

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 ID # ██████████
CL ID # ██████████
Request # 170409

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

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

On ██████████ 2021, the Appellant requested an administrative hearing because she disagrees with the discontinuance of her SNAP benefits.

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 telephonically. The following individuals were present at the hearing:

██████████, Appellant
Jeff Fincher, Department's Representative
Dara Rivera, Interpreter, Interpreter and Translators, Inc.
Scott Zuckerman, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant's SNAP benefits.

FINDINGS OF FACT

1. The Appellant received SNAP benefits for a household of five, including herself, [REDACTED] and their three children. (Hearing Summary, Exhibit 3: W-1ERS, [REDACTED]/2020)
2. There are no elderly or disabled household members. (Appellant's testimony, Exhibit 3)
3. On [REDACTED] 2020, the Department received the Appellant's W-1ERS, Notice of Renewal of Eligibility. (Exhibit 3: W-1ERS, [REDACTED]/2020)
4. [REDACTED] is employed by the [REDACTED]. His gross bi-weekly earnings were as follows: [REDACTED]/2020: \$1675.61 and [REDACTED]/2020: \$1844.37. (Hearing Summary, Appellant's testimony, and Exhibit 1: Earnings Statements, Exhibit 3: W-1ERS, [REDACTED]/2020)
5. The Appellant has a rental obligation of \$689.00 monthly at the time of the renewal. (Appellant's testimony, Hearing Summary, Ex. 3: W-1ERS, [REDACTED]/2020)
6. The Appellant receives the Standard Utility Allowance ("SUA"). (Hearing Record)
7. On [REDACTED] 2020, the Department mailed the Appellant a Notice of Action discontinuing the Appellant's SNAP benefits. The notice stated the amount of countable income is higher than the maximum SNAP benefit for her household size. (Exhibit: 4: Notice of Action, [REDACTED]/2020)
8. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached and the household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2021. Therefore, this decision is due not later than [REDACTED] 2021, and is therefore timely. (Hearing Record)

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 CFR § 273.10(c)(1)(ii) provides for converting income into monthly amounts and states in part that: 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.
3. Title 7 CFR § 273.10(c)(2)(i) provides that 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.
4. 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)).
5. "For past months the Department uses the exact amount of the unit's available income received or deemed in the month." Uniform Policy Manual ("UPM") § 5025.05(A)(1)
Or

UPM § 5025.05(B)(2) provides that if income is received on other than a monthly basis, the estimate of income is calculated by multiplying 4.3 by a representative weekly amount that is determined as follows: if income is the same each week, the regular weekly income is the representative weekly amount; if income varies from week to week, a representative period of at least four consecutive weeks is averaged to determine the representative weekly amount.

The Department correctly determined the Appellant's gross monthly earned income from the [REDACTED] was \$3,783.98 ($\$1,675.61 + \$1,844.37 = \$3,519.98 / 2 = \$1759.99 \times 2.15 = \$3,783.98$).

6. Title 7 C.F.R. § 273.9(d)(1)&(2) provides for standard deductions and earned income deductions.

UPM § 5045.15 provides that the amount of applied income upon which the level of SNAP benefits is based is calculated in the following way:

- A. The monthly net earned income amount is calculated by reducing monthly earnings by:

1. the actual amount of self-employment expenses, if applicable; and
 2. any earned income deductions approved by the Social Security Administration in regards to individual self-support plans (Cross reference: 5035.15); and
 3. a deduction of 20% of the gross earnings for personal employment expenses.
- B. The monthly net earned income is added to the monthly gross unearned income amount and the total of the income deemed to the unit.
- C. 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 \$212.00 per month, effective 10-1-20
 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. a 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")
- D. The remaining amount after the disregards and deductions are subtracted is the amount of the unit's applied income.

The Department correctly applied the 20% earned income deduction to the Appellant's earnings of \$3783.98 for an adjusted earned income of \$3027.18 (\$3140.46 gross earnings - \$756.79 [20% of gross] = \$3027.18).

