

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105

██████████ 2021
Signature confirmation

Case: ██████████
Client: ██████████
Request: 179893

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued a *Notice of Action* to ██████████ stating that her Supplemental Nutrition Assistance Program (“SNAP”) benefits would not be renewed effective ██████████ 2021.

On ██████████, 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received ██████████ (the “Appellant”) faxed request for an administrative hearing. The Appellant filed the administrative hearing request as an adult member of ██████████ SNAP household.

On ██████████, 2021, the OLCRAH scheduled 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, and Title 7, Section 273.15 of the Code of Federal Regulations, the OLCRAH held an administrative hearing. The following individuals participated:

██████████, Appellant
Sonia Martin, Department Representative
Eva Tar, Hearing Officer

The hearing record closed ██████████ 2021.

STATEMENT OF ISSUE

The issue is whether the Appellant's household is ineligible for SNAP benefits for the [REDACTED] 2021 service month.

FINDINGS OF FACT

1. The Appellant and [REDACTED] (the "wife") are married. (Appellant Testimony)
2. The Appellant and his wife reside in their home in [REDACTED], Connecticut; no other individuals live with the couple. (Appellant Testimony)
3. The Appellant's rent is \$1,950.00 per month, with heat included. (Appellant Testimony)
4. Electricity is not included in the rent. (Appellant Testimony)
5. [REDACTED] pays the Appellant \$15.00 per hour, eight hours per day, five days per week or \$1,200.00 per bi-weekly pay period. The Appellant gets additional pay when he works overtime. (Appellant Testimony) (Department Exhibit 1)
6. The Appellant's wife grosses \$924.00 per month in Social Security Disability Income (SSDI). (Department Exhibit 3) (Appellant Exhibit B)
7. The Appellant's most recent SNAP certification period ran from [REDACTED], 2020 through [REDACTED] 2021. (Department Exhibit 5)
8. On [REDACTED] 2021, the Department received the Appellant's SNAP renewal form for the next certification period. (Department Exhibits 1 and 3)
9. The Appellant reported that his household had no medical expenses on the [REDACTED], 2021 SNAP renewal form. (Department Exhibit 1)
10. In [REDACTED] 2021, the SNAP Standard Disregard is \$167.00 per month for a household of two in Connecticut. (Department Exhibit 4)
11. The SNAP standard utility allowance ("SUA") in Connecticut equaled \$736.00 per month. (Department Exhibit 4)
12. The Thrifty Food Plan for a qualified assistance unit of two in Connecticut with no applied income equaled \$430.00 per month. (Department Exhibit 4)
13. On [REDACTED] 2021, the Department issued a *Notice of Action* notifying the Appellant that his household was ineligible to receive SNAP benefits effective [REDACTED] 2021. (Department Exhibit 2)
14. On [REDACTED], 2021, the Appellant reported that his wife had unpaid medical bills owed to a hospital. (Hearing record)

15. On [REDACTED], 2021, the Appellant submitted verification of his wife's unpaid medical bills to the Department. (Appellant Exhibit C)
16. Title 7, Code of Federal Regulations ("C.F.R.") section 273.15 (c)(1) provides in part that "[w]ithin 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 are notified of the decision...." On [REDACTED] 2021, the OLCRAH received the Appellant's faxed hearing request. The issuance would have been due by [REDACTED] 2021. This decision is timely.

CONCLUSIONS OF LAW

1. The Department of Social Services is the designated state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

The Department has the authority to administer the SNAP.

2. Title 7, Code of Federal Regulations ("C.F.R.") Section 273.14 (a) provides in part that "[n]o household may participate beyond the expiration of the certification period assigned in accordance with [§ 273.10\(f\)](#) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements."

The Department correctly determined that in order to receive SNAP benefits for a new certification period beginning [REDACTED] 2021, the Appellant's household had to meet SNAP's eligibility requirements.

3. Title 7, Code of Federal Regulations ("C.F.R.") Section 273.1 (a)(3) provides that a household is "[a] group of individuals who live together and customarily purchase food and prepare meals together for home consumption...." Subsection (b)(1)(i) requires that spouses must be included in the same household, unless otherwise specified.

The Appellant and his wife are a SNAP household of two.

4. "Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee." 7 C.F.R. § 273.9 (b)(1)(i).

For the purposes of the SNAP, the Appellant's wages are earned income.

5. "Unearned income shall include, but not be limited to: Annuities; pensions; retirement, veteran's, or disability benefits; ... ; old-age, survivors, or social security benefits;" 7 C.F.R. § 273.9 (b)(2)(ii).

For the purposes of the SNAP, the SSDI received by the Appellant's wife is unearned income.

6. "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...." 7 C.F.R. § 273.10 (c)(1)(i).

"Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period...." 7 C.F.R. § 273.10 (c)(1)(ii).

Title 7, Code of Federal Regulations section 273.10 (c)(2)(i) provides:

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....

7 C.F.R. § 273.10 (c)(2)(i).

For the purposes of the SNAP, the Appellant's anticipated gross monthly wages equals \$2,580.00. [\$1,200.00 per biweekly pay period x 2.15 pay periods/month]

7. Title 7, Code of Federal Regulations section 273.9 (a) provides:
Income eligibility standards. 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 [sic] 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 established 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).

7 C.F.R. § 273.2 (j)(2) addresses categorically eligible PA and SSI households.

7 C.F.R. § 273.2 (j)(4) addresses categorically eligible GA households.

The Appellant and his wife do not meet the categorical eligibility requirements specified at 7 C.F.R. § 273.2 (j)(2) and (j)(4).

As a condition of SNAP eligibility, the Appellant's SNAP household must meet the net income eligibility standards for a household of two, as the household contains a disabled member and is not categorically eligible to receive SNAP.

