

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105

██████████ 2020
Signature confirmation

Case: ██████████
Client: ██████████
Request: 166737

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the "Department") issued ██████████ (the "Appellant") a *Notice of Action* denying her ██████████ 2020 Supplemental Nutrition Assistance Program ("SNAP") application.

On ██████████ 2020, the Appellant telephoned a hearing request to the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH").

On ██████████ 2020, the OLCRAH scheduled 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, the OLCRAH held an administrative hearing. The following individuals attended the hearing by telephone conferencing:

██████████, Appellant
Nicole Caldwell, Department's Representative
Eva Tar, Hearing Officer

The hearing record closed ██████████, 2020.

STATEMENT OF ISSUE

The issue is whether the Department's denial of the Appellant's ██████████ 2020 SNAP application is supported by federal regulations.

FINDINGS OF FACT

1. The Appellant was born on [REDACTED]. (Exhibit 9)
2. The Appellant is the mother of two minor children: a [REDACTED]-year-old daughter and a [REDACTED]-year old son. (Appellant Testimony)
3. The Appellant's son lives with the Appellant full-time and is homeschooled. (Appellant Testimony)
4. The Appellant's daughter lives with the Appellant three or four days a week; the other days the daughter lives with the daughter's boyfriend. The Appellant does not know if the daughter's boyfriend lives with his parents. (Appellant Testimony)
5. The Appellant pays \$551.00 per month in rent. (Appellant Testimony)
6. The Appellant pays for her utilities. (Department Representative Testimony)
7. The Appellant's daughter is not emancipated. (Appellant Testimony)
8. The Appellant grosses \$205.00 per week in unemployment compensation; she nets \$178.00 per week after deductions for state and federal income taxes. (Department Representative Testimony)
9. The Appellant's daughter is a beneficiary of \$1,541.00 per month in Social Security survivor's benefits. (Exhibit 2) (Appellant Testimony)
10. On [REDACTED] 2020, the Appellant filed a SNAP application, identifying her household members as the Appellant, the Appellant's daughter, and the Appellant's son. (Exhibit 6)
11. In Connecticut, the gross monthly income limit for a SNAP household of three is \$3,349.00; the net monthly income limit for a SNAP household of three is \$1,810.00. (Exhibit 7)
12. On [REDACTED] 2020, the Department denied the Appellant's [REDACTED] 2020 SNAP application. (Exhibit 6)
13. The Social Security Administration notified the Appellant in a letter that she was no longer her daughter's protective payee for the Social Security survivor's benefits. (Appellant Testimony)
14. A Social Security Administration employee informed the Appellant when she inquired about the change in her protective payee status that her daughter could receive the Social Security survivor's benefits directly, based on the daughter's age. The employee did not disclose whether a different protective payee had been assigned. (Appellant Testimony)
15. Title 7, Code of Federal Regulations ("C.F.R.") 273.15 (c)(1) provides that "[w]ithin 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision." On [REDACTED] 2020, the OLCRAH received the Appellant's

telephoned hearing request. The issuance of this final decision was due by [REDACTED] 2021. This final decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes in part designates the Department of Social Services as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to review the Appellant's SNAP application to determine whether her household met the program's eligibility requirements.

2. Title 7, Code of Federal Regulations ("C.F.R.") section 273.1 (b)(1) addresses special household requirements related to the SNAP. This section provides:

The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.

- (i) Spouses;
- (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or stepparent(s); and
- (iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

7 C.F.R. § 273.1 (b)(1).

"For situations that are not clearly addressed by the provisions of paragraphs (a) and (b) of this section, the State agency may apply its own policy for determining when an individual is a separate household or a member of another household if the policy is applied fairly, equitably and consistently throughout the State." 7 C.F.R. § 273.1 (c).

The Appellant has not established that her [REDACTED]-year-old daughter, who is the beneficiary of a not insignificant monthly Social Security survivor's benefit, is "financially or otherwise dependent" on a member of another household in which the daughter lives for part of the month.

The Appellant has not established that her [REDACTED]-year-old daughter lives with and is "under the parental control" of an individual other than the Appellant.

The Appellant's [REDACTED]-year-old daughter is a mandatory member of the Appellant's SNAP household, as the daughter is under the age of 22 years old and resides with the Appellant for some portion of each month.

For the purposes of the SNAP, the Appellant's household contains three members: the Appellant and the Appellant's two minor children.

