

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

██████████ 2021  
Signature Confirmation

Client ID ██████████  
Case ID ██████████  
Request # 164293

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 2020, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") discontinuing her benefits under the Supplemental Nutritional Assistance Program effective ██████████ 2020.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department's decision to discontinue 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 call 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 decision to close the Appellant's food stamp benefits under the SNAP effective [REDACTED], 2020 was correct.

## FINDINGS OF FACT

1. The Appellant received benefits under the SNAP for a household of three: the Appellant and her two children, [REDACTED] ("oldest son") and [REDACTED] ("youngest son"). (Hearing Record)
2. On [REDACTED] [REDACTED] 2020, the Department received the Appellant's completed renewal document and proof of her biweekly wages. (Exhibit 1: Renewal Document and Department Representative's Testimony)
3. The Appellant is [REDACTED] years old and not disabled. (Exhibit 1: Renewal of Eligibility and Appellant's Testimony)
4. The oldest son is [REDACTED] years old and not disabled. (Exhibit 1: Renewal of Eligibility and Appellant's Testimony)
5. The youngest son is [REDACTED] years old and not disabled. (Exhibit 1: Renewal of Eligibility and Appellant's Testimony)
6. The Appellant works full time for [REDACTED] [REDACTED] [REDACTED] [REDACTED] (the "employer") earning the following biweekly wages: (Exhibit 2: Paystubs)

Period End Date	Pay Date	Hours	Gross Wages
[REDACTED] 20	[REDACTED] /20	80.00	\$1,200.00
[REDACTED] 20	[REDACTED] /20	86.75	\$1,227.80
[REDACTED] /20	[REDACTED] 20	100.00	\$1,560.90

7. The Department calculated the Appellant's monthly gross earnings as \$2,997.85. (paydate [REDACTED] 20 \$1,227.80 + paydate [REDACTED] 0 \$1,560.90 = \$2,788.70 / 2 = \$1,394.35 x 2.15 = \$2,997.8525) (Exhibit 3: Federal SNAP – Income Test and Department Representative's Testimony)
8. The Appellant received an earned income deduction of \$599.57. (Exhibit 3: Federal SNAP - Income Test)
9. The Appellant receives direct child support totaling \$340.00 per month for her two children from their father as indicated on the Appellant's renewal document signed by the Appellant on [REDACTED], 2020 and submitted to the Department that same day, [REDACTED] 2020. (Exhibit 1: Renewal of Eligibility and Exhibit 3: Federal SNAP – Income Test)

10. The Appellant pays childcare for her youngest son totaling \$140.00 per week as indicated on the Appellant's renewal document signed by the Appellant on [REDACTED] 2020 and submitted to the Department that same day, [REDACTED] 2020. (Exhibit 1: Renewal of Eligibility)
11. The Appellant pays \$960.00 per month for rent. The Appellant pays separate heating and cooling costs for the apartment. (Appellant's Testimony and Exhibit 1: Renewal of Eligibility)
12. The Department determined the Appellant eligible for the standard utility allowance ("SUA") of \$736.00 under the SNAP calculation. (Exhibit 3: Federal SNAP – Income Test and Department Representative's Testimony)
13. The Department determined the Appellant's shelter costs as \$1,696.00 and eligible for a shelter hardship deduction equaling \$492.86. (\$960.00 rent + \$736.00 SUA = \$1,696.00) (Exhibit 3: Federal SNAP – Income Test)
14. The Department determined the standard disregard for a household of 3 as \$167.00. (Exhibit 3: Federal SNAP – Income Test)
15. On [REDACTED] 2020, the Appellant completed the telephone interview with the Department reporting childcare costs decreased to \$165.00 per month. (Department Representative's Testimony and Appellant's Testimony)
16. On [REDACTED] [REDACTED] 2020, the Department determined the Appellant ineligible for SNAP effective [REDACTED] 2020 because 30% of the household's net adjusted income or \$575.00 exceeds the maximum SNAP allotment of \$535.00 for a household of three under the Thrifty Food Plan. (Exhibit 3: Federal SNAP – Income Test, Exhibit 4: Notice of Action, and Department Representative's Testimony)
17. On [REDACTED], 2020, the Department issued a notice of action. The notice listed the reasons for discontinuance as: "You are not eligible for SNAP because 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 and Department Representative's Testimony)
18. The issuance of this decision is timely under United States Department of Agriculture Food and Nutrition Services Connecticut waiver approved on April 9, 2020 which extends the time frame required to issue a decision under Title 7 Section 273.15(c) of the Code of Federal Regulation from 60

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] 2021.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statute ("Conn. Gen. Stat.") provides in part 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 of the Code of Federal Regulations ("CFR") § 273.14(a) provides as follows:

No household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

3. Federal regulation provides as follows:

*Application for recertification.* Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. The level of benefits for recertifications shall be based on the same anticipated circumstances, except for retrospectively budgeted households which shall be recertified in accordance with §273.21(f)(2). If a household, other than a migrant or seasonal farmworker household, submits an application after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with paragraph (a)(1)(ii) of this section. If a household's failure to timely apply for recertification was due to an error of the State agency and therefore there was a break in participation, the State agency shall follow the procedures in §273.14(e). In addition, if the household submits an application for recertification prior to the end of its certification period but is found ineligible for the first month following the end of the certification period, then the first month of any subsequent participation shall be considered an initial month. Conversely, if the household submits an application for recertification prior to the end of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month.

