

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

Client ID # ██████████  
Request #169008

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to Therese Canale (the “Appellant”) granting her application for benefits from the Supplemental Nutrition Assistance Program (“SNAP”) and awarding a monthly allotment of \$16.00 effective ██████████ 2021.

On ██████████ 2020, the Appellant requested an administrative hearing to appeal the amount of her monthly SNAP allotment.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2021. The hearing was scheduled to be held telephonically due to the COVID-19 pandemic.

On ██████████ 2021, 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 Appellant did not object to a telephonic hearing. The following individuals were present at the hearing:

██████████ Appellant  
Ferris Clare, Department’s Hearing Liaison  
James Hinckley, Hearing Officer

## **STATEMENT OF THE ISSUE**

1. Whether the Department determined the correct monthly SNAP allotment for the Appellant.

## **FINDINGS OF FACT**

1. On [REDACTED] 2020, the Appellant applied for SNAP for herself and her 16 year-old daughter. (Ex. 2: Online application form)
2. Neither of the members of the Appellant's SNAP household were elderly or disabled. (Appellant's testimony)
3. The Appellant had no income. (Hearing Record)
4. The Appellant's daughter received a Social Security survivor's benefit of \$2,087.00 per month. (Hearing Record)
5. The Appellant paid property taxes of \$500.00 per month and homeowner's insurance of \$241.00 per month. She had no mortgage payment. She was responsible for all utilities associated with her home. (Hearing Record)
6. On [REDACTED] 2020, the Department issued an NOA to the Appellant granting her application for SNAP and awarding her household a monthly allotment of \$16.00 beginning [REDACTED] 2021. (Ex. 3: NOA)

## **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 in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("C.F.R.") 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. Households which 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 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)).

3. **The Appellant's household did not contain an elderly or disabled member. The household was, therefore, subject to both the net income and gross income eligibility standards for SNAP. However, if the household met categorical eligibility requirements, which must be determined, it was not subject to the net and gross standards.**
4. "Unearned income shall include, but not be limited to... old-age, survivors, or social security benefits..." 7 C.F.R. § 273.9(b)(2)(ii)
5. **The Appellant's household received income of \$2,087.00 from the Appellant's daughter's Social Security survivor's benefit. This was countable as unearned income in the SNAP program and was the household's only income.**
6. 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 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 C.F.R. § 273.2(j)(2)(ii)
7. **Households in Connecticut with incomes 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 C.F.R. § 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".**
8. **The Appellant's SNAP household size was two and her household's total countable gross monthly income was \$2,087.00.**
9. 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 Register, Vol. 85, No. 12 / Friday, January 17, 2020, pp. 3060-3061.
10. **185% of the FPL for a household of two persons was \$2,658.00 monthly. The Appellant's household's total income of \$2,087.00 was less than 185% of the FPL. Her household was, therefore, eligible for "Help for People in Need" and, therefore, categorically eligible for SNAP under the provisions of 7 C.F.R. § 273.2(j)(2)(ii). Because the household was categorically eligible, it was not**

required to meet either the gross or net income eligibility standards pursuant to 7 C.F.R. § 273.9(a).

11. In the SNAP benefit determination, household income and deductions are calculated pursuant to 7 C.F.R. § 273.9. Net income and SNAP benefit levels are then calculated pursuant to 7 C.F.R. § 273.10(e). The calculations for the Appellant's household are as follows:

Only certain income deductions are allowable 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 C.F.R. § 273.9.

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

The Appellant's household qualified for a *standard deduction* of \$167.00, which was the deduction that applied in ██████████ 2021 for a household of two persons.

The Appellant did not qualify for any of the other four remaining deductions provided for in paragraphs (d)(1) to (d)(5) of 7 C.F.R. § 273.9, the *earned income deduction*, *excess medical 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.

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

The Appellant's household qualified for one of the deductions in paragraphs (d)(1) to (d)(5) of 7 C.F.R. § 273.9, the *standard deduction*. After deducting the \$167.00 *standard deduction* from the Appellant's household's \$2,087.00 total gross income, the remaining income was \$1,920.00

50% of \$1,920.00 is \$960.00. This result is used in the calculation of the *excess shelter deduction* pursuant to 7 C.F.R. § 273.9(d)(6)(ii).

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

The Appellant's shelter expenses for property taxes and homeowner's insurance totaled \$741.00 monthly.

7 C.F.R. § 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 households that incur actual utility expenses and to those that receive assistance under the LIHEAA (Low Income Home Energy Assistance Act).

The Department has opted to use a *standard utility allowance (SUA)*, currently \$736.00, in place of the actual cost of utilities for qualifying

households. The Appellant qualified for the SUA because she was responsible for the cost of utilities. The SUA is used in place of her actual utility expenses in the calculation of the *excess shelter deduction*.

“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)

7 C.F.R. § 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. Her household’s shelter deduction was, therefore, capped at the Department’s maximum shelter deduction limit of \$586.00.

The Appellant’s calculated *excess shelter deduction* was \$517.00. It was calculated by subtracting \$960.00 -- 50% of the income that remained after being reduced by deductions allowed under 7 C.F.R. § 273.9(d)(1) to (d)(5) -- from the Appellant’s total shelter expenses of \$1,477.00 (\$741.00 taxes & homeowners + \$736.00 SUA). \$517.00 was the Appellant’s actual *excess shelter deduction* used in the benefit calculation because it was less than the \$586.00 shelter deduction limit.

The Appellant’s *net income* after all deductions was \$1,403.00 (\$2,087.00 total gross income, minus \$167.00 *standard deduction*, minus \$517.00 *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 the household’s size reduced by 30 percent of the household’s net monthly income as calculated in paragraph (e)(1) of this section....” 7 C.F.R. § 273.10(e)(2)(ii)(A)

30% of the Appellant’s household’s net monthly income was \$420.90 (\$1,403.00 multiplied by .3). The figure was rounded up to \$421.00 pursuant to 7 C.F.R. 273.10(e)(2)(ii)(A)(1).

The maximum SNAP allotment (known as the “thrifty food plan”) for a household of two persons was \$374.00

The Appellant’s household did not qualify for a calculated SNAP benefit because 30% of her household’s net income was more than the maximum allotment for a household of two persons (\$421.00 was more than \$374.00).

“Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.” 7 C.F.R. § 273.10(e)(ii)(C)

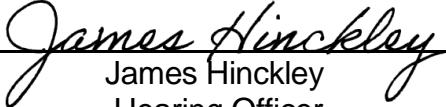
The Appellant’s household was an “eligible household”, despite not qualifying for a calculated benefit, because it was categorically eligible.

8 percent of the \$204.00 maximum allotment for one person is \$16.32, rounded to the nearest whole dollar is \$16.00.

12. The Appellant's household did not qualify for a benefit in the initial month (the application month of [REDACTED] 2020), but qualified for an ongoing monthly SNAP allotment of \$16.00.
13. the Department determined the correct monthly SNAP allotment for the Appellant.

**DECISION**

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

  
James Hinckley  
Hearing Officer

cc: Rachel Anderson  
Cheryl Stuart  
Lisa Wells  
Ferris Clare

### **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 06105-3725.

### **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, 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.