

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVE.
HARTFORD, CT 06105-3725

██████████ 2021
Signature Confirmation

Client ID ██████████
Case ID ██████████
Request # 181340

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) closing her benefits under the Supplemental Nutritional Assistance Program (“SNAP”) effective ██████████ 2021.

On ██████████ 2021 the Appellant requested an administrative hearing to contest the Department’s decision to close such 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, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals call in for the hearing:

██████████, Appellant
Debra James, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to close the Appellant's food stamp benefits under the SNAP effective [REDACTED] 2021 was correct.

FINDINGS OF FACT

1. The Appellant received benefits under the SNAP for a household of three: Appellant and her two children, [REDACTED] ("oldest son") and [REDACTED] ("youngest son"). (Hearing Record)
2. The Appellant is [REDACTED] [REDACTED] years old born on [REDACTED]. The Appellant is not disabled. (Exhibit 1: Renewal of Eligibility and Appellant's Testimony)
3. The oldest son is [REDACTED] years old born on [REDACTED]. The oldest son is not disabled. (Exhibit 1: Renewal of Eligibility and Appellant's Testimony)
4. The oldest son is a full-time high school senior at [REDACTED] (the "high school") and is expected to graduate in [REDACTED] 2022. (Exhibit 1: Renewal of Eligibility and Appellant's Testimony)
5. The youngest son is [REDACTED] years old born on [REDACTED]. The youngest son is not disabled. (Exhibit 1: Renewal of Eligibility and Appellant's Testimony)
6. The youngest son is a full-time high school student at the high school. (Exhibit 1: Renewal of Eligibility and Appellant's Testimony)
7. The Appellant receives gross unemployment compensation benefits ("UCB") of \$389.00 per week, \$338.00 per week after taxes. (Stipulated)
8. The Department calculated the Appellant monthly UCB as \$1,672.70. \$389.00 gross UCB x 4.3 weeks = \$1,672.70. (Exhibit 6: Federal SNAP Income Test and Department Representative's Testimony)
9. The oldest son began working for [REDACTED] [REDACTED] (the "employer") on [REDACTED] 2020 working 20 hours per week earning \$15.00 per hour. (Exhibit 1: Renewal of Eligibility and Exhibit 2: Online Change Report)
10. The oldest son works part time for the employer earning \$481.50 biweekly. (Stipulated)

11. The Department determined the oldest son's gross monthly earnings as \$1,035.21. Pay date [REDACTED] 2021 \$370.13 + Pay date [REDACTED] 2021 \$592.86 = \$962.99 / 2 weeks = \$481.495 bi-weekly x 2.15 weeks = \$1,035.21425 (Exhibit : Federal SNAP Income Test and Department Representative's Testimony)
12. The Department excluded the oldest son's earnings through [REDACTED] 2021 in the calculation of SNAP benefits because the oldest son was under the age of 18 years. Upon turning age [REDACTED] on [REDACTED], the oldest son's earnings were no longer excluded, but counted in the calculation of SNAP benefits for the Appellant's household. (Department Representative's Testimony and Exhibit 6: Federal SNAP Income Test)
13. Beginning [REDACTED] 2021, the Department determined the household eligible for an earned income deduction equaling \$207.04. (Exhibit 6: Federal SNAP Income Test)
14. The Appellant pays \$262.00 per month for rent. (Appellant's Testimony and Exhibit 1: Renewal of Eligibility)
15. The Appellant pays for the following utilities: gas and electricity which includes heat. The Appellant received energy assistance in the past year and expects to reapply for the energy program this year. (Appellant's Testimony, Exhibit 1: Renewal of Eligibility, and Exhibit 5: Case Notes)
16. The Department determined the Appellant ineligible for the standard utility allowance ("SUA") of \$736.00 under the SNAP calculation. (Exhibit 6: Federal SNAP Income Test)
17. The Department determined the Appellant's shelter costs as \$262.00 and not eligible for a shelter hardship deduction. (Exhibit 6: Federal SNAP Income Test)
18. The Department determined the standard disregard for a household of 3 as \$167.00. (Exhibit 6: Federal SNAP Income Test)
19. Under expanded categorical eligibility, the SNAP income limit for a household of three equals \$3,349.00 per month. (Department Representative's Testimony)
20. The SNAP net income limit for a household of three equals \$1,810.00 per month. (Department Representative's Testimony)
21. On [REDACTED] 2021, the Department determined the Appellant ineligible for SNAP effective [REDACTED] 2021 because the household's income

exceeds the maximum SNAP allotment for a household of three. (Exhibit 6: Federal SNAP Income Test and Exhibit 4: Notice of Action)

