

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

Client ID # ██████████
Request #181894

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) denying her application for benefits from the Supplemental Nutrition Assistance Program (“SNAP”) because the amount of her household’s countable income was higher than the maximum benefit for her household size.

On ██████████ 2021, the Appellant requested an administrative hearing to appeal the Department’s denial of her application for SNAP benefits.

On ██████████ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████. The hearing was scheduled to be held telephonically, at the Appellant’s request, due to the COVID-19 pandemic.

On ██████████ 2021, because of a scheduling conflict on the originally scheduled date, OLCRAH issued a notice rescheduling the hearing for ██████████ 2021.

On ██████████ 2021, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

██████████, Appellant
Ferris Clare, Hearing Liaison for the Department

James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

1. Whether the Department was correct when it denied the Appellant's SNAP application because her countable income was more than the maximum benefit for her household size.

FINDINGS OF FACT

1. The Appellant applied for SNAP on [REDACTED] 2021. (Hearing Record)
2. As of [REDACTED] 2021, the Appellant's household included herself, her 19-year-old daughter, and her 10-year-old daughter. (Hearing Record)
3. As of [REDACTED] 2021, the Appellant was receiving \$1,108.00 per month in Social Security Disability Insurance ("SSDI"). (Hearing Record)
4. As of [REDACTED], 2021, the Appellant's 10-year-old daughter was receiving \$503.00 per month in Social Security benefits, and \$17.00 per month in Supplemental Security Income ("SSI") benefits. (Hearing Record)
5. As of [REDACTED] 2021, the Appellant's 19-year-old daughter was employed at [REDACTED]. (Hearing Record)
6. In the thirty-day period prior to the [REDACTED] 2021 application, the Appellant's daughter received two bi-weekly pays from [REDACTED]. (Ex. 4: Equifax Consumer Employment & Income Report)
7. On [REDACTED] 2021, the Appellant's daughter received a bi-weekly pay in the gross amount of \$633.53 and on [REDACTED] 2021, received a bi-weekly pay in the gross amount of \$553.37. The average of the two bi-weekly pays was \$593.45. (Ex. 4, Calculation)
8. As of [REDACTED] 2021, the Appellant paid rent of \$400.00 per month. (Hearing Record)
9. As of [REDACTED] 2021, the Appellant was responsible to pay for lights and gas. (Appellant's testimony)
10. After [REDACTED] 2021, the Appellant's 10-year-old daughter's SSI income ended. (Appellant's testimony)
11. On [REDACTED] 2021, the Department issued an NOA to the Appellant denying her [REDACTED] 2021 SNAP application because the amount of

income the Department counted was higher than the maximum SNAP benefit for her household size. (Ex.3: NOA)

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 in accordance with federal law.
2. Title 7 of the Code of Federal Regulations (“CFR”) Sec. 273.1(a) provides that, “A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section... (3) A group of individuals who live together and customarily purchase food and prepare meals for home consumption.”
3. “Required household combinations. 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. ... (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s)...” 7 CFR § 273.1(b)(1)
4. **SNAP household composition rules required the Appellant’s 19-year-old daughter to be included in her SNAP household; the Appellant’s household size was 3.**
5. 7 CFR § 273.9(a) provides, in relevant part, as follows:
 - i. Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households which are categorically eligible as defined in §273.2(j)(2) or 273.2(j)(4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).
6. **The Appellant’s household contained two disabled members; the Appellant and her 10-year-old daughter both received benefits based on disability. The**

household was, therefore, not required to meet the gross income eligibility standard.

7. "Earned income shall include: (i) All wages and salaries of an employee...." 7 CFR § 273.9(b)(1)
8. **The Appellant's 19-year-old daughter had earnings from [REDACTED] that counted as earned income for SNAP.**
9. "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)... (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..." 7 CFR § 273.9(b)(2)
10. **The Appellant and her 10-year-old daughter both received benefits from the Social Security Administration that counted as unearned income for SNAP.**
11. "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 CFR § 273.10(c)(1)(i)
12. "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 CFR § 273.10(c)(1)(ii)
13. "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...." 7 CFR § 273.10(c)(2)
14. **The Appellant's 19-year-old daughter had average bi-weekly earnings of \$593.45 in the 30 days prior to the Appellant's application. The bi-weekly income had to be converted to a monthly amount. The average bi-weekly pay of \$593.45, multiplied by 2.15, equaled \$1,275.92 in monthly earnings.**
15. **The Appellant's SSDI of \$1,108.00, added to her 10-year-old daughter's Social Security of \$503.00, totaled \$1,611.00 in monthly unearned income.**
16. **The Appellant's household's total gross monthly income was \$2,886.92 (\$1,275.92 earnings plus \$1,611.00 unearned income). The figure is first used to determine if the household was categorically eligible and thus excluded from the net income test pursuant to 273.9(a).**