The Department correctly applied the \$212.00 standard deduction to the adjusted earned income of \$3027.18 and determined the Appellant's household adjusted gross income of \$2815.18 (\$3027.18 - \$212.00)

7. Title 7 C.F.R. § 273.9(d)(6)(ii) provides for an excess shelter deduction.

UPM § 5035.15(F)(1) provides for the calculation of the shelter hardship for the SNAP and states in part that the amount of shelter expenses which exceeds 50% of that portion of the assistance unit's income which remains after all other deductions have been subtracted is allowed as an additional deduction. Shelter expenses are limited to the following:

- a. rent, mortgage payments, and any continuing charges leading to ownership of the property occupied by the assistance unit excluding any portions allowed as self-employment deductions in multiple-family dwellings;
- b. taxes, state and local assessments, and insurance on real property;
- c. the entire amount paid as a condominium fee;

8. Title 7 C.F.R. § 273.9(d)(6)(iii) provides for the standard utility allowances.

UPM § 5035.15(F)(6) provides that a standard utility allowance determined annually by the agency to reflect changes in utility costs is used to represent the total monthly utility expenses of the assistance unit if:

- a. the assistance unit incurs heating fuel or cooling costs separately from rent or mortgage payments; and
- b. the bill is established on the basis of individualized metering of service to the unit; or
- c. the costs are paid:
 - (1) totally or partially by the unit; or
 - (2) partially from a federal means-tested energy program directly to the service provider or to the recipient when these payments are less than the unit's total monthly heating or cooling costs; or
 - (3) totally by CEAP regardless of whether the payment is made to the unit or directly to the service provider.

9. Title 7 C.F.R. § 273.9(d)(6)(iii)(B) requires states to review the cost of heating and cooling homes and to update the standard utility allowance based on such costs.

10. Title 7 CFR § 271.2 provides for the maximum shelter deduction.

“For those units, which do not have any members who are elderly or disabled, a maximum shelter hardship deduction, which is established by the USDA, is allowed. The maximum shelter hardship is revised annually effective October 1.” (Maximum

effective October 2020 is \$586.00) UPM § 5035.15 (F)(10)

The Department correctly determined the Appellant's shelter costs were \$1425.00 (\$689.00 rent + \$736.00 SUA).

The Department correctly determined the Appellant's shelter hardship was \$17.41 (\$1425.00 shelter costs - \$1407.59, fifty percent of adjusted gross income).

The Department correctly determined the Appellant's applied income was \$2797.78 (\$2815.18 adjusted gross income - \$17.41 shelter hardship)

11. Title 7 C.F.R. § 273.10(e)(2)(ii)(A)(1) provides for the monthly SNAP benefit calculation.

UPM § 6005(C) provides that in the SNAP, the amount of benefits is calculated by: (1) multiplying the assistance unit's applied income by 30%; and (2) rounding the product up to the next whole dollar if it ends in 1-99 cents; and (3) subtracting the rounded product from the Food Stamp standard of assistance for the appropriate unit size.

The Department correctly determined that the Appellant's 30% net adjusted income was \$840.00 (\$2797.78 applied income x 30% = \$840.00).

12. Title 7 CFR S 273.9 (a) provides for income eligibility standards and states that 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.

The Department correctly determined that the Appellant's household must pass the gross income and net (applied) income tests because there are no elderly or disabled household members.

13. Under expanded eligibility, the SNAP gross income limit equals 185 percent of the federal poverty level, (FPL).
14. Effective [REDACTED] 2020, the FPL for a household of five equals \$30,680 / 12 months = \$2557.00 (Federal Register: [REDACTED] 2020 [Volume 85, Number 12]).
15. The gross income limit for an assistance unit of five persons in [REDACTED] 2020 is \$4730.00 (185% FPL).

16. The net (applied) income limit for an assistance unit of five persons in [REDACTED] 2020 is \$2557.00 (100% FPL).

17. The Appellant's SNAP benefits are computed as follows:

<u>SNAP BENEFIT CALCULATION</u>	
<u>INCOME</u>	
Earned Income	\$3783.98
Less 20%	\$756.79
Net Earned Income	\$3027.18
Total Countable Income	\$3027.18
Less standard deduction	\$212.00
Adjusted gross income	\$2815.18
<u>SHELTER COSTS</u>	
Rent	\$689.00
SUA	+\$736.00
Total shelter costs	\$1411.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1425.00
Less 50% of adjusted gross income	-\$1407.59
Total shelter hardship	\$17.41 (Cannot exceed \$586 unless elderly or disabled)
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$2815.18
Less shelter hardship	-\$17.41
Net Adjusted Income (NAI)	\$2797.78
Net Income Limit for 5	\$2557.00
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for three people	\$807.00
Less 30% of NAI	-\$840.00
SNAP award	\$0.00

The Department correctly discontinued the Appellant's SNAP benefits because the household's monthly net (applied) income of \$2797.78 exceeds the SNAP net income limit of \$2557.00 for an assistance unit of five persons.

DECISION

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

Scott Zuckerman
Hearing Officer

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.