22. On [REDACTED] 2021, the Department issued a notice of action. The notice listed the reasons for discontinuance as: "You are not eligible for SNAP because the amount of income we count is higher than the maximum SNAP benefit for your household size and does not meet program requirements." (Exhibit 4: Notice of Action)
23. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] 2021. Therefore, this decision is due not later than [REDACTED] 2021.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statute ("Conn. Gen. Stat.") provides in part that "the Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008."
2. Federal regulation provides as follows:

The State agency shall take prompt action on all changes to determine if the change affects the household's eligibility or allotment. However, the State agency has the option to disregard a reported change to an established deduction in accordance with [paragraph \(c\)\(4\)](#) of this section. If a household reports a change in income, and the new circumstance is expected to continue for at least one month beyond the month in which the change is reported, the State agency may act on the change in accordance with [paragraphs \(c\)\(1\)](#) and [\(c\)\(2\)](#) of this section. The time frames in [paragraphs \(c\)\(1\)](#) and [\(c\)\(2\)](#) of this section apply to these actions. During the certification period, the State agency shall not act on changes in the medical expenses of households eligible for the medical expense deduction which it learns of from a source other than the household and which, in order to take action, require the State agency to contact the household for verification. The State agency shall only act on those changes in medical expenses that it learns about from a source other than the household if those changes are verified upon receipt and do not necessitate contact with the household. Even if there is no change in the allotment, the State agency shall document the reported change in the casefile, provide another change report form to the household, and notify the household of the receipt of the change report. If the reported change affects the household's eligibility or level of benefits, the adjustment shall

also be reported to the household. The State agency shall also advise the household of additional verification requirements, if any, and state that failure to provide verification shall result in increased benefits reverting to the original allotment. The State agency shall document the date a change is reported, which shall be the date the State agency receives a report form or is advised of the change over the telephone or by a personal visit. Restoration of lost benefits shall be provided to any household if the State agency fails to take action on a change which increases benefits within the time limits specified in [paragraph \(c\)\(1\)](#) of this section.

7 C.F.R. § 273.12(c)

3. *“General household definition.* A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.” 7 C.F.R. § 273.1(a)(3)

Federal regulations provide as follows:

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. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step parent(s).

7 C.F.R. § 273.1(b)(1)(ii)

The Department correctly determined a household of three under the SNAP: The Appellant, the oldest son, and the youngest son.

4. *“Definition of income.* Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.” 7 C.F.R. § 273.9(b)

“Earned income shall include: All wages and salaries of an employee.” 7 C.F.R. § 273.9(b)(1)(i)

Federal regulation provides as follows:

Only the following items shall be excluded from household income and no other income shall be excluded: The earned income (as defined in [paragraph \(b\)\(1\)](#) of this section) of any household member who is under age 18, who is an elementary or secondary school student, and who lives with a natural, adoptive, or stepparent or under the parental control of a household member other than a parent. For purposes of this provision, an

elementary or secondary school student is someone who attends elementary or secondary school, or who attends classes to obtain a General Equivalency Diploma that are recognized, operated, or supervised by the student's state or local school district, or who attends elementary or secondary classes through a home-school program recognized or supervised by the student's state or local school district. The exclusion shall continue to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break. If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

7 C.F.R. § 273.9(c)(7)

Federal regulation provides as follows:

Unearned income shall include, but not be limited to: Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in [§ 272.12](#); old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week

7 C.F.R. § 273.9(b)(2)(ii)

Effective [REDACTED] 2021, the Department correctly counted the oldest son's employment earnings under the SNAP. Although the oldest son remains a high school student, once he turned [REDACTED] of age, his earnings are counted under the SNAP. The Department correctly excluded the oldest son's earnings through [REDACTED] 2021, the month he turned [REDACTED] and counted his wages beginning [REDACTED] 2021, the month following his [REDACTED] birthday.

The Department correctly included the Appellant's UCB when calculating the SNAP benefits for the assistance unit.

