross income	\$2,728.40
<u>SHELTER COSTS</u>	
Mortgage	\$852.00
SUA	+\$736.00
Total shelter costs	\$1,588.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,588.00
Less 50% of adjusted gross income	<u>-\$1,364.20</u>
Total shelter hardship	\$223.80 (Can not exceed \$569 unless elderly or disabled)
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$2,728.40
Less shelter hardship	<u>-\$223.80</u>
Net Adjusted Income (NAI)	\$2,504.60
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 4 Person/s	\$646.00
Less 30% of NAI	<u>-\$752.00</u>
SNAP award \$00.00	(-\$106.00)

45. Calculation for [REDACTED] 2020:

<u>INCOME</u>	
Earned Income	\$2,599.52
Less 20%	<u>-\$519.90</u>
Total	<u>\$2,079.62</u>
Plus SSDI	+\$541.00
Plus TFA	+\$366.00
Total Income	\$2,986.62
Less standard deduction	-\$181.00
Less child support paid	<u>-\$80.22</u>
Adjusted gross income	\$2,725.40

<u>SHELTER COSTS</u>	
Mortgage	\$852.00
SUA	+\$736.00
Total shelter costs	\$1,588.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,588.00
Less 50% of adjusted gross income	<u>-\$1,362.70</u>
Total shelter hardship	\$225.30 <small>(Can not exceed \$586 unless elderly or disabled)</small>
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$2,725.40
Less shelter hardship	<u>-\$225.30</u>
Net Adjusted Income (NAI)	\$2,500.10
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 4 Person/s	\$680.00
Less 30% of NAI	<u>-\$751.00</u>
	(-\$71.00)
SNAP award \$00.00	

46. On [REDACTED] 2020, the Department correctly issued a Notice of Action to the Appellant informing her that the Department denied her application for benefits under the SNAP effective [REDACTED] 2020.

DECISION

The Appellant's appeal is denied.



Lisa A. Nyren
Fair Hearing Officer

CC: Brian Sexton RO 50
Christopher Filek RO 50

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.