

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

██████████
Request # 164356

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 food stamp benefits under the Supplemental Nutritional Assistance Program effective ██████████ 2020.

On ██████████, 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 called in for the hearing:

██████████ Appellant
Garfield White, 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 four: the Appellant and her three children, [REDACTED] ("oldest son"), [REDACTED] ("youngest son"), and [REDACTED] ("daughter"). (Hearing Record)
2. The Appellant is [REDACTED] years old and not disabled. (Exhibit 2: Renewal Document and Appellant's Testimony)
3. The oldest son is age [REDACTED] and not disabled. (Exhibit 2: Renewal Document and Appellant's Testimony)
4. The youngest son is age [REDACTED] and not disabled. (Exhibit 2: Renewal Document and Appellant's Testimony)
5. The daughter is age [REDACTED] and not disabled. (Exhibit 2: Renewal Document and Appellant's Testimony)
6. The Appellant works for [REDACTED] [REDACTED] [REDACTED] [REDACTED] (the "employer") earning the following gross wages: (Exhibit 3: Equifax Consumer Employment and Income Report and Exhibit A: Paystubs)

| Period End | Pay Date | Hours | Gross Wages |
|----------------|---------------|-------|-------------|
| [REDACTED]/20 | [REDACTED]/20 | 80.75 | \$1,769.01 |
| 1[REDACTED]/20 | [REDACTED]/20 | 77.50 | \$1,797.88 |
| [REDACTED]/20 | [REDACTED]/20 | 77.50 | \$1,774.78 |
| [REDACTED]/20 | [REDACTED]/20 | 80 | \$1,867.16 |
| [REDACTED]/20 | [REDACTED]/20 | 80 | \$1,855.61 |
| [REDACTED]/20 | [REDACTED]/20 | 79.5 | \$1,852.72 |
| [REDACTED]/20 | [REDACTED]/20 | 77.5 | \$1,797.87 |
| [REDACTED]/20 | [REDACTED]/20 | 80.5 | \$1,870.05 |
| [REDACTED]/20 | [REDACTED]/20 | 84.25 | \$1,997.07 |
| [REDACTED]/20 | [REDACTED]/20 | 82.75 | \$1,939.33 |
| [REDACTED]/20 | [REDACTED]/20 | 77.50 | \$1,797.87 |
| [REDACTED]/20 | [REDACTED]/20 | 79.75 | \$1,826.25 |

7. The Department calculated the Appellant's monthly gross earnings as \$3,986.47. (paydate [REDACTED] 20 \$1,852.72 + paydate [REDACTED]/20 \$1,855.61 = \$3,708.33 / 2 = \$1,854.165. \$1,854.17 biweekly x 2.15 = \$3,986.4655) (Exhibit 7: SNAP Computation Sheet and Exhibit 8: Notice of Action)

8. The Appellant received an earned income deduction of \$797.29. (Exhibit 7: SNAP Computation Sheet)
9. The Appellant has out of pocket medical expenses which include biweekly premiums for health insurance through her employer, chiropractic expenses, and orthodontia expenses. (Appellant's Testimony, Exhibit 2: Renewal Document and Exhibit A: Paystubs)
10. The Appellant paid out of pocket child care costs for her youngest son and daughter through [REDACTED] 2020. Beginning [REDACTED] 2020, the Appellant will no longer pay out of pocket childcare costs. (Exhibit 2: Renewal Document, Exhibit 6: Case Note, and Appellant's Testimony)
11. The Appellant pays rent of \$966.00 per month. The Appellant pays for the apartment's heating and cooling costs which includes oil and electricity. (Exhibit 2: Renewal Document and Appellant's Testimony)
12. The Department determined the Appellant eligible for the standard utility allowance ("SUA") of \$736.00 under the SNAP calculation. (Exhibit 7: SNAP Computation Sheet and Department Representative's Testimony)
13. The Department determined the Appellant eligible for a shelter hardship deduction equaling \$197.91. (Exhibit 7: SNAP Computation Sheet)
14. The Department determined the standard disregard for a household of four as \$181.00. (Exhibit 7: SNAP Computation Sheet)
15. On [REDACTED] 2020, the Department received the Appellant's online renewal document. (Exhibit 2: Renewal Document)
16. On [REDACTED] 2020, the Department issued the Appellant a W1348M Worker Generated Request for Proofs form. The Department requested the Appellant telephone the Benefit Center to complete a renewal interview and requested proof of child care expenses. The Department listed the due date for the information as [REDACTED] 2020. (Exhibit 4: Worker Generated Request for Proofs and Exhibit 1: Case Note)
17. On [REDACTED] [REDACTED] 2020, the Department issued the Appellant an Interview Notice requesting the Appellant call the Benefit Center to complete the telephone interview before [REDACTED] 2020. (Exhibit 5: Interview Notice and Exhibit 1: Case Note)
18. On [REDACTED] 2020, the Appellant completed the telephone interview with the Department. (Exhibit 6: Case Note)

