

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

██████████
SIGNATURE
CONFIRMATION

CASE # ██████████
CLIENT ID # ██████████
REQUEST# 166664

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

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

On ██████████ 2020, the Appellant requested an administrative hearing to appeal the Department's discontinuance of her SNAP benefits.

On ██████████ 2020, the Department updated the Appellant's information and reinstated her SNAP with no interruption in benefits. The Department issued a Notice of Action ("NOA") to the Appellant regarding approval of SNAP in the amount of \$210.00 per month beginning ██████████.

On ██████████ the Appellant requested an administrative hearing to appeal the Department's calculation of her SNAP benefits.

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

On [REDACTED] 2020, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The hearing was held telephonically due to the COVID-19 pandemic with no objection from any party. The following individuals participated in the hearing:

[REDACTED] Appellant
David Dumaine, Department’s representative
Joseph Alexander, Administrative Hearing Office

Due to technical issues however, the [REDACTED] 2020 telephonic administrative hearing could not be completed and needed to be reconvened.

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

On [REDACTED] 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 hearing was held telephonically due to the COVID-19 pandemic with no objection from any party. The following individuals participated in the hearing:

[REDACTED] Appellant
Javier Rivera, Department’s Representative
Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly determined the Appellant’s monthly SNAP allotment.

FINDINGS OF FACT

1. The Appellant’s household consist of four persons; Herself, two minor children and the appellant’s sister; Appellant’s sister does not purchase or prepare food with the Appellant or the Appellant’s minor children (Appellant’s testimony, Hearing Record).
2. No member of the household is elderly or disabled (Appellant’s Testimony, Hearing Record).

3. The Appellant is currently employed and earns \$720.00 gross biweekly from [REDACTED]. In addition, the household receives \$597.00 per month in Temporary Family Assistance (“TFA”) payments (Appellant’s Testimony, Hearing Record).
4. The Appellant pays rent totaling \$1,695.00 per month (Appellant Testimony, Hearing Record).
5. The Appellant is responsible for paying for her water and electricity separately from her rent; The household’s heat (gas) is included in the monthly rental amount (Appellant Testimony).
6. On [REDACTED] 2020 the Department issued a NOA to the Appellant notifying her that she was approved for a monthly SNAP allotment of \$210.00 per month effective [REDACTED] 2020 (Ex.B: NOA dated [REDACTED] 2020).

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Title 7 of the Code of Federal Regulations (“CFR”) Sec. 273.9(a) provides, in relevant part, as follows:
 - i. 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. Household’s which contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Household’s 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 which are categorically eligible are 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 §673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).
3. **The Appellant’s household did not contain an elderly or disabled member. The household was, therefore, subject to both the SNAP gross income and net income eligibility standards, unless categorically eligible.**
4. “Unearned income shall include, but not be limited to: (ii)...Temporary Family Assistance...” 7 CFR §273.9(b)(2)(i).

5. "Earned income shall include, but not be limited to: (ii)...Wages..." 7 CFR §273.9(b)(1)(i).

6. "For purposes 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...." 7 CFR §273.10(c)(1)(i).

7. "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...." 7 CFR §273.10(c)(1)(ii).

8. "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 CFR §273.10(c)(2).

9. The Appellant received \$720.00 biweekly wages for the period of [REDACTED] 2020 through [REDACTED] 2020. The biweekly income had to be converted to a monthly amount. The biweekly income of \$720.00 multiplied by 2.15 equaled \$1,548.00.

10. States may, at their option, extend categorical eligibility to households "in which all members receive or are authorized to receive non-cash or in-kind services" from a program that is funded in part with State money and counted for MOE purposes under Title IV-A, if the program was designed to further either purposes one and two, or three and four, of the TANF block grant. FNS must be informed of, or must approve the TANF services that a State determines to confer categorical eligibility. 7 CFR §273.2(j)(2)(ii)

11. Households in Connecticut with income below 185% of the federal poverty level ("FPL") qualify for the State's "Help for People in Need" program which is funded with money counted for TANF MOE purposes and meets the requirements in 7 CFR §273.2(j)(2)(ii). As such, the Department extends broad-based categorical eligibility for SNAP to all households that qualify for "Help for People in Need".

12. Pursuant to SNAP rules, the Appellant's household size was three (Appellant's sister is not included as she does not purchase or prepare food with the Appellant or the Appellant's children) and her household's total countable income gross monthly income was \$2,145.00 (\$1,548.00 wages + \$597.00 Temporary Family Assistance).

13. The standards used in the SNAP are adjusted each year on the first day of October. The Federal Poverty Standards applicable to the Appellant's SNAP eligibility determination are published in the Federal Registrar, Vol. 84, No. 22 / Friday, February 1, 2019, pp. 1167-1168.

14. **185% of the FPL for a household of three persons was \$3,349.00 monthly. The Appellant's household's total income of \$2,145.00 was less than 185% of the FPL. The Appellant's household was therefore eligible for "Help for People in Need" and therefore categorically eligible for SNAP under the provisions of 7 CFR §273.2(j)(2)(ii). Due to the household being categorically eligible it was not required to meet either the gross or net income eligibility standards pursuant to 7 CFR §273.9(a).**

15. In the benefit determination, the Appellant's household's income and deductions must be calculated pursuant to 7 CFR §273.9. Net income and SNAP benefit levels then must be calculated pursuant to 7 CFR §273.10(e). The calculations are as follows:

Only certain income deductions can be used in the calculation of SNAP benefits. The household expenses which may be used as deductions are described in paragraphs (d)(1) to (d)(6) of 7 CFR §273.9.

