

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

██████████ 2020  
SIGNATURE CONFIRMATION

CASE # ██████████  
CLIENT# ██████████  
REQUEST# ██████████

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████, 2020, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”), a Notice of Action (“NOA”) reducing her Supplemental Nutrition Assistance Program (“SNAP”) benefits from \$100 per month to \$88 per month, effective ██████████ 2021.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the reduction of her SNAP benefits from \$100 per month to \$88 per month, effective ██████████ 2021.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████, 2021.

On ██████████, 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice rescheduling the administrative hearing for ██████████ 2021.

On [REDACTED], 2021, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals participated in the hearing:

Appellant, [REDACTED]  
Department's Representative, Ferris Clare  
Hearing Officer, Joshua Couillard

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department correctly reduced the Appellant's SNAP benefit from \$100 per month to \$88 per month, effective [REDACTED] 2021.

### **FINDINGS OF FACT**

1. On [REDACTED] 2020, the Department received a change report indicating that the Appellant's gross [REDACTED] pension increased to \$992.28 per month. (Hearing Record, Exhibit 1: Case Notes, Exhibit 2: Connecticut Teachers' Retirement Board Letter)
2. On [REDACTED] 2020, the Department updated the Appellant's case with the increased pension income. (Hearing Record, Department's Testimony)
3. The Appellant lives alone. (Appellant's Testimony)
4. The Appellant is [REDACTED]. (Appellant's Testimony)
5. In [REDACTED], the Appellant received \$465 per month in Social Security Retirement benefits. (Hearing Record, Department's Testimony, Exhibit 3: NOA)
6. The Appellant does not pay for any child support or dependent care expenses. (Appellant's Testimony, Hearing Record)
7. The Appellant has medical expenses totaling over \$35 per month, however, she never reported these expenses to the Department. (Appellant's Testimony).
8. The Appellant pays \$800 per month in rent. She is also responsible for all utilities. (Appellant's Testimony)
9. The Department is also allowing the Appellant an expense of \$15 per month in Home Owner's insurance. (Department's Testimony, Exhibit 3)
10. On [REDACTED], 2020, the Department issued a NOA to the Appellant reducing the SNAP benefit from \$100 per month to \$88 per month. (Exhibit 3)

11. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 60 days of the request for an administrative hearing. The hearing request was received on [REDACTED] 2020. An extra [REDACTED] days were added due to the rescheduling of the hearing, therefore, this decision is due no later than [REDACTED] 2021.

### **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. "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 as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2).” Title 7 of the Code of Federal Regulations (“C.F.R.”) § 273.9(a)
3. “*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

**The Department correctly determined that the Appellant is elderly.**

4. "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." 7 C.F.R. § 273.10 (c)(1)(i)
5. "Unearned income shall include, but not be limited to: (i) Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in §271.2); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt from consideration as countable income under the provisions of paragraph (c)(1) of this section. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.  
  
(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; 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." 7 C.F.R. § 273.9 (b)(2)(i) & (ii)

**The Department correctly determined the Appellant’s total gross Unearned Income to be \$1,457.28 per month.**

Type of Income	Monthly Amount
Social Security Retirement	\$465
██████████ Pension	\$992.28

6. “Income deductions. Deductions shall be allowed only for the following household expenses: (1) *Standard deduction*—(i) 48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands. Effective ██████████ 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)

7. Field Operations Communication dated ██████████, 2020 issued general guidance pertaining to the changes of the Standard Deduction, effective ██████████, 2020:

“Changes to SNAP that will be in effect as of ██████████ 2020 are: 1. The standard deduction will *change* as follows:

- Remains at \$167 for households of one, two or three people.”

**The Department correctly applied the \$167 Standard Deduction for the Appellant’s household size of one member.**

8. “Deductions shall be allowed only for the following household expenses: (3) 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.

(4) Dependent care. Payments for dependent care when necessary for a household member to search for, accept or continue employment, comply with the employment and training requirements as specified under §273.7(e), or attend training or pursue education that is preparatory to employment, except as provided in §273.10(d)(1)(i).

(5) Optional child support deduction. At its option, the State agency may provide a deduction, rather than the income exclusion provided under paragraph (c)(17) of this section, for legally obligated child support payments paid by a household member to or for a non-household member, including payments made to a third party on behalf of the non-household member (vendor payments) and amounts paid toward child support arrearages.” 7 C.F.R. § 273.9 (d)(3), (4) & (5)

**The Department correctly determined that the Appellant does not have any dependent care or child support expenses. While the Appellant testified that she does have medical expenses in excess of \$35 per month, the Department was correct in not giving credit for these expenses as the Appellant never reported those expenses to the Department.**

9. "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. ... FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

(A) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(B) Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

(C) The cost of fuel for heating; cooling (i.e., the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included." 7 C.F.R. § 273.9 (d)(6)(ii)

**The Department correctly applied the Appellant's \$800 monthly rental expense. The Department also correctly applied a \$15 monthly insurance expense.**

10. "*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.” 7 C.F.R. § 273.9 (d)(6)(iii)

**The Department correctly applied the Standard Utility Allowance (“SUA”) of \$736.**

11. *“Calculating net income and benefit levels—(1) Net monthly income.* (i) To determine a household's net monthly income, the State agency shall:

(A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with §273.11(a)(2)(iii).

(B) Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with §273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income.

(C) Subtract the standard deduction.

(D) If the household is entitled to an excess medical deduction as provided in §273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.

