

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

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

Client ID ██████████  
Case ID ██████████  
Request # 170264

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 3, 2020, the Department of Social Services (the "Department") issued ██████████ ██████████ (the "Appellant") a Notice of Action ("NOA"). The notice stated that the Department determined the Appellant eligible for benefits under the Supplemental Nutrition Assistance Program ("SNAP") beginning ██████████ ██████████ 2020 in the amount of \$16.00 per month.

On ██████████ ██████████ 2020, the Appellant requested an administrative hearing because she disagreed with the Department's calculation of SNAP benefits as \$16.00 per month.

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

On ██████████ ██████████ 2021, 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 following individuals called in for the hearing:

██████████ ██████████ Appellant  
Rebecca Shah, Department's Representative  
Lisa Nyren, Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department correctly calculated the Appellant's monthly SNAP benefits as \$16.00 beginning [REDACTED] 2020.

### **FINDINGS OF FACT**

1. The Appellant receives SNAP benefits for herself. (Hearing Record)
2. The Appellant is [REDACTED] [REDACTED] ([REDACTED] years old. (Appellant Testimony)
3. The Appellant receives a gross pension of \$909.00 per month, \$849.00 monthly net after federal taxes. (Stipulated)
4. The Appellant receives gross unemployment compensation benefits ("UCB") of \$173.00 per week, \$151.00 net after federal and state taxes. (Stipulated)
5. The Department determined the monthly UCB benefit as 743.90.  $\$173.00/\text{week} \times 4.3 \text{ weeks} = \$743.90$  per month. (Department Representative's Testimony)
6. The Department determined the Appellant's monthly gross income as \$1,652.90.  $\$909.00 \text{ gross monthly pension} + \$743.90 \text{ gross monthly UCB} = \$1,652.90$ . (Department Representative's Testimony)
7. The Appellant lives alone and pays \$1,250.00 per month rent. (Appellant's Testimony)
8. Heat is included in the rent, but the Appellant pays for electricity, internet, and phone. (Appellant's Testimony)
9. The Appellant received the standard utility allowance of \$736.00 under the SNAP. (Department Representative's Testimony)
10. The Department determined the Appellant's shelter disregard as \$586.00, the maximum allowed under the SNAP. (Department Representative's Testimony)
11. The Appellant received the standard disregard of \$167.00 under the SNAP. (Department Representative's Testimony)
12. The Department determined the Appellant categorically eligible, under expanded categorical eligibility ("ECE") because her gross household income is below the ECE SNAP income limit. (Hearing Record)
13. The Department determined the Appellant eligible for \$16.00 per month under the SNAP effective [REDACTED] 2020. (Hearing Record)

14. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2020. Therefore, this decision is due not later than [REDACTED] [REDACTED] 2021.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statutes ("Conn. Gen. Stats.") provides that the Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. Section 273.1(a)(1) of the Title 7 of the Code of Federal Regulations ("C.F.R.") provides that "a household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: an individual living alone."
3. The Department correctly determined an assistance unit of one.
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)
5. Federal regulation provides as follows:

Unearned income shall include but not be limited to 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)(ii)

6. The Department correctly included the Appellant's pension income when calculating the SNAP benefits for the assistance unit.
7. The Department correctly included the Appellant's UCB when calculating the SNAP benefits for the assistance unit.
8. Federal regulation provides as follows:

*Determining Income-Anticipating income.* 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. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by §273.12.

7 C.F.R. § 273.10(c)(1)(i)

Federal regulation provides as follows:

*Income only in month received.* 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.

7 C.F.R. § 273.10(c)(2)(i)

9. The Department correctly determined the Appellant's gross monthly pension as \$909.00 per month.
10. The Department correctly determined the Appellant gross monthly UCB as \$743.90. ( $\$173.00 \times 4.3 = \$743.90$ )
11. The department correctly determined the Appellant's gross household income as \$1,652.90. ( $\$909.00$  gross pension +  $\$743.90$  gross UCB =  $\$1,652.90$ )

12. Federal regulation provides as follows:

*Income eligibility standards.* 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 established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))

7 C.F.R. § 273.9(a)

Federal regulation provides as follows:

The State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purposes of the Food and Nutrition Act of 2008: Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determining to confer categorical eligibility.

7 C.F.R. § 273.2(j)(2)(ii)(A)

“The department’s uniform policy manual is the equivalent of a 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))

“An assistance unit is considered categorically eligible for the SNAP if program at least one member of the assistance unit receives or is authorized to receive TANF-funded services under the Help for People in Need Program.” UPM § 2545.05(A)(2)

“Those assistance unit's which qualify as categorically eligible are not subjected to gross or applied income eligibility tests.” UPM § 5520.40(C)

Section P-5520.36 of the UPM provides for the gross income limit under expanded categorical eligibility as 185% of the federal poverty level.