3. Title 7, Code of Federal Regulations section 273.9 (a) provides the gross and 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 ... 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)).”

“The gross income eligibility standards for SNAP shall be as follows: (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.” 7 C.F.R. § 273.9 (a)(1)(i).

The net income eligibility standard for the SNAP for the 48 contiguous States and the District of Columbia, Guam, and the Virgin Islands is the Federal income poverty levels for those areas. 7 C.F.R. § 273.9 (a)(2)(i).

In Connecticut, the SNAP gross income limit equals 185 percent of the federal poverty level through Expanded Categorical Eligibility. *Field Operations Communication, 9/6/19.*

As a condition of SNAP eligibility, the Appellant’s household was required to meet the program’s gross and net income requirements.

4. “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).

“Unearned income shall include, but not be limited to: (i) ...; (ii) 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;” 7 C.F.R. § 273.9 (b)(2)(ii).

For the purposes of the SNAP, the Appellant’s unemployment compensation is unearned income.

For the purposes of the SNAP, the daughter’s gross monthly Social Security income is unearned income.

5. “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....” 7 C.F.R. § 273.10 (c)(2)(i).

For the purposes of the SNAP, the Appellant’s gross monthly unemployment compensation equaled \$881.50, or \$205.00 per week multiplied by 4.3 weeks per month.

The gross monthly income of the Appellant's SNAP household of \$2,422.50 in [REDACTED] 2020 from the Appellant's unemployment compensation and her daughter's Social Security survivor's benefits did not exceed \$3,349.00, the SNAP's monthly gross income limit for a household of three in Connecticut. [\$1,541.00 plus \$881.50]

6. Title 7, Section § 273.9 (d)(1)(i) of the Code of Federal Regulations provides for a standard deduction for the 48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands.

The SNAP Standard Deduction is \$167.00 per month for a household of three, effective October 1, 2020.

For the purposes of the SNAP, the Appellant's household of three is eligible for the \$167.00 per month standard deduction.

For the [REDACTED] 2020 SNAP service month, the adjusted monthly gross income of the Appellant's household equaled \$2,255.50. [\$2,422.50 minus \$167.00 (standard deduction)]

7. Title 7, Section 273.10 (e) of the Code of Federal Regulations provides for calculating net income and benefit levels. Subsection (e)(1)(i) provides:

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...

(B) ...

(C) Subtract the standard deduction.

(D) ...

(E) ...

(F) ...

(G)...

(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).

8. "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...." 7 C.F.R. § 273.9 (d)(6)(ii).

"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)...." 7 C.F.R. § 273.9 (d)(6)(iii)(A).

Effective October 1, 2020, the standard utility allowance ("SUA") in Connecticut equaled \$736.00 per month.

For the purposes of the SNAP, the monthly shelter costs of the Appellant's household equal \$1,287.00. [\$551.00 (rent) plus \$736.00 (SUA)]

For the purposes of the SNAP, the shelter hardship of the Appellant's household equals \$159.25. [\$1,287.00 (monthly shelter costs) minus \$1,127.75 (50% of adjusted gross income)]

9. The net adjusted income of the Appellant's household for [REDACTED] 2020 is calculated as follows:

<u>INCOME</u>	
Gross Unearned Income	+ \$2,422.50
Less standard deduction	- 167.00
Adjusted gross income -	\$2,255.50
<u>SHELTER COSTS</u>	
Rent	+\$551.00
Plus SUA	+ 736.00
Total shelter costs -	\$1,287.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,287.00
Less 50% of adjusted gross income	= 1,127.75
Total shelter hardship -	\$159.25
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$2,255.50
Less shelter hardship	- 159.25
Net Adjusted Income -	\$2,096.25

In [REDACTED] 2020, the net adjusted income of the Appellant's SNAP household, or \$2,096.25, exceeded 100 percent of the Federal poverty level for a household of three in Connecticut, or \$1,810.00.

The Appellant's SNAP household was ineligible to receive SNAP benefits in [REDACTED] 2020, as its income exceeded the net income limit of the SNAP for a household of three in Connecticut.

The Department's denial of the Appellant's [REDACTED] 2020 SNAP application is supported by federal regulations governing that program.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Pc: Nicole Caldwell, DSS-Bridgeport
Yecenia Acosta, DSS-Bridgeport
Tim Latifi, DSS-Bridgeport

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.