5. Federal regulation provides as follows:

Determining income—(1) Anticipating income. (i) For the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the

household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by §273.12.

7 C.F.R. § 273.10(c)(1)(i)

Federal regulation provides as follows:

Income only in month received. (i) Income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged. Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the State agency shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15, use the State Agency's PA conversion standard, or use the exact monthly figure if it can be anticipated for each month of the certification period. Nonrecurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income.

7 C.F.R. § 273.10(c)(2)(i)

The Department correctly determined the oldest son's countable gross earnings as \$1,035.21 per month.

The Department correctly determined the Appellant's countable gross UCB as \$1,672.70 per month.

6. Federal regulation provides as follows:

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 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 established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

7 CFR § 273.9(a)

Federal regulation provides as follows:

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 and Nutrition Act of 2008:

- 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.
- B. Subject to FNS approval, 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 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.

7 C.F.R. § 273.2(j)(2)(ii)

“The department’s uniform policy manual is the equivalent of a 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))

Section 2545.05(A)(2) of the Uniform Policy Manual (“UPM”) provides that “an assistance unit is considered categorically eligible for the SNAP

program if at least one member of the assistance unit receives or is authorized to receive TANF-funded services under the Help for People in Need Program”

Department policy provides for the gross income limits for SNAP Expanded Categorical Eligibility as 185% of the Federal Poverty Level. UPM P-5520.36

The Department of Health and Human Services lists the annual 2020 Poverty Guideline for the 48 Contiguous States and the District of Columbia as \$21,720.00 for a household of three. [Federal Register, Vol. 85, No. 12, January 17, 2020 pp 3060-3061]

Under expanded categorical eligibility, the gross income limit for a household of three is \$3,349.00. [$\$21,720.00 / 12 \text{ months} = \$1,810.00 \times 185\% = \$3,348.50$]

7. “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).” 7 C.F.R. § 273.10(e)(1)(i)(A)

The Department correctly determined the gross household income as \$2,707.91. (\$1,035.21 gross monthly income earned + \$1,672.70 total monthly unearned income = \$2,707.91 household’s total gross income)

The Department correctly determined the SNAP household as categorically eligible under expanded categorical eligibility because the household’s total gross income of \$2,707.91 is below the SNAP gross income limit of \$3,349.00 for a household of three under expanded categorical eligibility and therefore not subject to the gross income test and the net income test.

8. “*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)

Federal regulation provides as follows:

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

Effective October 1, 2020 through September 30, 2021 the standard deduction for the 48 States & District of Columbia for a household of 3 is \$167.00. (United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2021 SNAP Deductions Standard Deductions for 48 States and D.C., www.fns.usda.gov/snap, Memorandum SNAP – Fiscal Year 2021 Cost-of-Living Adjustments, July 29, 2020)

The Department correctly determined the standard deduction as \$167.00 under the SNAP for a household of three.

Federal regulation provides as follows:

Income deductions. Deductions shall be allowed only for the following household expenses: *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 Department correctly determined the Appellant entitled to an earned income deduction of \$207.04 under the SNAP. (\$1,035.21 gross monthly wages x 20% = \$207.042)

Federal regulation provides as follows:

Income deductions. Deductions shall be allowed only for the following household expenses: *Shelter Costs - Excess shelter deduction.* 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. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48

contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. 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.

7 C.F.R. § 273.9(d)(6)(ii)

Federal regulation provides as follows:

Shelter costs - 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. The LUA must include expenses for at least two utilities. However, at its option, the State agency may include the excess heating and cooling costs of public housing residents in the LUA if it wishes to offer the lower standard to such households. The State agency may use different types of standards but cannot allow households the use of two standards that include the same expense. In States in which the cooling expense is minimal, the State agency may include the cooling expense in the electricity component. The State agency may vary the allowance by factors such as household size, geographical area, or season. Only utility costs identified in paragraph (d)(6)(ii)(C) of this section must be used in developing standards.

7 C.F.R. § 273.9(d)(6)(iii)(A)

Federal regulation provides as follows:

Shelter costs - 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). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

7 C.F.R. § 273.9(d)(6)(iii)(C)

The Department incorrectly determined the Appellant ineligible for the SUA of \$736.00 because the Appellant incurs heating costs. Testimony provided by the Appellant at the administrative hearing and at the [REDACTED] 2021 renewal interview indicate the Appellant incurs a separate heating expense.