13. The Department of Health and Human Services lists the annual 2020 Poverty Guideline for the 48 Contiguous States and the District of Columbia as \$12,760.00 for a household of one. [Federal Register, Vol. 85, No, 12, January 17, 2020/Notices pp3060]

14. Under expanded categorical eligibility, the gross income limit for a household of one is \$1,968.00 per month. ( $\$12,760.00$  annually / 12 months =  $\$1,063.333$  x 185% =  $\$1967.1666$ )
15. The Department correctly determined the SNAP household as categorically eligible under expanded categorical eligibility because the household income of \$1,652.90 is below the ECE SNAP income limit of \$1,968.00 under expanded categorical eligibility.
16. The Department correctly determined the SNAP household is not subject to the gross income test and the net income test because the household is categorically eligible.
17. "Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs as described in § 273.9." 7 C.F.R. § 273.10(d)
18. Federal regulation provides as follows:

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

Effective October 1, 2020 through September 30, 2021 the standard deduction for the 48 States & District of Columbia for a household of 1 is \$167.00. (United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2020 Maximum Allotments and Deductions, [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap), Memorandum SNAP – Fiscal Year 2021 Cost-of-Living Adjustments, July 29, 2020)

19. The Department correctly determined the standard disregard as \$167.00.
20. Federal regulation provides as follows:

*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
- 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
- D. The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for food stamp purposes; and the home must not be leased or rented during the absence of the household
- E. Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

7 C.F.R. § 273.9(d)(6)(ii)

21. Federal regulation provides as follows:

*Standard utility allowances.* 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.

7 C.F.R. § 273.9(d)(6)(iii)(A)

Federal regulation provides as follows:

A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

7 C.F.R. § 273.9(d)(6)(iii)(C)

22. The Department correctly determined the Appellant eligible for the SUA of \$736.00.
23. The Department correctly determined the Appellant's monthly shelter costs as \$1,986.00. (\$1,250.00 rent + \$736.00 SUA = \$1,986.00 shelter costs)
24. The Department correctly determined the shelter hardship as \$586. Refer to Conclusion of Law ("COL") # 31.



25. Federal regulation provides as follows:

*Calculating net income and benefit levels-Net monthly income.* To determine a household's net monthly income, the State agency shall:

- A. Add 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 in § 273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated 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 costs. 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 costs 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)

26. The Department correctly determined the household's net applied income as \$1,066.90. Refer to COL # 31.

27. Federal regulation provides as follows:

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: The State agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

28. The Department correctly determined 30% of the net adjusted income as \$321.00. (\$1,066.90 x 30% = \$320.07) Refer to COL # 31.

29. Federal regulation provides as follows:

Thrifty Food Plan (TFP) and Maximum SNAP Allotments. Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the Thrifty Food Plan (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).

7 C.F.R. § 273.10(e)(4)(i)

The United States Department of Agriculture Food and Nutrition Services provides as follows:

Effective October 1, 2020 through September 30, 2021 the maximum SNAP allotment for the 48 states and District of Columbia for a household of one is \$204.00 and the minimum SNAP allotment for a household of 1 or 2 is \$16.00. (United States Department of Agriculture, Food and Nutrition Services, Fiscal Year (FY) 2021 Maximum Allotments and Deductions, [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap), Memorandum SNAP – Fiscal Year 2021 Cost-of-Living Adjustments, July 29, 2020)

30. "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)(2)(ii)(C)

31. The Department correctly determined the Appellant eligible for the minimum monthly allotment of \$16.00 under the SNAP effective [REDACTED] 2020. Refer to SNAP benefit calculation below.

**SNAP BENEFIT CALCULATION**

<b><u>INCOME</u></b>	
Earned Income	\$00.00
Less 20%	<u>-\$00.00</u>
<b>Total</b>	<u>00.00</u>
Plus Pension	+\$909.00
Plus UCB	<u>+743.90</u>
<b>Gross Income</b>	<b>\$1,652.90</b>
Less standard deduction	<u>-\$167.00</u>
<b>Adjusted gross income</b>	<b>\$1,652.90</b>
<b><u>SHELTER COSTS</u></b>	
Rent	\$1,250.00
SUA	<u>+\$736.00</u>
<b>Total shelter costs</b>	<b>\$1,986.00</b>
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1,986.00
Less 50% of adjusted gross income	<u>-\$826.45</u>
<b>Total shelter hardship</b>	<b>\$1,159.55</b> <small>(Can not exceed \$586 unless elderly or disabled)</small>
<b><u>ADJUSTED NET INCOME</u></b>	
Adjusted gross income	\$1,652.90
Less shelter hardship	<u>-\$586.00</u>
<b>Net Adjusted Income (NAI)</b>	<b>\$1,066.90</b>
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for # Person/s	\$204.00
Less 30% of NAI	<u>-\$321.00</u>
	\$00.00
<b>SNAP award</b>	<b>\$16.00</b>

**DECISION**

The Appellant's appeal is denied.



---

Lisa A. Nyren  
Fair Hearing Officer

CC: Rachel Anderson, DSS RO 20  
Cheryl Stuart, DSS RO 20  
Lisa Wells, DSS RO 20  
Rebecca Shah, DSS RO 20

### **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.