

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 # ██████████
Client No # ██████████
Request # 175220

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services - (“the Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) discontinuing the Supplemental Nutritional Assistance Program (SNAP) benefit.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the discontinuance of the 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, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals were present at the hearing:

██████████ Appellant
Ferris Clare, Department’s Representative,
Almelinda McLeod, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the SNAP benefit amount due to excess income.

FINDINGS OF FACT

1. On [REDACTED] 2020, the Appellant was released from prison after an [REDACTED]-year sentence. (Appellant's testimony)
2. The Appellant was eligible for \$234.00 SNAP benefits until [REDACTED] 2021. (Hearing summary)
3. The Appellant is a single adult [REDACTED] years old and resides with his parents. The Appellant is a household of one. (Hearing summary)
4. The Appellant does not have a rental obligation. (Hearing record)
5. The Appellant does not have children therefore does not have child support or childcare obligation. (Hearing record)
6. Although the Appellant has some issues with PTSD and some physical ailments, that requires physical and mental therapy, it does not affect the Appellants ability to work. The Appellant is not disabled. (Hearing record and Appellant testimony)
7. On [REDACTED] 2021, the Appellant reported his employment with [REDACTED] to the Department and submitted two bi-weekly paystubs:

[REDACTED] 2021	\$ 1191.18
[REDACTED] 2021	\$1127.43

 (Hearing summary and Appellant testimony)
8. The Appellant earns \$12.00 per hour for 30 to 35 hours per week. The paystubs reflect over-time hours of 50 to 53 hours per week. He will typically work over-time hours. (Appellant's testimony)
9. On [REDACTED] 2021, the Department updated the Appellant's record to show the new income and determined the Appellant's income exceeded the SNAP income limit for a household of one. (Hearing summary)
10. The gross income standard (185% FPL) for the SNAP program for one person is \$1968.00. (Hearing record)
11. On [REDACTED] 2021, the Department issued a NOA to the Appellant notifying the Appellant that the SNAP benefit would close effective [REDACTED] 2021

because “the monthly gross income of your household is more than the limit for this program.” (Exhibit 1, NOA)

12. The Appellant was recently released from prison after serving an [REDACTED] year sentence from the age of [REDACTED] and as a result, he has certain limitations. He just recently obtained this job, which was hard because of his prior conviction. The Appellant is working very hard to become independent from the state public assistance but feels he needs more time. (Appellant’s testimony)
13. 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 a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2021 therefore, this decision is due no later than [REDACTED] 2021.

CONCLUSIONS OF LAW

1. Section 17b-2 (7) of the Connecticut General Statutes, provides 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 CFR § 273. 1(a) provides for the general household definition which states, in part, that a household is composed of one of the following individuals or groups of individuals: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) a group of individuals who live together and customarily purchase food and prepare meal together for home consumption.

The Department correctly determined this is a household of one.

3. Title 7 of the CFR § 273.9 (a) provides 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 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)).

4. Title 7 of the CFR § 273.2 (j) (2) (E) (ii) provides 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 Stamp Act: (A) 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.
5. Title 7 of the CFR §273.9 (a) (3) the income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.
6. UPM § P-5520.36 provides that the Department policy provides for the gross income limit for SNAP under expanded categorical eligibility as 185% of the Federal Poverty Level ("FPL").

The Department correctly determined the Appellant must meet the Federal income poverty level. As of ██████████ 2020, the gross income limit for the SNAP program at 185% FPL is \$1968.00 for a household of one.

7. Title 7 of the CFR §273.9 (b) provides the definition of income. Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.
8. Title 7 of the 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.

The Department correctly determined the Appellants bi-weekly wages is earned income.

The Department correctly determined that the Appellant's earned income must be counted in the SNAP calculation.