(E) Subtract allowable monthly dependent care expenses, if any, as specified under §273.9(d)(4) for each dependent.

(F) If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with §273.9(d)(5), subtract allowable monthly child support payments in accordance with §273.9(d)(5).

(G) Subtract the homeless shelter deduction, if any, up to the maximum of \$143.

(H) Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section.

(l) 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. ...

(2) *Eligibility and benefits.* (i)(A) Households which contain an elderly or disabled member as defined in §271.2, shall have their net income, as calculated in paragraph (e)(1) of this section (except for households considered destitute in accordance with paragraph (e)(3) of this section), compared to the monthly income eligibility standards defined in §273.9(a)(2) for the appropriate household size to determine eligibility for the month. ...

(ii)(A) 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; or

(2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar.

(B) If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month. ...

(iii) 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:

(A) The State agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued. ...

(4) Thrifty Food Plan (TFP) and Maximum SNAP Allotments.

(i) 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. ...

(ii) *Adjustment.* Effective [REDACTED] 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, except that on



October 1, 1996, the allotments may not fall below those in effect on September 30, 1996.” 7 C.F.R. § 273.10 (e)

**The Department correctly determined the Appellant’s Adjusted Gross Income:**

**\$0 Monthly Gross Earnings**  
**+ \$1,457.29 Gross Unearned Income**  
**-\$167 Standard Deduction**  
**-\$0 Deductions**  
**= \$1,290.28 Adjusted Gross Income**

**The Department correctly determined that the Appellant’s Shelter Hardship cost was \$905.86 [ $\$800 + \$15 + \$736 = \$1,551 - \$645.14$  (50% of Adjusted Gross Income) = \$905.86]**

**The Department correctly determined the Appellant’s Net Adjusted Income was \$384.42 ( $\$1,290.28$  Adjusted Gross -  $\$905.86$  Shelter Hardship =  $\$384.42$ )**

**Thirty percent (30%) of the Appellant’s Net Adjusted Income, rounded up, is \$116. ( $\$384.42 \times .30 = \$115.33$ )**

12. “Thrifty Food Plan (TFP) and Maximum SNAP Allotments. (i) Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at [www.fns.usda.gov/fsp](http://www.fns.usda.gov/fsp).” C.F.R. § 273.10 (e)(4)(i)

13. Field Operations Communication dated [REDACTED], 2020 issued general guidance pertaining to the changes of the Maximum SNAP Allotments:

“Please note also effective [REDACTED] 2020, the maximum and minimum SNAP allotments are being increased.”

<b>Maximum SNAP Allotment</b>	
<b>Household Size</b>	<b>Allotment</b>
1	\$204

2	\$374
3	\$535
4	\$680
5	\$807
6	\$969
7	\$1071
8	\$1224
Each Additional Person	\$153

The Department correctly calculated the Appellant's SNAP benefit by subtracting 30% of the Net Adjusted Income (\$116) from the Thrifty Food Plan Allotment for a household of one (\$204).

**\$204 Thrifty Food Plan Allotment (Household Size of 1)**  
**-\$116 Thirty Percent of Net Adjusted Income**  
**= \$88 SNAP benefit**

14. Effective [REDACTED] 2021, the Appellant's SNAP benefits are calculated as follows:

**SNAP BENEFIT CALCULATION**

<u>INCOME</u>	
Earned Income	\$0.00
Total Unearned Income	\$1,457.28
Less Standard Deduction	-\$167.00
<b>Adjusted Gross Income</b>	\$1,290.28
<u>SHELTER COSTS</u>	
Rent/Mortgage	\$815.00
SUA	+\$736.00
Less 50% of Adjusted Gross Income	-\$645.14
<b>Total Shelter Hardship</b>	\$905.86 (Cannot exceed \$569 unless elderly or disabled)
<u>ADJUSTED NET INCOME</u>	
Adjusted Gross Income	\$1,290.28
Less Shelter Hardship	-\$905.86
<b>Net Adjusted Income (NAI)</b>	\$384.42
NAI x .30 =	\$115.33
30% of NAI (rounded up)	\$116

<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for 1 Person	\$204
Less 30% of NAI	-\$116
<b>SNAP Award</b>	<b>\$88</b>

**The Department correctly determined that the Appellant is eligible for \$88 in SNAP benefits per month, based on the circumstances at the time of the NOA dated [REDACTED] 2020.**

15. *Use of notice.* Prior to any action to reduce or terminate a household's benefits within the certification period, the State agency shall, except as provided in paragraph (b) of this section, provide the household timely and adequate advance notice before the adverse action is taken. (1) The notice of adverse action shall be considered timely if the advance notice period conforms to that period of time defined by the State agency as an adequate notice period for its public assistance caseload, provided that the period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective. Also, if the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday, the State agency shall consider the request timely received." 7 C.F.R. § 273.13 (a)(1)

**The Department correctly issued the notice of adverse action on [REDACTED] [REDACTED] 2020. The Department correctly reduced the Appellant's SNAP benefit effective [REDACTED] 2021, due to the [REDACTED] adverse action period.**

**DECISION**

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

*Joshua Couillard*  


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**Joshua Couillard**  
**Fair Hearing Officer**

**Pc. Rachel Anderson, New Haven Regional Operational Manager**  
**Cheryl Stuart, New Haven Regional Operational Manager**  
**Lisa Wells, New Haven Regional Operational Manager**  
**Ferris Clare, Fair Hearing Liaison**

## **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.