

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# ██████████  
REQUEST# ██████████

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) sent ██████████ ██████████ (the “Appellant”), a Notice of Action (“NOA”) denying his application for Supplemental Nutrition Assistance Program (“SNAP”) benefits due to excess income.

On ██████████ 2021, the Appellant requested an administrative hearing to contest the denial of his SNAP application due to excess income.

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 participated in the hearing:

Appellant’s Authorized Representative (“AREP”), ██████████  
Department’s Representative, Princess O’Reggio  
Hearing Officer, Joshua Couillard

The hearing record was held open an additional [REDACTED] days, until [REDACTED] 2021, to allow both parties to submit more information.

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department correctly denied the Appellant's SNAP application due to excess income.

### **FINDINGS OF FACT**

1. On [REDACTED] 2021, the Appellant submitted an Online Application for SNAP benefits for a household of two consisting of himself and his wife. (Exhibit 6: Online Application, Department's Testimony)
2. [REDACTED] is the Appellant's AREP. (Exhibit 6)
3. The Appellant is 88-years-old [DOB: [REDACTED] 1932]. The Appellant's spouse is 83-years-old [DOB: [REDACTED] 1937]. (Exhibit 6, AREP's Testimony)
4. The Appellant receives \$1,767 in Social Security Administration ("SSA") income per month. (Exhibit 2: Federal SNAP Income Test Page, AREP's Testimony)
5. The Appellant's spouse receives \$909.50 in SSA income per month. (Exhibit 2, AREP's Testimony)
6. The Appellant does not pay for any Child Support for any children living outside the home, or for any daycare expenses. (Exhibit 2, AREP's Testimony)
7. The household has out-of-pocket medical expenses totaling over \$35 per month, however, these expenses were not reported to the Department at the time of application. (AREP's Testimony, Exhibit 6, Exhibit A: [REDACTED], Exhibit B: Handwritten Medical Expense Report)
8. The Appellant and his wife own the condo they live in. They pay a total of \$1,209 per month in shelter expenses.

<b>Expense</b>	<b>Cost per Month</b>
Condo Association Fee	\$500
Homeowner's Insurance	\$250
Property Taxes	\$459
<b>Total</b>	<b>\$1,209</b>

(Exhibit 6, Exhibit 2, Hearing Record)

9. The Appellant pays for utilities. (Exhibit 6, AREP's Testimony)

10. On [REDACTED] 2021, the Department issued the Appellant a NOA denying his application for SNAP benefits due to excess income.
11. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 60 days of the request for an administrative hearing. The hearing request was received on [REDACTED], 2021. An additional [REDACTED] days were added to allow for both parties to submit further information; therefore, this decision is due no later than [REDACTED] 2021.

### **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. "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 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)
3. "*Authorized representatives.* Representatives may be authorized to act on behalf of a household in the application process, in obtaining SNAP benefits, and in using SNAP benefits." 7 C.F.R. § 273.2 (n)

**The Department correctly listed [REDACTED] as the Appellant's AREP.**

4. "*Elderly or disabled member* means a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act; (4) Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66; (5) Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act. (6) Is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code; (7) Is a veteran considered by the VA to be in

need of regular aid and attendance or permanently housebound under title 38 of the United States Code; (8) Is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States Code; (9) Is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under title 38 of the United States Code *and* has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; or (10) 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 section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act. (11) Is a recipient of interim assistance benefits pending the receipt of Supplemented Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State general assistance benefits *provided* that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the State agency which are at least as stringent as those used under title XVI of the Social Security Act (as set forth at 20 CFR part 416, subpart I, Determining Disability and Blindness as defined in Title XVI)." 7 C.F.R. § 271.2

**The Department correctly determined that both the Appellant and the Appellant's spouse are elderly.**

5. "Unearned income shall include, but not be limited to: (i) 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. (ii) 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)(i) & (ii)

**The Department correctly determined the household’s total gross unearned income in SSA payments is \$2,676.50 per month (\$1,767 + \$909.50 = \$2,676.50)**

6. “Income deductions. Deductions shall be allowed only for the following household expenses: (1) *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)
7. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes to the Standard Deductions (see: [www.fns.usda.gov/snap/allotment/COLA](http://www.fns.usda.gov/snap/allotment/COLA)):

“The following tables provide the monthly maximum allotment and allowable deductions for FY 2021 (effective October 1, 2020, through September 30, 2021).”

**Standard Deductions**

<b>Household Size</b>	<b>Standard Deduction Amount</b>
1	\$167
2	\$167
3	\$167
4	\$181
5	\$212
6+	\$243

**The Department correctly applied the \$167 Standard Deduction for the Appellant’s household size of two.**

8. “Deductions shall be allowed only for the following household expenses: (3) 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.  
  
(4) Dependent care. 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).