The Department correctly determined the Appellant's earned income was \$2,492.51. [$\$1,191.18 + \$1,127.43 = \$2,318.61$ divided by $2 = \$1,159.31$ multiplied by $2.15 = \$2,492.51$]

9. Title 7 CFR § 273.9 (d) (2) pertains to the earned income deduction. Twenty percent of gross earned income as defined in paragraph (b) (1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in paragraph (c) (17) of this section.
- 10. The Department correctly determined 20% of the Appellant's earned income ("EI") was \$498.51. [$\$2,492.51 \text{ EI} \times 20\% = \498.51]**
- 11. The Department correctly determined the Appellant's adjusted earned income ("AEI") as \$1,994.00. [$\$2,498.51 \text{ EI} - \$498.51 (20\%) = \$1,994.00 \text{ AEI}$]**
12. Title 7 CFR § 273.9 (d) (1) (i) pertains to a **standard deduction** in 48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands and provides, in part, 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.
13. The United States Department of Agriculture Food and Nutrition Services issued guidance pertaining to the changes to the Standard deductions. See www.fns.usda.gov/snap/allotment/COLA.
- 14. Effective [REDACTED] 2020, through to [REDACTED] 2021, the standard deduction for a household of one is 167.00. The Department correctly applied the \$167.00 standard deduction to the total income.**

The Department correctly determined the Appellant's adjusted gross income as \$1,827.00. [$\$1,194.00 \text{ AEI} - \$167.00 \text{ standard deduction}$].

15. Title 7 CFR § 273.9 (d) (3) pertains to **allowable medical expenses** and provides 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 § 271.20. 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. Allowable medical costs are: medical and dental care, hospitalization or outpatient treatment, nursing care, nursing home care, prescription drugs and other over-the-counter medication, medical supplies and equipment, insurance policy premiums, Medicare premiums, dentures, hearing aids, prosthetics, securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills, eyeglasses, reasonable cost of transportation and lodging to obtain medical treatment or services, homemaker, home health aide or childcare services, housekeeper, necessary due to age, infirmity or illness.

16. Title 7 CFR §271.2 (1) through (11) provides the definition of elderly and/or disabled and provides, in part... that a household member is either 60 years or older, and/or receives SSI, state supplement, SAGA, disability retirement, a veteran, surviving spouse or child of a veteran considered by the VA to be entitled to compensation for a service-connected death or pension benefits, 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 is an interim recipient based on pending Supplemented Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act.
- 17.7 C.F.R. § 273.9 (d) (4) (5) pertains to **Dependent care and child support** and provides that 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) and 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.
18. **The Appellant is neither elderly nor disabled as defined in Title 7 §271.2; therefore, the medical deduction does not apply.**
19. **The Appellant does not have children; therefore, the dependent care or child support deduction do not apply.**

20. Title 7 CFR § 273.9 (d) (6) (ii) provides, in part, for excess shelter deduction. Monthly shelter 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.

(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 SNAP 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.

21. 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 (“SUA”) based on such costs.

22. Title 7 CFR 273.9(d) (6) (iii) pertains to the **standard utility allowance** and provides, in part,

(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.

(B) The State agency must review the standards annually and make adjustments to reflect changes in costs, rounded to the nearest whole dollar.

(C) 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).

(D) At initial certification, recertification, and when a household moves, the household may choose between a standard or verified actual utility costs for any allowable expense identified in paragraph (d)(6)(ii)(C) of this section (except the telephone standard), unless the State agency has opted, with FNS approval, to mandate use of a standard. The State agency may require use of the telephone standard for the cost of basic telephone service even if actual costs are higher. Households certified for 24 months may also choose to switch between a standard and actual costs at the time of the mandatory interim contact required by §273.10(f)(1)(i) if the State agency has not mandated use of the standard.

(E) A State agency may mandate use of standard utility allowances for all households with qualifying expenses if the State has developed one or more standards that include the costs of heating and cooling and one or more standards that do not include the costs of heating and cooling, the standards will not result in increased program costs, and FNS approves the standard.

(F) If a household lives with and shares heating or cooling expenses with another individual, another household, or both, the State agency shall not

prorate the standard for such households if the State agency mandates use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. The State agency may not prorate the SUA if all the individuals who share utility expenses but are not in the SNAP household are excluded from the household only because they are ineligible.

Effective [REDACTED] 2020, the Standard Utility Allowance (“SUA”) was \$736.00. The Department correctly applied the SUA towards the SNAP benefit.