17. States may, at their option, extend categorical eligibility to households “in which all members receive or are authorized to receive non-cash or in-kind services” from a program that is funded in part with State money counted for MOE purposes under Title IV-A, if the program was designed to further either purposes one and two, or three and four, of the TANF block grant. FNS must be informed of, or must approve, the TANF services that a State determines to confer categorical eligibility. 7 CFR § 273.2(j)(2)(ii)
18. **Households in Connecticut with incomes below 185% of the federal poverty level (“FPL”) qualify for the State’s “Help for People in Need” program which is funded with money counted for TANF MOE purposes and meets the requirements in 7 CFR § 273.2(j)(2)(ii). As such, the Department extends broad-based categorical eligibility for SNAP to all households that qualify for “Help for People in Need”.**
19. The standards used in the SNAP are adjusted each year on the first day of October. The Federal Poverty Standards applicable to the Appellant’s SNAP eligibility determination are published in the Federal Register, Vol. 85, No. 12 / Friday, January 17, 2021, pp. 3060-3061
20. **185% of the FPL for a household of three persons was \$3,386.00 monthly in 2021. The Appellant’s household’s total income of \$2,886.92 was less than 185% of the FPL. Her household was, therefore, eligible for “Help for People in Need” and, therefore, categorically eligible for SNAP under the provisions of 7 CFR § 273.2(j)(2)(ii).**
21. **Pursuant to 7 CFR § 273.9(a), because the Appellant’s household was categorically eligible it was not required to meet either the gross income standard in § 273.9(a)(1) or the net income eligibility standard in § 273.9(a)(2).**
22. **In the benefit determination, the Appellant’s household’s income and deductions are calculated pursuant to 7 CFR § 273.9. Net income and SNAP benefit levels are then calculated pursuant to 7 CFR § 273.10(e). The calculations are as follows:**

Only certain income deductions are allowed to be used in the calculation of SNAP benefits. The household expenses which may be used as deductions are described in paragraphs (d)(1) to (d)(6) of 7 CFR § 273.9.

The *standard deduction* for a household size of one to six persons is equal to 8.31 percent of the monthly net income standard for each household size established under § 273.9(a)(2) rounded up to the nearest whole dollar. 7 CFR § 273.9(d)(1)

The Appellant’s household qualified for the standard deduction for a household of three persons, which was \$177.00 effective [REDACTED] 2021.

The *earned income deduction* is equal to “Twenty percent of gross earned income as defined in paragraph (c) of this section....” 7 CFR § 273.9(d)(2)

The Appellant's household qualified for an earned income deduction of twenty percent of her daughter's gross monthly earnings of \$1,275.92, which was equal to \$255.18.

The Appellant did not qualify for any of the other three remaining deductions provided for in paragraphs (d)(1) to (d)(5) of 7 CFR § 273.9, the *excess medical deduction*, *dependent care deduction*, or *child support deduction*. The figure equaling the total deductions allowable under (d)(1) to (d)(5) is applicable to the next calculation.

7 CFR § 273.9(d)(6)(ii) provides for the *excess shelter deduction*. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) to (d)(5) of 7 CFR § 273.9 have been allowed, are allowed as an excess shelter deduction.

The Appellant's household qualified for two of the deductions in paragraphs (d)(1) to (d)(5) of 7 CFR § 273.9, the *standard deduction* and the *earned income deduction*. After deducting the \$177.00 *standard deduction* and the \$255.18 *earned income deduction* from the Appellant's household's total gross income, the remaining income was \$2,454.74 (\$2,886.92 total income - \$177.00 *standard deduction*, - \$255.18 *earned income deduction* = \$2,454.74).

50% of \$2,454.74 is \$1,227.37, and is the figure referred to in 7 CFR § 273.9(d)(6)(ii) that is used in the calculation of the *excess shelter deduction*.

7 CFR § 273.9(d)(6) discusses shelter costs and provides that only certain expenses are allowable as shelter expenses, including rent, mortgage, property taxes, insurance on the structure, condo and association fees, and the actual costs of utilities.

7 CFR § 273.9(d)(6)(iii) provides for a *standard utility allowance* which may, at State option, be used in place of the actual cost of utilities in determining a household's *excess shelter deduction* and which may be made available both to households that incur actual utility expenses and to those that receive assistance under the LIHEAA (Low Income Home Energy Assistance Act).

The Department allows a *standard utility allowance (SUA)*, currently \$783.00, in place of the actual cost of utilities for qualifying households. The Appellant was obligated for the costs of all utilities, thus her household qualified to have the SUA used in place of her actual costs in the calculation of the *excess shelter deduction*.

The Appellant's shelter expenses were \$1,183.00 (\$400.00 rent + \$783.00 SUA).

"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...." 7 CFR § 273.9(d)(6)(ii)

7 CFR § 271.2 defines *elderly or disabled member* as 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", or who is approved for certain other government payments for blindness or disability.

Because the Appellant's household contained disabled members, her household's shelter deduction was uncapped.

The Appellant's *excess shelter deduction* was \$0.00 (\$1,183.00 shelter expenses - \$1,227.37 [50% of income remaining after subtracting deductions allowed under 7 CFR § 273.9(d)(1) to (d)(5)]).

The Appellant's *net income* after all deductions was \$2,454.74 (\$2,886.92 total gross income, minus \$177.00 *standard deduction*, minus \$255.18 *earned income deduction*, minus \$0.00 *excess shelter deduction*).

"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...." 7 CFR § 273.10(e)(2)(ii)(A)

30% of the Appellant's household's net monthly income (\$2,454.74 multiplied by .3) was \$736.42; the figure was rounded up to \$737.00 pursuant to 273.10(e)(2)(ii)(A)(1).

The maximum food stamp allotment (known as the "thrifty food plan") for a household of three persons was \$658.00 effective [REDACTED] 2021.

The Appellant's household was not eligible for a SNAP benefit because 30% of her net income was more than the maximum benefit for a household of three persons (\$737.00 (30% of net income) exceeded \$658.00 (maximum SNAP allotment for three)).

23. The Department was correct when it denied the Appellant's SNAP application because her countable income was more than the maximum benefit for her household size.

DECISION

The Appellant's appeal is DENIED.

James Hinckley

James Hinckley
Hearing Officer

cc: Rachel Anderson
Mathew Kalarickal
Lisa Wells

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 06105-3725.

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.