8. "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....” 7 C.F.R. § 273.9 (d)(1)(i).

“The net income eligibility standards for SNAP shall be as follows: (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.” 7 C.F.R. § 273.9 (a)(2)(i).

“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.” 7 C.F.R. § 273.9 (d)(2).

The Appellant is eligible for a 20 percent deduction or disregard of his gross earned income, in accordance with 7 C.F.R. § 273.9 (d)(2).

For the purposes of the SNAP, the adjusted gross income of the Appellant’s SNAP household equaled \$2,821.00. [(\$2,580.00 (gross wages) minus \$516.00 (20% earned income deduction or disregard) plus \$924.00 (SSDI) minus \$167.00 (Standard Disregard)]

9. *“Determining deductions.* Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs as described in §273.9.” 7 C.F.R. § 273.10 (d).

Title 7, Section 273.10 (e) of the Code of Federal Regulations provides for calculating net income and benefit levels. Subsection (e)(1)(i) provides:

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...
- (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...
- (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) ...
- (F) ...
- (G) ...
- (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 C.F.R. § 273.10 (e)(1)(i). (emphasis added)

The Appellant's shelter expenses are a permitted deduction with respect to the SNAP net income eligibility calculation.

10. Title 7, Code of Federal Regulations section 273.10 (d)(4) provides in part:

"The household's monthly medical deduction for the certification period shall be based on the information reported and verified by the household, and any anticipated changes in the household's medical expenses that can be reasonably expected to occur during the certification period based on available information about the recipient's medical condition, public or private insurance coverage, and current verified medical expenses. The household shall not be required to file reports about its medical expenses during the certification period. If the household voluntarily reports a change in its medical expenses, the State agency shall verify the change in accordance with [§ 273.2\(f\)\(8\)\(ii\)](#) if the change would increase the household's allotment. The State agency has the option of either requiring verification prior to acting on the change, or requiring the verification prior to the second normal monthly allotment after the change is reported. In the case of a reported change that would decrease the household's allotment, or make the household ineligible, the State agency shall act on the change without requiring verification, though verification which is required by [§ 273.2\(f\)\(8\)](#) shall be obtained prior to the household's recertification...."

7 C.F.R. § 273.10 (d)(4). (emphasis added).

On [REDACTED], 2021, the Department correctly did not assign the Appellant's SNAP household a deduction for medical expenses, as the Appellant had failed to report and verify his disabled wife's medical expenses with the submission of his [REDACTED] 2021 SNAP renewal form.

11. "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)...." 7 C.F.R. § 273.9 (d)(6)(iii)(A).

For the purposes of the SNAP, the Appellant's monthly shelter costs equal \$2,686.00. [\$1,950.00 (rent) + \$736.00 (SUA)]

For the purposes of the SNAP, the Appellant's shelter hardship equals \$1,275.50. [\$2,686.00 (monthly shelter costs) minus \$1,410.50 (50% of adjusted gross income)] \$2,821.00.

12. Title 7, Section 273.10 (e)(4) of the Code of Federal Regulations addresses the Thrifty Food Plan and maximum SNAP allotments.

Title 7, Section 273.10 (e)(2)(ii)(A) of the Code of Federal Regulations 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; or
- (2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar.

7 C.F.R. § 273.10 (e)(2)(ii)(A).

13. The SNAP eligibility of the Appellant's household, effective [REDACTED] 2021, is calculated as follows:

<u>SNAP BENEFIT CALCULATION</u>	
<u>INCOME</u>	
Earned Income	\$2,580.00
(minus 20% earned income disregard)	- 516.00
Unearned Income	+ 924.00
(minus standard deduction for two)	<u>- 167.00</u>
Adjusted gross income -	\$2,821.00
<u>SHELTER COSTS</u>	
Rent	\$1,950.00
SUA	<u>+ 736.00</u>
Total shelter costs -	\$2,686.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,686.00
(minus 50% of adjusted gross income)	<u>-1,410.50</u>
Total shelter hardship -	\$1,275.50
<u>ADJUSTED NET INCOME</u>	

Adjusted gross income	\$2,821.00
Less shelter hardship	- 1,275.50
Net Adjusted Income (NAI) -	\$1,545.50
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for two	\$430.00
(minus 30% of NAI: rounded to nearest dollar)	- 464.00
<u>SNAP AMOUNT:</u>	= (negative number)

The Appellant's household was ineligible for SNAP benefits for the [REDACTED] 2021 service month.

DISCUSSION

The Appellant's most recent SNAP certification period ran from [REDACTED], 2020 through [REDACTED] 2021. The Department did not grant the Appellant's household a new certification period effective [REDACTED] 2021, basing its decision on the household's reported income and expenses as listed on the household's [REDACTED] 2021 renewal form.

The Department's Exhibit 4: FOOD STAMP BENEFIT COMPUTATION SHEET reflects that the Department in error believed that the Appellant's household was subject to a \$586.00 shelter hardship cap. As the Appellant's household contains a disabled member, the household is not subject to the shelter hardship cap. The shelter hardship for the Appellant's household therefore equals \$1,275.50, and not \$586.00.

The hearing officer incorporated the correct value for shelter hardship and still arrived at a negative SNAP benefit for this household. The Appellant's household is not eligible to receive SNAP benefits in [REDACTED] 2021.

At the [REDACTED], 2021 administrative hearing, the Appellant for the first time reported to the Department that his disabled wife is making payments on medical bills for a past hospitalization. As the Appellant's SNAP certification ended on [REDACTED] 2021, this newly reported information may be used in connection with future SNAP applications.

DECISION

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

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Sonia Martin, DSS-Stamford
Yecenia Acosta, DSS-Stamford

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.