The standard deduction for a household size of one to six persons is equal to 8.31% of the monthly net income standard for each household size established under §273.9(a)(2) rounded up to the nearest whole dollar. 7 CFR §273.9(d)(1).

The Appellant's household qualified for the standard deduction for a household of three persons, which was \$167.00 and for the 20% earned income deduction, which was \$309.60. The Appellant did not qualify for any of the three remaining deductions provided for in paragraphs (d)(1) to (d)(5) of 7 CFR §273.9, the excess medical expense deduction, dependent care deduction or child support deduction. The figure equaling the total deductions allowable under (d)(1) to (d)(5) is applicable to the next calculation.

16. CFR §273.9(d)(6)(ii) provides for the excess shelter deduction. Monthly shelter expenses in excess of 50% of the household's income after all other deductions in paragraphs (d)(1) to (d)(5) of 7 CFR §273.9 have been allowed, are allowed as an excess shelter deduction.

The Appellant's household only qualified for two of the deductions in paragraphs (d)(1) to (d)(5) of 7 CFR §273.9, the standard deduction and the earned income deduction. After deduction the 20% earned income deduction (\$309.60) the Appellant's household's total gross income was reduced from \$2,145.00 to \$1,835.40. After subtracting the \$167.00 standard deduction, the Appellant's household's total gross income was further reduced to \$1,668.40 ($\$2,145.00 - \$309.60 = \$1,835.40 - \$167.00 = \$1,668.40$).

50% of \$1,668.40 is \$834.20, and this is the figure referred to in 7 CFR §273.9(d)(6)(ii) that is used in the calculation of the excess shelter deduction.

7 CFR §273.9(d)(6) discussed shelter costs and provides that only certain expenses are allowable as shelter expense, including rent, mortgage, property taxes, insurance on the structure, condo and association fees and the actual costs of utilities.

7 CFR §273.9(d)(6)(iii) provides for a standard utility allowance which may, at State option, be used in place of the actual cost of utilities in determining a household's excess shelter deduction and which may be made available both to the household's that incur actual utility expenses and to those that receive assistance under the LIHEAA (Low Income Home Energy Assistance Act).

The Department allows a standard utility allowance (SUA), currently \$736.00, in place of the actual cost of utilities for qualifying households. The Appellant was obligated to pay the cost water and electricity thus her household qualified to have the SUA used in place of her actual costs in the calculation of the excess shelter deduction.

The Appellant's shelter expenses were \$2,431.00 (\$1,695.00 rent + \$736.00 SUA).

"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 CFR §273.9(d)(6)(ii)

7 CFR §271.2 defines 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", or who is approved for certain other government payments for blindness or disability.

The Appellant's household did not contain an elderly or disabled member therefore the household's shelter deduction was capped at the Department's maximum shelter deduction limit of \$586.00 as explained above.

The Appellant's calculated excess shelter deduction was \$1,569.80 (\$2,431.00 shelter expenses- \$834.20 (50% of income remaining after subtracting deductions allowed under 7 CFR §273.9(d)(1) to (d)(5)). The Appellant's actual deduction was limited to \$586.00 as explained above.

The Appellant's net income after all deductions was \$1,082.40 (\$2,145.00 total gross income-\$309.60 earned income deduction-\$167.00 standard deduction-\$586.00 excess shelter deduction).

"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 a household's size reduced by 30% of the household's net monthly income as calculated in paragraph (e)(1) of this section...." 7 CFR §273.10(e)(2)(ii)(A).

30% of the Appellant's household's net monthly income (\$1,082.40 x .3) was \$324.72; this figure rounded up to \$325.00 pursuant to §273.10(e)(2)(ii)(A)(1).

The maximum SNAP allotment (known as the "Thrifty Food Plan") for a household of three persons was \$535.00.

The Appellant's household was eligible for a SNAP benefit of \$210.00 (\$535.00 maximum SNAP allotment - \$325.00 (30% net income)).

Total Wages	\$1,548.00
Total Unearned Income	\$597.00
Gross Monthly Income	\$2,145.00
-20% Earned Income Deduction	\$309.60
-Standard Deduction	\$167.00
Total Adjusted Gross Monthly Income	\$1,668.40
Total x .5 (50% Adjusted Gross Income)	\$834.20
Shelter Costs	
Rent or Mortgage	\$1,695.00
Standard Utility Allowance (SUA)	\$736.00
Total Shelter Costs	\$2,431.00
-50% Adjusted Gross Income	\$834.20
Excess Shelter Costs	\$1,596.00
Total Shelter Deduction (capped)	\$586.00 (no elderly or disabled members)
Net Monthly Income	\$1,668.40
-Total Shelter Deduction	\$586.00
Total Net Monthly Income	\$1,082.40
Total Net Monthly Income x .30	\$325.00 (rounded to nearest whole dollar)
Thrifty Food Plan (household of three)	\$535.00
-30% Net Monthly Income	\$325.00
SNAP Allotment for Household	\$210.00

17. The Department correctly determined the Appellant's monthly SNAP allotment.

DECISION

The Appellant's appeal is **DENIED**.

Joseph Alexander

Joseph Alexander
Administrative Hearing Office

CC: Carmen Rodriguez
Christine Faucher
Sayaka Miyakoshi
David Dumaine

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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court with 45 days of the mailing of this decision, or 45 days after the agency denies 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, 53 Elm Street, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105-3725. 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.