

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

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

Case # ██████████
Client ID # ██████████
Request # 160983

NOTICE OF DECISION
PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a notice of action discontinuing her Supplemental Nutrition Assistance Program (“SNAP”) benefit due to having a countable income higher than the maximum SNAP benefit for her household size.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the Department’s discontinuance of her SNAP assistance.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2020.

On ██████████ 2020, OLCRAH issued a notice rescheduling the administrative hearing for ██████████ 2020.

On ██████████ 2020, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephonic conferencing with ASL interpretation.

The following individuals participated in the hearing:

██████████ Appellant
██████████ Source Interpreting
MaryBeth Mark, Department’s Representative
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department was correct to discontinue the Appellant's SNAP assistance due to having a countable income higher than the maximum SNAP benefit for her household size.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Appellant spoke with a Department representative concerning a new hires letter she received that indicated her spouse is employed by [REDACTED]. A department representative updated the Appellant's case with her spouses' earned income. This action resulted in the closure of the Appellant's SNAP assistance due to countable income higher than the maximum SNAP benefit for her household size. (Exhibit 1: Notice; Record; Hearing summary)
2. On [REDACTED] 2020, the Appellant requested an administrative hearing. (Record)
3. The Appellant's household consists of two adults and two children. (Exhibit 1; Hearing record; Appellant's testimony)
4. The Appellant has a monthly rental obligation of \$898.00 with heat included. (Exhibit 5; Record; Appellant's testimony)
5. The Appellant and her spouse receive monthly Social Security Disability Income ("SSDI") of \$488.00 and \$1,385.00 respectively. The Appellant's children each receive \$346.00 monthly in Social Security income ("SSA"). (Exhibit 1; Exhibit 3; Appellant's testimony)
6. The Appellant's spouse works part-time for [REDACTED] and is paid bi-weekly. The Department calculated his gross monthly wages to be \$610.49. (Exhibit 3: Earned Income Worksheet; Exhibit 4: Work Number printout)
7. The SNAP Net Income Limit for an assistance unit of four in [REDACTED] 2020 is \$2,146.00. (Record)
8. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which provides that within 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 is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2020. However, due to an [REDACTED] day delay to secure an ASL interpreter; this decision was due no later than [REDACTED] 2021. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to review the Appellant's ongoing SNAP eligibility to determine whether her household meets the program's income requirements.

2. "The Department's Uniform Policy Manual ("UPM") is the equivalent of 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)).
3. 7 C.F.R. § 273.2 (j) (2) (i) provides the following households are categorically eligible for SNAP benefits unless the entire household is institutionalized as defined in §273.1(e) or disqualified for any reason from receiving SNAP benefits. (E) any household in which all members receive or are authorized to receive PA and/or SSI benefits in accordance with paragraphs (j)(2)(i)(A) through (j)(2)(i)(D) of this section.

The Appellant is not a recipient of Public Assistance (cash assistance) or SSI and is therefore not categorically eligible based on receipt of such.

4. 7 C.F.R. § 273.9 (a) provides that participation in the Program shall be limited to those households whose income incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households that contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Households, which do not contain an elderly or disabled member, shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households that 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 levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

7 C.F.R. § 271.2 defines an elderly or disabled member as a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (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.

The Department correctly determined that the Appellant's household does contain a disabled individual(s) and is therefore subject to the net income eligibility standard.

5. 7 C.F.R. § 273.9 (b) provides for the definition of income. (1) Earned income shall include: (i) All wages and salaries of an employee.

The Department correctly determined the Appellant's husband's earnings are counted in the household's eligibility calculation.

6. 7 C.F.R. § 273.9 (b) (2) (ii) addresses which types of unearned income are included in the calculation of the SNAP allotment, and provides that annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in §272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week shall be considered unearned income.

The Department correctly determined the households SSDI and SSA are considered unearned income and included in the calculation of the Appellant's SNAP benefit.

7. 7 C.F.R. § 273.10 (c) (2) (i) provides for converting income into monthly amounts. 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.

The Department correctly calculated the Appellant's gross earnings as \$610.49 monthly (██████ \$300.00 + ██████ \$301.95 + ██████ \$249.90 = \$851.85. $\$851.85/3 = \283.95 . $\$283.95 * 2.15$).

8. 7 C.F.R. § 273.9 (d) (1) provides for the standard deduction.

7 C.F.R. § 273.9(d) provides for income deductions. (2) 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

UPM § 5045.15 (C) provides that the amount of applied income is calculated by reducing the combined total of net earnings, gross unearned income and deemed income by the following in the order presented:

1. a deduction for farming losses, if any;
2. a disregard of \$178.00 per month for a household of four.
{effective 10-01-19 to 9-30-20}

3. a deduction for unearned income to be used to fulfill a bona-fide plan to achieve self-support (PASS); Cross-reference: 5035.15
4. the appropriate deduction for work-related dependent care expenses;
5. deduction for allowable medical expenses for those assistance unit members who qualify;
6. a deduction for legally obligated child support when it is paid for a child who is not a member of the assistance unit;
7. a deduction for shelter hardship, if applicable.

