

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

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) discontinuing her Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2021.

On ██████████, 2021, the Appellant requested an administrative hearing to contest the Department’s 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 May 12, 2021.

On ██████████, 2021, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone.

The following individuals participated in the hearing:

██████████, Appellant
Debra James, Department's Representative
Sara Hart, Hearing Officer

The hearing record remained open in order for the Department to submit additional evidence. The Department submitted additional evidence with no response from the Appellant and the hearing record closed on ██████████, 2021.

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. On ██████████, 2020, the Appellant married ██████████ (*Appellant's Testimony*)
2. On ██████████, 2021, the Appellant submitted an online application for SNAP benefits for a household of two, including the Appellant, age ██████ (DOB ██████████), and her spouse, age ██████ (DOB ██████████). (*Exhibit 7: Online Application*)
3. In ██████████ 2021, the Department issued separate SNAP benefits to the Appellant and her spouse as individual household sizes of one. (*Department's Testimony*)
4. The Appellant receives Social Security of \$1585.00 per month. The Appellant's spouse receives Social Security of \$1606.00 per month. (*Appellant's Testimony*)
5. The Department calculated the Appellant's total household monthly income as \$3191.00 (\$1585.00 + 1606.00). (*Department's Testimony*)
6. The Appellant is responsible to pay \$935 per month for rent. (*Exhibit 7, Appellant's Testimony*)
7. The household has recurring monthly medical expenses. The Appellant did not report medical expenses to the Department and there are no medical expenses noted on her ██████████ 2021 SNAP application. (*Appellant's Testimony, Exhibit 7*)
8. The Appellant and her spouse are both active on the Medicare Savings Program, effective ██████████ 2021. (*Exhibit 12: NOA ██████████*)

9. On [REDACTED], 2021 the Department issued the Appellant a NOA discontinuing her SNAP benefits, effective [REDACTED] 2021 because her net income and assets exceeded the limits. (*Exhibit 11: NOA [REDACTED]*)
10. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations (“C.F.R”) § 273.15 (c) (1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency is notified of the decision. 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 that the Department of Social Services is designated as the state agency for the administration of the SNAP program pursuant to the Food and Nutrition Act of 2008.
2. “The department’s uniform policy manual (“UPM”) is the equivalent of 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)).
3. Title 7 C.F.R. § 273.1(b)(1)(i) provides for required household composition. The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.
 - i. Spouses

The Department correctly included the Appellant’s spouse and determined a household size of two, effective [REDACTED] 2021.

4. Title 7 C.F.R. § 271.2 states that *Elderly or disabled member* means a member of a household who: (1) Is 60 years of age or older;

The Department correctly determined that both household members meet the definition of elderly for purposes of SNAP eligibility.

5. Title 7 C.F.R. § 273.9(b)(2)(ii) provides in part that unearned income shall include, but not 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.

UPM § 5050.13(A)(1)(6) provides that SSA income received by members of a Food Stamp assistance unit is treated as unearned income in all programs and is counted in the determination and calculation of benefits for the entire unit.

The Department correctly considered the household's Social Security of \$3191 per month as unearned income in the determination of eligibility for SNAP benefits.

6. Title 7 C.F.R. § 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 that 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 levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

Title 7 C.F.R. § 273.9(a)(1)(i) provides in part that the federal gross income eligibility standard for the SNAP shall be 130 percent of the Federal income poverty levels.

Title 7 C.F.R. § 273.9(a)(2)(i) provides in part that the net income eligibility standards shall be the Federal income poverty levels.

Effective January 13, 2021, the FPL for a household of two equals \$17420/12 months = \$1437.00 (*Federal Register: January 13, 2021 [Vol. 85, No. 19, pg. 7732-7733]*)

The Department correctly determined that the Appellant's household must meet the net income eligibility standard and that the net income eligibility standard for a household of two in ██████████ 2021 was \$1437.00

7. UPM § 5520.40 provides that income eligibility for the SNAP program is determined either through the use of FS gross and applied income tests or through meeting the eligibility requirements for TFA (including diversion assistance), AFDC, AABD, GA, SAGA, refugee assistance or SSI.
 - A. Gross Income Eligibility Test
 1. The Gross Income Eligibility test is used for all units except those which:
 - a. include one or more persons who are elderly or disabled; or
 - b. are categorically eligible for FS benefits.
 2. When the Gross Income Test is used, the assistance unit's gross monthly income is compared to a limit which is equal to 130% of the

Food Stamp Applied Income Limit (FSAIL) for the number of persons in the needs group:

- a. If the unit's total gross income exceeds the standard, the unit is not eligible for Food Stamps benefits.
- b. If the unit's gross income equals or is less than the limit, the unit's applied income is then subjected to the Applied Income Test

B. Applied Income Eligibility Test

1. Income eligibility is determined on the basis of the assistance unit's total monthly applied income:
 - a. including those units which are not subjected to the Gross Income Eligibility Test; and
 - b. excluding those units which are considered categorically eligible for FS benefits.
2. The unit's total monthly applied income is compared to an amount equivalent to the Food Stamp Applied Income Limit for the respective unit size:
 - a. If the total applied income exceeds the FSAIL, the unit is not eligible for Food Stamps benefits;
 - b. If the total applied income equals or is less than the FSAIL, the unit is eligible.

C. Categorical Eligibility Test

Those assistance units which qualify as categorically eligible are not subjected to gross or applied income eligibility tests.

The Department correctly determined that the Appellant's household is not subject to the SNAP Gross Income Eligibility Test because the household contains elderly members. The Department correctly determined that the Appellant's household is subject to the Applied Income Eligibility Test.