23. UPM § 5035.15 (F) (10) provides that for those units, which do not have any members who are elderly or disabled, a maximum shelter hardship is revised annually effective October 1. The Maximum Shelter hardship effective October 2018 is \$552.00.

24. The Hearing record shows the Appellant resides with his parents presently and does not have rental nor shelter expenses.

Since the Appellant did not have a rental obligation, the Department correctly determined the Appellant’s shelter costs was \$0.00.

Since the Appellant did not have shelter obligations, the Department correctly determined the shelter hardship was \$0.00.

25. Title 7 CFR 273.10 (e) (2) (ii) (A) (1) provides for the monthly SNAP benefit calculation. 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 the 30 percent of net income up to the nearest higher dollar.

The Department correctly determined that 30% of the Appellant’s net adjusted income (“NAI”) of \$1,827.00, rounded up, was \$549.00. (\$1,827.00 x 30%= \$548.10)

26. UPM§ 4535.10(A)(2) provides “The Thrifty Food Plan standards vary according to the size of the assistance units and are uniform statewide for assistance unit of equal size”.

27. UPM § 4535.10(B) provides “The standard of assistance for a qualified assistance unit with no applied income is the Thrifty Food Plan amount for the appropriate assistance unit size as established by the USDA. The Thrifty Food Plan amounts are revised annually effective October 1.”

28. 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, Memorandum SNAP – Fiscal Year 2021 Cost-of-Living Adjustments, July 29, 2020)
29. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes to the Cost of Living Adjustment (COLA) Information (see: www.fns.usda.gov/snap/allotment/COLA): “The Consolidated Appropriations Act, 2021, signed by President Donald J. Trump on December 27, 2020, increases Supplemental Nutrition Assistance Program (SNAP) benefits by raising maximum allotments to 115 percent of the June 2020 value of the Thrifty Food Plan (TFP).”
30. Effective ██████████ 2021, through to ██████████ 2021, the SNAP allotment for FY 2021 for a household of one is \$234.00.
31. The Appellant’s SNAP benefits are computed as follows:

SNAP BENEFIT CALCULATION

INCOME	
Earned Income	\$2,492.51
Less 20%	-\$498.51
Total	\$1,994.00
Plus, Unearned Income	+\$0.00
Total	\$1,994.00
Less standard deduction	-\$167.00
Adjusted gross income	\$1,827.00
<u>SHELTER COSTS</u>	
Rent	\$0.00
SUA	+\$0.00
Total shelter costs	\$0.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$0.00
Less 50% of adjusted gross income	-\$913.50
	\$0.00
Total shelter hardship	\$0.00
	(Cannot exceed \$586 unless elderly or disabled)
<u>ADJUSTED NET INCOME</u>	

Adjusted gross income	\$1,827.00
Less shelter hardship	-\$0.00
Net Adjusted Income (NAI)	\$1,827.00
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for # Person/s	\$234.00
Less 30% of NAI	-\$549.00
SNAP benefit amount	\$0.00

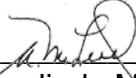
32. The Department correctly calculated the Appellant's SNAP benefit amount as \$ 0.00 effective [REDACTED] 2021 based on a household of one.
33. The Department correctly discontinued the Appellant's monthly SNAP benefit due to excess income.

DISCUSSION

The Appellant's testimony regarding difficulties of adapting and complying with computer limitations set by his parole board after an [REDACTED] year prison sentence is compelling. In trying to gain independence, the Appellant is working the over-time hours. In reporting the income, the Appellant lost his SNAP due to excess income. At the time the Appellant reported the change, he had no expenses that could potentially help him in the calculation of the SNAP. The Appellant is encouraged to re-apply for SNAP benefits when there is a change in his income or responsibility for living expenses.

DECISION

The Appellant's appeal is DENIED.



 Almelinda McLeod
 Hearing Officer

CC: Rachel Anderson, Cheryl Stuart, Lisa Wells, SSOM New Haven
 Ferris Clare, Fair Hearing Liaison, New Haven

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 Legal Counsel, Regulations, and Administrative Hearings, 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, 55 Elm Street, 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 his 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.