## 7 C.F.R. § 273.10(a)(2)

4. On ██████████ 2020, the Appellant correctly submitted an application for recertification under the SNAP.
5. *“General household definition.* A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: 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 regulations provide as follows:

*Special household requirements—(1) Required household combinations.* The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. 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)

6. The Department correctly determined a household of three: the Appellant, the oldest son, and the youngest son.
7. *“Definition of income.* 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)

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

“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)

8. The Department correctly included the Appellant’s employment earnings when calculating the SNAP benefits for the assistance unit.
9. The Department correctly included the child support income received by the Appellant when calculating the SNAP benefits for the assistance unit.
10. Federal regulation provides as follows:

*Determining income—(1) Anticipating income.* (i) 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)

11. Federal regulation provides as follows:

*Income only in month received.* (i) 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)

12. The Department correctly determined the Appellant countable gross earnings as \$2,997.85 per month.

13. The Department correctly determined the Appellant's countable gross child support income as \$340.00 per month.

14. 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 CFR § 273.9(a)

15. Federal regulation provides as follows:

The state agency at its option, may extend categorical eligibility to the following households only if doing so will further the purposes of the Food and Nutrition Act of 2008:

- A. 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.
- B. Subject to FNS approval, 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 three and four of the TANF block grant, as set forth in Section 401 of P.L. 104-193, and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.

7 C.F.R. § 273.2(j)(2)(ii)

“Any household in which one member receives or is authorized to receive benefits according to paragraphs (j)(2)(i)(B), (j)(2)(i)(C), (j)(2)(ii)(A) and (j)(2)(ii)(B), of this section and the State agency determines that the whole household benefits.” 7 C.F.R. § 273.2(j)(2)(iii)

16. "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))
17. Section 2545.05(A)(2) of the Uniform Policy Manual ("UPM") provides that "an 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"
- Department policy provides for the gross income limits for SNAP Expanded Categorical Eligibility as 185% of the Federal Poverty Level. UPM P-5520.36
18. The Department of Health and Human Services lists the annual 2020 Poverty Guideline for the 48 Contiguous States and the District of Columbia as \$21,720.00 for a household of three. [Federal Register, Vol. 85, No, 12, January 17, 2020 pp 3060-3061]
19. Under expanded categorical eligibility, the gross income limit for a household of three is \$3,349.00. [ $\$21,720.00 / 12 \text{ months} = \$1,810.00 \times 185\% = \$3,348.50$ ]
20. "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)." 7 C.F.R. § 273.10(e)(1)(i)(A)
21. The Department correctly determined the gross household income as \$3,337.85. ( $\$2,997.85 \text{ gross earnings} + \$340.00 \text{ gross child support/unearned income} = \$3,337.85 \text{ gross household income}$ )
22. The Department correctly determined the SNAP household as categorically eligible under expanded categorical eligibility because the household income of \$3,337.85 is below the SNAP income limit of \$3,349.00 for a household of three under expanded categorical eligibility.
23. 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.



24. “*Determining deductions.* Deductible expense 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 as follows:

*Income deductions.* Deductions shall be allowed only for the following household expenses: *Standard deduction*—(i) *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)

Effective October 1, 2020 through September 30, 2021 the standard deduction for the 48 States & District of Columbia for a household of 3 is \$167.00. (United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2021 SNAP Deductions Standard Deductions for 48 States and D.C., [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap), Memorandum SNAP – Fiscal Year 2021 Cost-of-Living Adjustments, July 29, 2020)

26. The Department correctly determined the standard deduction as \$167.00.

27. Federal regulation provides as follows:

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

28. The Department correctly determined the Appellant entitled to an earned income deduction of \$599.57. ( $\$2,997.85 \times 20\% = \$599.57$ )

29. Federal regulation provides as follows:

*Income deductions.* Deductions shall be allowed only for the following household expenses: *Dependent care.* Payments for dependent care when necessary for a household member to search for, accept or continue employment, comply with the employment and training requirements as specified under §273.7(e), or attend training or pursue education that is preparatory to employment, except as provided in §273.10(d)(1)(i). Costs that may be deducted are limited to the care of an individual for whom the household provides dependent care, including care of a child under the age of 18 or an incapacitated person of any age in need of care. The costs of care provided by a relative may be deducted so long as the relative providing care is not part of the same SNAP household as the child or dependent adult receiving care. Dependent care expenses must be separately identified, necessary to participate in the care arrangement, and not already paid by another source on behalf of the household. If a household incurs attendant care costs that could qualify under both the medical deduction of §273.9(d)(3)(x) and dependent care deduction of §273.9(d)(4), the costs may be deducted as a medical expense or a dependent care expense, but not both. Allowable dependent care costs include:

- i. The costs of care given by an individual care provider or care facility;
- ii. Transportation costs to and from the care facility; and
- iii. Activity or other fees associated with the care provided to the dependent that are necessary for the household to participate in the care.

