



## **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's calculation of the Appellant's benefits under the SNAP beginning [REDACTED] 2021 is correct.

## **FINDINGS OF FACT**

1. The Appellant receives SNAP benefits for herself. (Appellant's Testimony)
2. The Appellant is age [REDACTED] (Appellant's Testimony)
3. The Appellant receives Social Security disability ("SSDI") benefits of \$513.00 per month. (Stipulated)
4. The Appellant receives Supplemental Security Income ("SSI") benefits of \$301.00 per month. (Stipulated)
5. On [REDACTED] 2021, the Appellant moved to a homeless shelter after being evicted from her former residence on [REDACTED] 2021. (Appellant's Testimony)
6. The Appellant does not incur shelter expenses as a resident of a homeless shelter. (Appellant's Testimony)
7. The Appellant incurs out of pocket medical expenses less than \$35.00 per month. (Appellant's Testimony)
8. The Appellant has medical coverage under Medicare and the Qualified Beneficiary Program ("QMB") where the Department pays the monthly Medicare Part B premium and associated deductibles and co-pays. (Appellant's Testimony)
9. On [REDACTED] 2021, the Appellant reported to the Department that she moved to the homeless shelter after being evicted. (Appellant's Testimony)
10. The Department recoups \$20 per month from the Appellant's monthly SNAP allotment to pay back a prior overpayment in benefits. (Hearing Record)
11. On [REDACTED] 2021, the Department determined the Appellant eligible for \$19.00 per month under the SNAP effective [REDACTED] 2021 and issued a NOA. (Exhibit 4: Notice of Action, Exhibit 1: Federal SNAP – Income Test and Exhibit 2: SNAP Calculation)

12. 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] 2021. However, the hearing, which was originally scheduled for [REDACTED] [REDACTED] 2021, was rescheduled for [REDACTED] [REDACTED] 2021, at the request of the Appellant, which caused a [REDACTED]-day delay. Because this [REDACTED]-day delay resulted from the Appellant's request, this decision is not due until [REDACTED] [REDACTED] 2021, and therefore timely.

### **CONCLUSIONS OF LAW**

1. Connecticut General Statute § 17b-2(7) 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. Title 7 of the Code of Federal Regulations ("CFR") § 273.1(a)(2) 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 with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others.
3. The Department correctly determined a household of one, the Appellant.
4. *"Definition of Income.* 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)

Federal regulation provides as follows:

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.

7 CFR § 273.9(b)(2)(i)

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 CFR § 273.9(b)(2)(ii)

5. The Department correctly included the Appellant's SSI benefits when calculating the Appellant's SNAP allotment.
6. The Department correctly included the Appellant's SSDI benefits when calculating the Appellant's SNAP allotment.
7. Federal regulation provides as follows:

*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 CFR § 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 CFR § 273.10(c)(2)(i)

8. The Department correctly determined the Appellant's SSDI income as \$513.00 per month.
9. The Department correctly determined the Appellant's SSI income as \$301.00 per month.
10. The Department correctly determined the Appellant's monthly gross income as \$814.00. (\$513.00 SSDI + \$301.00 SSI = \$814.00)
11. Federal regulations provide as follows:

*Income deductions.* Deductions shall be allowed only for the following household expenses:

*Standard deduction-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 sized one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established in paragraph (a)(2) of this section rounded to the nearest whole dollar. For household sized greater than six, the standard deduction shall be equal to the standard deduction for a six-person household. 7 CFR § 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) 2019 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)

*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. Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction.

7 CFR § 273.9(d)(3)

*Shelter costs-Homeless shelter deduction.* A State agency may provide a standard homeless shelter deduction of \$143 a month to households in which all members are homeless individuals but are not receiving free shelter throughout the month. The deduction must be subtracted from net income in determining eligibility and allotments for the households. The State agency may make a household with extremely low shelter costs ineligible for the deduction. A household receiving the homeless shelter deduction cannot have its shelter expenses considered under paragraphs (d)(6)(ii) or (d)(6)(iii) of this section. However, a homeless household may choose to claim actual costs under paragraph (d)(6)(ii) of this section instead of the homeless shelter deduction if actual costs are higher and verified. A State agency that chooses to provide a homeless household shelter deduction must specify in its State plan of operation that it has selected this option.

7 C.F.R. § 273.9(d)(6)(i)

12. The Department correctly determined the Appellant entitled to the standard deduction of \$167.00 per month.
13. The Department correctly excluded a medical expense deduction as the Appellant reported the out of pocket medical costs under \$35.00 per month at the administrative hearing.
14. The Department correctly determined the Appellant's shelter costs as \$00.00 as the Appellant reported no out of pocket shelter expenses while a resident of the homeless shelter.
15. 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 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
- I. 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.

7 CFR § 273.10(e)(1)(i)

- 16. "In calculating net monthly income, the State agency shall use one of the following two procedures: Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents." 7 CFR § 273.10(e)(1)(ii)(A)

- 17. 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 CFR § 273.10(e)(2)(ii)(A)(1)

18. 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 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 CFR § 273.10(e)(4)(i)

Effective October 1, 2020 through September 30, 2021 the maximum SNAP allotment for the 48 States & District of Columbia for a household one is \$204.00. (United States Department of Agriculture, Food and Nutrition Services, Fiscal Year (FY) 2019 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)

The Consolidated Appropriations Act of 2021 and the American Rescue Plan Act of 2021 provides as follows: Effective January 1, 2021 through September 30, 2021 the maximum SNAP allotment for the 48 States and D.C. for a household of one is \$234.00. (United States Department of Agriculture, Food and Nutrition Service, Extension of Temporary Increase in Maximum Allotments due to COVID-19 Memorandum, March 12, 2021)

19. Federal regulation provides in pertinent part:




*Collection methods-Allotment reduction.* The following is our allotment reduction policy: As a State agency, you must automatically collect payments for any claim by reducing the amount of monthly benefits that a household receives. 7 C.F.R. § 273.18(g)(1)

20. Beginning [REDACTED] 2021, the Department correctly calculated the Appellant's monthly SNAP benefit as \$19.00. Refer to calculation below.

<b>INCOME</b>	
Earned Income	\$00.00
Less 20%	<u>-\$00.00</u>
<b>Total</b>	\$00.00
Plus Unearned Income	<u>+\$814.00</u>
<b>Total Income</b>	\$814.00
Less standard deduction	<u>-\$167.00</u>
<b>Adjusted gross income</b>	\$647.00
<b><u>SHELTER COSTS</u></b>	
Rent	\$00.00
Standard utility allowance	<u>+\$00.00</u>
<b>Total shelter costs</b>	\$00.00
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$00.00
Less 50% of adjusted gross income	<u>-\$323.50</u>
<b>Total shelter hardship</b>	\$00.00
<b><u>ADJUSTED NET INCOME</u></b>	
Adjusted gross income	\$647.00
Less shelter hardship	<u>-\$00.00</u>
<b>Net Adjusted Income (NAI)</b>	\$647.00
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 1 Person- Max allotment	\$234.00
Less 30% of NAI (647 x 30% = 194.1)	<u>-\$195.00</u>
<b>SNAP allotment</b>	\$39.00
<b>Minus recoupment</b>	<u>-\$20.00</u>
<b>Net SNAP allotment</b>	\$19.00

**DECISION**

The Appellant's appeal is denied.

A handwritten signature in cursive script that reads "Lisa A. Nyren".

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Lisa A. Nyren  
Fair Hearing Officer

CC: Brian Sexton RO #50  
Christopher Filek RO #50

### **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.