(Cross References: 5030 - "Income Disregards" and 5035 "Income Deductions")

UPM § 5045.15 (D) provides the remaining amount after the disregards and deductions are subtracted is the amount of the unit's applied income.

The Department correctly determined the Appellant's household is entitled to a standard disregard of \$178.00.

The Department correctly determined the Appellant's household does not have any allowable medical expenses.

The Department correctly determined that 20 percent (20%) of \$610.49 is \$122.10.

The Department correctly determined the Appellant's adjusted gross income is: \$2,875.39 (\$3,175.49 – \$300.10 (\$178.00 + \$122.10)).

9. 7 C.F.R. § 273.9 (d) (6) (ii) provides for 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.

The Department correctly determined that 50% of the Appellant's adjusted gross income is \$1,437.70 (\$2,875.39 * 0.50).

The Department correctly determined Appellant's household is eligible for an uncapped shelter deduction based on disability.

10. 7 C.F.R. § 273.9(d) (6) (iii) provides for the Standard Utility Allowance ("SUA"). (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.

The Appellant is entitled to the SUA.

The Appellant's shelter cost is \$1,634.00 (\$898.00 rent + \$736.00 SUA).

The Department correctly determined the Appellant's shelter hardship is \$196.30 (\$1,634.00 - \$1,437.70)

The Department correctly determined the Appellant's net adjusted income is \$2,679.09 (\$2,875.09 - \$196.30).

11. 7 C.F.R. § 273.10 (e) (2) (ii) (A) provides 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: (1) The State agency shall round the 30 percent of net income up to the nearest higher dollar.

The Department correctly determined that 30 percent of the Appellant's net adjusted income, rounded up, is \$804.00 (\$2,679.09 * 0.30).

12. 7 C.F.R. § 271.2 defines the Thrifty Food Plan (“TFP”) as the diet required to feed a family of four persons consisting of a man and a woman 20 through 50, a child 6 through 8, and a child 9 through 11 years of age, determined in accordance with the Secretary's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition. In order to develop maximum SNAP allotments, the Secretary shall make household size and other adjustments in the Thrifty Food Plan taking into account economies of scale and other adjustments as required by law.

7 C.F.R. § 273.10(e) (4) (i) provides for the TFP and Maximum Food Stamp Allotments. Maximum food stamp 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) (ii) provides in relevant part that effective October 1, 1996, the maximum SNAP allotments must be based on 100% of the cost of the TFP as defined in §271.2 of this chapter for the preceding June, rounded to the nearest lower dollar increment.

UPM P-4535.10 provides that the Thrifty Food Plan for a qualified assistance unit with no applied income for a household of four October 2019 through September 2020 is \$646.00.

13. The Appellant’s SNAP benefit is computed as follows:

| SNAP BENEFIT CALCULATION | |
|---------------------------------|--------------------|
| EARNED INCOME | |
| Spouse - [REDACTED] | \$610.49 |
| Less 20% | -\$122.10 |
| Adjusted Earned Income | =\$488.39 |
| UNEARNED INCOME | |
| SSDI - Appellant | \$488.00 |
| SSDI - Spouse | \$1,385.00 |
| SSA – Child 1 | \$346.00 |
| SSA – Child 2 | \$346.00 |
| Total Unearned Income | =\$2,565.00 |
| | |
| Adjusted Earned Income | \$488.39 |

| | |
|-----------------------------------|--|
| Unearned Income | +\$2,565.00 |
| Total Income | =\$3,053.39 |
| Total income | \$3,053.39 |
| Less standard deduction | -\$178.00 |
| Adjusted Gross Income | =\$2,875.39 |
| <u>SHELTER COSTS</u> | |
| Rent | \$898.00 |
| SUA | +\$736.00 |
| Total shelter costs | =\$1,634.00 |
| <u>SHELTER HARDSHIP</u> | |
| Shelter costs | \$1,634.00 |
| Less 50% of adjusted gross income | -\$1,437.70 |
| Total shelter hardship | =\$196.30 (Cannot exceed \$569 unless elderly or disabled) |
| <u>NET ADJUSTED INCOME</u> | |
| Adjusted gross income | \$2,875.39 |
| Less shelter hardship | -\$196.30 |
| Net Adjusted Income (NAI) | =\$2,679.09 |
| <u>BENEFIT CALCULATION</u> | |
| Thrifty Food Plan for 4 Persons | \$646.00 |
| Less 30% of NAI | -\$804.00 |
| SNAP award | =\$0.00 |

The Appellant's household is ineligible for SNAP benefits effective [REDACTED], 2020.

DISCUSSION

The Department correctly discontinued the Appellant's SNAP assistance because the Appellant's countable household income exceeded the SNAP net income limit for a household of four.

DECISION

The Appellant's appeal is denied.

Christopher Turner

Christopher Turner
Hearing Officer

Cc: Cheryl Stuart, Operations Manager, Norwich
MaryBeth Mark, DSS Norwich

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, law, and 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 the Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision, or 45 days after the agency denies a petition for reconsideration of this decision if 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.