19. 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 \$844.00 exceeds the maximum SNAP allotment of \$680.00 for a household of four under the Thrifty Food Plan. (Exhibit 6: Case Note, Exhibit 7: SNAP Computation Sheet, and Exhibit 8: Notice of Action)
20. 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 6: Case Note, Exhibit 7: SNAP Computation Sheet, Exhibit 8: Notice of Action and Department Representative's Testimony)
21. The issuance of this decision is timely under United States Department of Agriculture Food and Nutrition Services Connecticut waiver approved on [REDACTED], 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] [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 ("C.F.R.") § 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. "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 as follows:

Special household requirements. 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)

5. The Department correctly determined a household of four: the Appellant, the oldest son, youngest son, and daughter.
6. "*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)

7. "Earned income shall include: All wages and salaries of an employee." 7 C.F.R. § 273.9(b)(1)(i)
8. The Department correctly included the Appellant's earnings, including overtime earnings, when calculating the SNAP benefits for the assistance unit.
9. Federal regulation provides as follows:

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)

10. Federal regulation provides as follows:

Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income. Similarly, if the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income. The State agency shall exercise particular caution in using income from a past season as an indicator of

income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the State agency automatically attribute to the household the amounts of any past income. The State agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

7 C.F.R. § 273.10(c)(1)(ii)

11. Federal regulation provides as follows:

Income only in month received. 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's gross monthly earnings as \$3,986.47. 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. Had the Department used a longer period of time, such as a 3-month period, the result is higher with gross monthly earnings calculated as \$4,053.70. [REDACTED]/20 \$1,939.33 + [REDACTED]/20 \$1,997.07 + [REDACTED]/20 \$1,870.05 + [REDACTED]/20 \$1,797.87 + [REDACTED]/20 \$1,852.72 + [REDACTED]/20 \$1,855.61 = \$11,312.65 / 6 pay periods = \$1,885.441667 biweekly, \$1,885.44 x 2.15 = \$4,053.696, gross monthly wages as \$4,053.70]

13. 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)

14. 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 CFR § 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)

15. “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))

16. 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

17. The Department of Health and Human Services lists the annual 2020 Poverty Guideline for the 48 Contiguous States and the District of Columbia as \$26,200.00 for a household of four. [Federal Register, Vol. 85, No, 12, January 17, 2020 pp 3060-3061]
18. Under expanded categorical eligibility, the gross income limit for a household of four is \$4,040.00 per month. ($\$26,200.00$ annually / 12 months = $\$2,183.333 \times 185\% = 4039.166605$)
19. “Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determined 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)
20. The Department correctly determined the gross household income as \$3,986.47. ($\$3,986.47$ gross earnings + $\$00.00$ unearned income = $\$3,986.47$)
21. The Department correctly determined the SNAP household as categorically eligible under expanded categorical eligibility because the household income of \$3,986.47 is below the SNAP income limit of \$4,040.00 for a household of four under expanded categorical eligibility.
22. 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.
23. “*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)
24. Federal regulation provides as follows:

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 4 is \$181.00. (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, Memorandum SNAP – Fiscal Year 2021 Cost-of-Living Adjustments, July 29, 2020)

25. The Department correctly determined the standard deduction as \$181.00.

26. Federal regulation provides as follows:

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)

27. The Department correctly determined the Appellant entitled to the an earned income deduction of \$797.29. ($\$3,986.47 \times 20\% = \797.294)

28. Federal regulation provides in pertinent part as follows:

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

7 C.F.R. § 273.9(d)(3)

Federal regulation provides as follows:

Elderly or disabled member means 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;
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

29. The Department correctly determined the household does not qualify for an excess medical deduction under the SNAP because no member of the household meets the elderly or disabled criteria under the SNAP federal regulations.

30. Federal regulation provides as follows:

Deductions shall be allowed only for the following household expenses: *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 no 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 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)

31. Federal regulation provides as follows:

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

32. Federal regulation provides as follows:

A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

7 C.F.R. § 273.9(d)(6)(iii)(C)

33. The Department correctly determined the Appellant eligible for the SUA of \$736.00 because the Appellant incurs heating costs.
34. The Department correctly determined the Appellant's shelter costs as \$1,702.00. [\$966.00 rent + \$736.00 SUA = \$1,702.00]
35. The Department correctly determined the shelter hardship as \$197.91. Refer to Conclusion of Law ("COL") #42.
36. The Department correctly determined the household's net applied income as \$2,810.27. Refer to COL # 42.
37. 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 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 \$143.00.
- 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)

38. Federal regulation provides as follows:

Except as provides in 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 CFR § 273.10(e)(2)(ii)(A)(1)

39. The Department correctly determined 30% of the net adjusted income as \$844.00. Refer to COL #42.

40. 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)

41. Federal regulations 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)

42. The Department correctly determined the Appellant ineligible for SNAP benefits effective [REDACTED] 2020 because the Appellant's countable income of \$844.00 exceeds the maximum SNAP benefit of \$642.00 for a household of four.

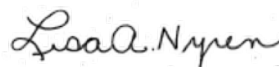
| | |
|---------------|------------|
| INCOME | |
| Earned Income | \$3,986.47 |

| | |
|-----------------------------------|--------------------|
| Less 20% | <u>-\$797.29</u> |
| Total | \$3,189.18 |
| Plus Unearned Income | <u>+\$00.00</u> |
| Total | \$3,189.18 |
| Less standard deduction | <u>-\$181.00</u> |
| Adjusted gross income | \$3,008.18 |
| <u>SHELTER COSTS</u> | |
| Rent | \$966.00 |
| SUA | <u>+\$736.00</u> |
| Total shelter costs | \$1,702.00 |
| <u>SHELTER HARDSHIP</u> | |
| Shelter costs | \$1,702.00 |
| Less 50% of adjusted gross income | <u>-\$1,504.09</u> |
| Total shelter hardship | \$197.91 |
| <u>ADJUSTED NET INCOME</u> | |
| Adjusted gross income | \$3,008.18 |
| Less shelter hardship | <u>-\$197.91</u> |
| Net Adjusted Income (NAI) | \$2,810.27 |
| <u>BENEFIT CALCULATION</u> | |
| Thrifty Food Plan for 4 Persons | \$642.00 |
| Less 30% of NAI (\$843.081) | <u>-\$844.00</u> |
| SNAP award | \$00.00 |

43. 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)
44. On [REDACTED] [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 benefit for a household of four.

DECISION

The Appellant's appeal is denied.



Lisa A. Nyren
Fair Hearing Officer

CC: Musa Mohamud DSS RO 10
Judy Williams, DSS RO 10
Jessica Carroll, DSS RO 10
Jay Bartolomei, DSS RO 10
Garfield White, DSS RO 10

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.