7 C.F.R. § 273.9(d)(4)

30. The Department correctly determined the Appellant entitled to a dependent care deduction of \$165.00, the cost of monthly childcare, under the SNAP.

31. Federal regulation provides as follows:

*Income deductions.* Deductions shall be allowed only for the following household expenses: *Shelter Costs - 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)

Federal regulation provides as follows:

*Shelter costs - Standard utility allowances.* (A) 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:

*Shelter costs* - 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)

32. The Department correctly determined the Appellant eligible for the SUA of \$736.00 because the Appellant incurs heating costs.

33. The Department correctly determined the Appellant's shelter costs as \$1,696.00. (\$960.00 rent + \$736.00 SUA = \$1,696.00)
34. The Department correctly determined the shelter hardship as \$492.86. Refer to Conclusion of Law ("COL") # 41.
35. Federal regulation provides as follows:

*Calculating net income and benefit levels—(1) Net monthly income.* (i) 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)

36. The Department correctly determined the Appellant's net adjusted income as \$1,913.42. Refer to COL # 41.

37. 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)

38. The Department correctly determined 30% of the net adjusted income as \$575.00. ( $\$1,913.42 \times 30\% = \$574.026$ ) Refer to COL # 41.

39. Federal regulation provides as follows:

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](http://www.fns.usda.gov/fsp).

7 C.F.R. § 273.10(e)(4)(i)

## 40. 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)

41. The Department correctly determined the Appellant ineligible for snap benefits effective [REDACTED] 2020 because the Appellant's countable income of \$575.00 exceeds the maximum SNAP benefits of \$535.00 for a household of three.

<b>SNAP Calculation</b>	
<b>INCOME</b>	
Earned Income	\$2,997.85
Less 20%	<u>-\$599.57</u>
<b>Total</b>	<b>\$2,398.28</b>
+ Unearned Income/CS	<u>+\$340.00</u>
<b>Total</b>	<b>\$2,738.28</b>
Less standard deduction	-\$167.00
Less child care costs	<u>- \$165.00</u>
<b>Adjusted gross income</b>	<b>\$2,406.28</b>
<b>SHELTER COSTS</b>	
Rent	\$960.00
SUA	<u>+\$736.00</u>
<b>Total shelter costs</b>	<b>\$1,696.00</b>
<b>SHELTER HARDSHIP</b>	
Shelter costs	\$1,696.00
Less 50% of adjusted gross income	<u>-\$1,203.14</u>
<b>Total shelter hardship</b>	<b>\$492.86</b>
	(Can not exceed \$586 unless elderly or disabled)
<b>ADJUSTED NET INCOME</b>	
Adjusted gross income	\$2,406.28
Less shelter hardship	<u>-492.86</u>
<b>Net Adjusted Income (NAI)</b>	<b>\$1,913.42</b>
<b>BENEFIT CALCULATION</b>	

Thrifty Food Plan for # Person/s	\$535.00
Less 30% of NAI	<u>-\$575.00</u>
<b>SNAP award</b>	\$00.00

42. Federal regulation provides as follows:

*Timely processing.* Other households that have met all application requirements shall be notified of their eligibility or ineligibility by the end of their current certification period. In addition, the State agency shall provide households that are determined eligible an opportunity to participate by the household's normal issuance cycle in the month following the end of its current certification period.

7 C.F.R. § 273.14(d)(2)

43. On [REDACTED], 2020, the Department correctly completed the recertification process and determined the Appellant ineligible for benefits and issued a notice of action to the Appellant informing her that her benefits will close on [REDACTED] 2020 because the income counted by the Department is higher than the maximum SNAP benefits for a household of three.

### **DISCUSSION**

Based on the information the Appellant reported at the time of the recertification, the Department correctly determined the Appellant ineligible for continued benefits under the SNAP and correctly closed her benefits at the end of the certification period, [REDACTED] 2020. Since her discontinuance from SNAP, the Appellant has reported changes to her child support income. The recertification document signed by the Appellant on [REDACTED] 2020 indicates child support continued at \$170.00 per month per child. On [REDACTED] 2020, at the recertification interview, the Appellant did not report any change in child support received. On [REDACTED] 2020, the OLCRAH received the Appellant's request for an administrative hearing signed by the Appellant on [REDACTED] 2020 indicating child support ended [REDACTED] 2020. However, at the administrative hearing, the Appellant reported child support ended [REDACTED] 2020. The Appellant may reapply for benefits under the SNAP at any time for the Department to make a new eligibility determination.

### **DECISION**

The Appellant's appeal is denied.





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Lisa A. Nyren  
Fair Hearing Officer

CC: Rachel Anderson, DSS RO 20  
Cheryl Stuart, DSS RO 20  
Lisa Wells, DSS RO 20  
Debra James, DSS RO 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, 165 Capitol Avenue, 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.