(5) 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.” 7 C.F.R. § 273.9 (d)(3), (4) & (5)

**The Department correctly determined that the Appellant does not have any allowable medical, dependent care or optional child support expenses as none were reported to the Department prior to the hearing.**

9. “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. ... 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.” 7 C.F.R. § 273.9 (d)(6)(ii)

**The Department correctly applied the Appellant’s \$1,290 monthly shelter expense.**

10. “*Standard utility allowances.* (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.” 7 C.F.R. § 273.9 (d)(6)(iii)

**The Department correctly applied the Standard Utility Allowance (“SUA”) of \$736.**

11. *“Calculating net income and benefit levels—(1) Net monthly income. (i) 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)...

(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). ...

(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. ...

(2) *Eligibility and benefits.* (ii)(A) 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

(B) If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month. ...

(iii) For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements of paragraph (a)(1) and the provision precluding issuances of less than \$10 in an initial month of paragraph (e)(2)(ii)(B)) of this section:

(A) The State agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued. ...

(4) Thrifty Food Plan (TFP) and Maximum SNAP Allotments.

(i) 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. ...

(ii) *Adjustment.* Effective October 1, 1996, the maximum SNAP allotments must be based on 100% of the cost of the TFP as defined in §271.2 of this chapter for the preceding June, rounded to the nearest lower dollar increment, except that on October 1, 1996, the allotments may not fall below those in effect on September 30, 1996." 7 C.F.R. § 273.10 (e)

**The Department correctly determined the Appellant's Adjusted Gross Income. Refer to SNAP Benefit Calculation below.**

12. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes of the Maximum Shelter Deductions (see: [www.fns.usda.gov/snap/allotment/COLA](http://www.fns.usda.gov/snap/allotment/COLA)):

"The following tables provide the monthly maximum allotment and allowable deductions for FY 2021 (effective October 1, 2020, through September 30, 2021)."



**Maximum Shelter Deductions**

<b>State/Territory</b>	<b>Amount</b>
48 States & District of Columbia	\$586

The Department correctly determined that the Appellant’s Shelter Hardship cost was \$690.25 [ $\$1,209 + \$736 = \$1,945 - \$1,254.75$  (50% of Adjusted Gross Income) = \$690.25].

The Department correctly determined that the Appellant’s Shelter Hardship can exceed the \$586 Maximum Deduction amount because the assistance unit has two members over 60-years-old.

The Department correctly determined the Appellant’s Net Adjusted Income. Refer to the SNAP Benefit Calculation below.

13. “Thrifty Food Plan (TFP) and Maximum SNAP Allotments. (i) 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).” C.F.R. § 273.10 (e)(4)(i)

14. 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](http://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). The following tables provide the monthly maximum allotment and allowable deductions for FY 2021 (effective January 1, 2021, through June 30, 2021).”

**Maximum SNAP Allotment**

<b>Household Size</b>	<b>Allotment</b>
1	\$234
2	\$430
3	\$616
4	\$782
5	\$929

6	\$1,114
7	\$1,232
8	\$1,408
Each Additional Person	\$176

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

**SNAP BENEFIT CALCULATION**

<u>INCOME</u>	
Earned Income	\$0.00
Total Unearned Income	\$2,676.50
Less Standard Deduction	-\$167.00
<b>Adjusted Gross Income</b>	\$2,509.50
<u>SHELTER COSTS</u>	
Rent/Mortgage	\$1,209
SUA	+\$736.00
Less 50% of Adjusted Gross Income	-\$1,254.75
<b>Total Shelter Hardship</b>	\$690.25 (Cannot exceed \$586 unless elderly or disabled)
<u>ADJUSTED NET INCOME</u>	
Adjusted Gross Income	\$2,509.50
Less Shelter Hardship	-\$690.25
<b>Net Adjusted Income (NAI)</b>	\$1,819.25
NAI x .30 =	\$545.78
30% of NAI (rounded up)	\$546
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 2 Persons	\$430
Less 30% of NAI	-\$546
<b>SNAP Award</b>	<b>\$0</b>

The Department correctly determined that 30% of the Appellant's Net Adjusted Income is greater than the \$430 Maximum SNAP Allotment for a household size of two.

The Department correctly denied the Appellant's application for SNAP benefits due to excess income.

16. *Denying the application.* Households that are found to be ineligible shall be sent a notice of denial as soon as possible but not later than 30 days following the date the application was filed.” C.F.R. § 273.2 (g)(3)

17. *Notice of denial.* If the application is denied, the State agency shall provide the household with written notice explaining the basis for the denial, the household's right to request a fair hearing, the telephone number of the SNAP office (a toll-free number or a number where collect calls will be accepted for households.” C.F.R. § 273.10 (g)(1)(ii)

**The Department correctly issued the Appellant a NOA on [REDACTED], 2021 denying the SNAP application due to excess income.**

**DECISION**

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

  
\_\_\_\_\_  
**Joshua Couillard**  
**Fair Hearing Officer**

**CC: Bridgeport Regional Office Manager, Yecenia Acosta  
Bridgeport Regional Office Manager, Tim Latifi  
Bridgeport Regional Office Manager, Robert Stewart  
Bridgeport Regional Office Fair Hearing Liaison, Princess O'Reggio**

### **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.