8. Title 7 C.F.R. § 273.2(j)(2)(i) provides for categorical eligibility and states the following households are categorically eligible for SNAP benefits unless the entire household is institutionalized as defined in §273.1(e) or disqualified for any reason from receiving SNAP benefits.

(A) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive cash through a PA program funded in full or in part with Federal money under Title IV-A or with State money counted for maintenance of effort (MOE) purposes under Title IV-A;

(B) 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 benefits or services from a program that is more 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 forward purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193.

(C) 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 benefits or services from a program that is more 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 three and four of the TANF block grant, as set forth in Section 401 of P.L. 104-193, and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.

(D) Any household in which all members receive or are authorized to receive SSI benefits, except that residents of public institutions who apply jointly for SSI and SNAP benefits prior to their release from the institution in accordance with §273.11(i), are not categorically eligible upon a finding by SSA of potential SSI eligibility prior to such release. The State agency must consider the individuals categorically eligible at such time as SSA makes a final SSI eligibility and the institution has released the individual.

(E) Any household in which all members receive or are authorized to receive PA and/or SSI benefits in accordance with paragraphs (j)(2)(i)(A) through (j)(2)(i)(D) of this section.

The Department correctly determined that the Appellant is not categorically eligible and is required to meet the net income standards for SNAP benefits.

9. Title 7 C.F.R. § 273.9(d)(1) provides for the standard deduction.

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

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 \$167.00 per month; {effective October 1, 2019}
3. a deduction for unearned income to be used to fulfill a bonafide plan to achieve self-support (PASS); Cross- reference: 5035.15
4. the appropriate deduction for work- related dependent care expenses;
5. 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")

The remaining amount after the disregards and deductions are subtracted is the amount of the unit's applied income.

The Department correctly applied the \$167.00 standard deduction. The Appellant's adjusted gross income equals \$3024.00 (\$3191.00-\$167.00).

10. Title 7 C.F.R. § 273.9(d)(6)(iii) provides for the Standard Utility Allowance ("SUA"), which may, at State option, be used in place of the actual cost of utilities in determining a household's excess shelter deduction.

UPM § 5035.15(F)(6) provides in part 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.

The Appellant is entitled to the SUA, which is \$736.00 effective [REDACTED] 2019. The Appellant's shelter costs totaled \$1671.00 (\$935.00 rent + \$736.00 SUA).

11. Title 7 C.F.R. § 273.9(d)(6)(ii) provides for excess shelter deduction and states in part that the deduction equals the monthly shelter expenses in excess of 50 percent of the household's adjusted gross income.

Fifty percent of the household's adjusted gross income is \$1512.00 (\$3024 * .50). The household's excess shelter deduction is \$159.00 (\$1671.00-\$1512.00).

12. Title 7 C.F.R. § 273.10(e)(2)(i)(A) provides for the monthly SNAP benefit calculation and states that households which contain an elderly or disabled member as defined in §271.2, shall have their net income, as calculated in paragraph (e)(1) of this section (except for households considered destitute in accordance with paragraph (e)(3) of this section), compared to the monthly income eligibility standards defined in §273.9(a)(2) for the appropriate household size to determine eligibility for the month.

Title 7 C.F.R. § 273.10(e)(2)(ii)(A) provides 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: (1) The State agency shall round the 30 percent of net income up to the nearest higher dollar.

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 thirty percent of the Appellant's applied income equals \$859.50 (\$3024.00-\$159.00= \$2865.00*.30 = \$859.50).

Effective [REDACTED] 2021, the Appellant's SNAP benefits are computed as follows:

SNAP BENEFIT CALCULATION

<u>UNEARNED INCOME</u>	
Appellant SSDI	\$3191.00
Total	\$3191.00
Less standard deduction	\$167.00
Adjusted gross income	\$3024.00
<u>SHELTER COSTS</u>	
Rent	\$935.00
SUA	\$736.00
Total shelter costs	\$1,671
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1671.00
Less 50% of adjusted gross income	<u>\$1512.00</u>
Total shelter hardship	\$159 <small>(Cannot exceed \$569 unless elderly or disabled)</small>
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$3024.00
Less shelter hardship	<u>-\$159.00</u>
Net Adjusted Income (NAI)	\$2865.00
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 2 Persons	\$347.00
Less 30% of NAI	<u>-\$859.50</u>
SNAP award	\$0.00

The Department correctly discontinued the Appellant's SNAP effective [REDACTED], 2021 as her household's net adjusted income exceeds the Thrifty Food plan for a household of 2.

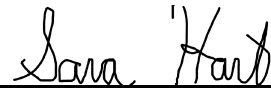
DISCUSSION

The Department was correct when it discontinued the Appellant's SNAP benefits because her net income of \$2856.00 exceeded the SNAP net income limit of \$1437.00 for a household of two.

During the hearing the Appellant reported additional medical expenses for herself and her spouse. These expenses were not previously reported to the Department. The Appellant has the right to reapply for SNAP benefits at any time and submit medical expenses for consideration in future eligibility determinations.

DECISION

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

A handwritten signature in black ink that reads "Sara Hart". The signature is written in a cursive style with a horizontal line underneath it.

Sara Hart
Hearing Officer

Cc: Rebecca Shah, Department Representative New Haven Regional Office
Debra James, Department Representative New Haven Regional Office
Rachel Anderson, Operations Manager New Haven Regional Office
Cheryl Stuart, Operations Manager New Haven Regional Office
Lisa Wells, Operations Manager New Haven Regional Office

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.