The Department incorrectly determined the Appellant's shelter costs as \$262.00. The correct shelter cost equals \$998.00. (\$262.00 rent + \$736.00 SUA = \$998.00)

The Department correctly determined the shelter hardship as \$00.00. The addition of the SUA to the Appellant's shelter costs did not affect the shelter hardship calculation. Refer to Conclusion of Law ("COL") # 11.

9. Federal regulation provides as follows:

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).
- B. Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with §273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income.
- C. Subtract the standard deduction.
- D. If the household is entitled to an excess medical deduction as provided in §273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.
- E. Subtract allowable monthly dependent care expenses, if any, as specified under §273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with §273.9(d)(5), subtract allowable monthly child support payments in accordance with §273.9(d)(5).
- G. Subtract the homeless shelter deduction, if any, up to the maximum of \$143.

- H. Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section
- I. Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

7 C.F.R. § 273.10(e)(1)(i)

The Department correctly determined the Appellant's net adjusted income as \$2,333.87. Refer to COL # 11.

10. Federal regulation provides as follows:

Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways: The State agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

The Department correctly determined 30% of the net adjusted income as \$701.00. ($\$2,333.87 \times 30\% = \700.161)

11. Federal regulation provides as follows:

Thrifty Food Plan (TFP) and Maximum SNAP Allotments. Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as

defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at www.fns.usda.gov/fsp.

7 C.F.R. § 273.10(e)(4)(i)

For the period October 1, 2020 through September 30, 2021, the maximum SNAP monthly allotment for the 48 States and D.C. for a household of three equals \$535.00. (United States Department of Agriculture, Food and Nutrition Service, SNAP – Fiscal Year 2021 Cost-of-Living Adjustments Memorandum, July 29, 2020, www.fns.usda.gov/fsp)

The Department correctly determined the Appellant ineligible for SNAP benefits effective [REDACTED], 2021 because the household's countable income of \$701.00 exceeds the maximum SNAP benefits of \$535.00 for a household of three.

SNAP Calculation	
INCOME	
Earned Income	\$1,035.21
Less 20%	-\$207.04
Total	\$828.17
+ Unearned Income/CS	+\$1,672.70
Total	\$2,500.87
Less standard deduction	-\$167.00
Adjusted gross income	\$2,333.87
SHELTER COSTS	
Rent	\$262.00
SUA	+\$736.00
Total shelter costs	\$998.00
SHELTER HARDSHIP	
Shelter costs	\$998.00
Less 50% of adjusted gross income	-\$1,166.94
Total shelter hardship	(-\$168.94)
	\$00.00
ADJUSTED NET INCOME	
Adjusted gross income	\$2,333.87
Less shelter hardship	-00.00
Net Adjusted Income	\$2,333.87

(NAI)	
BENEFIT CALCULATION	
Thrifty Food Plan for # Person/s	\$535.00
Less 30% of NAI	<u>-\$701.00</u>
SNAP award	(-\$166.00) \$00.00

12. Federal regulation provides as follows:

If the household's benefit level decreases or the household becomes ineligible as a result of the change, the State agency shall issue a notice of adverse action within 10 days of the date the change was reported unless one of the exemptions to the notice of adverse action in [§ 273.13 \(a\)\(3\)](#) or [\(b\)](#) applies. When a notice of adverse action is used, the decrease in the benefit level shall be made effective no later than the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. When a notice of adverse action is not used due to one of the exemptions in [§ 273.13 \(a\)\(3\)](#) or [\(b\)](#), the decrease shall be made effective no later than the month following the change. Verification which is required by [§ 273.2\(f\)](#) must be obtained prior to recertification. 7 C.F.R. § 273.12(c)(2)(i)

On [REDACTED] 2021, the Department correctly determined the Appellant ineligible for benefits and issued a notice of action to the Appellant informing her that her SNAP benefits will close on [REDACTED] 2021 because the income counted by the Department is higher than the maximum SNAP benefits for a household of three.

DECISION

The Appellant's appeal is denied.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Rachel Anderson, DSS RO 20
Cheryl Stuart, DSS RO 20
Lisa Wells, DSS RO 20
Debra James, DSS RO 20

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.