

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

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

Case ID # ██████████
CL ID # ██████████
Hearing Request # 183834

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, ██████████, (the “Appellant”) requested an administrative hearing because she disagrees with the amount of her Supplemental Nutrition Assistance Program (“SNAP”) benefits of \$100.00 per month.

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 were present at the hearing:

██████████, the Appellant
Marybeth Mark, Department’s Representative
Scott Zuckerman, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly calculated the Appellant's monthly SNAP benefits.

FINDINGS OF FACT

1. On [REDACTED], 2021, the Department received the Appellants SNAP renewal form. (Exhibit 4: Case notes dated [REDACTED]/2021)
2. On [REDACTED], 2021, the Appellant completed the SNAP phone interview. (Exhibit 4: Case notes)
3. The Appellant received SNAP benefits for herself and three children for a household of four. (Appellant's testimony, Hearing Summary, Exhibit 4: Case notes, [REDACTED]/2021)
4. The Appellants son, [REDACTED] is 21 years old. The Appellant's daughters are twelve and 17 years of age. (Appellant's testimony)
5. The Appellant is employed with [REDACTED] and provided the following bi - weekly wages: [REDACTED]/2021, \$100.00 and [REDACTED]/2021 \$600.00. (Appellant's testimony, Department's testimony)
6. The Appellant's son, [REDACTED] is employed at [REDACTED] and had the following weekly wages reported by the work number: [REDACTED]/2021, \$600.00; [REDACTED]/2021, \$585.00 and [REDACTED] 2021 \$600.00. (Hearing Summary and Exhibit 4: Case notes)
7. The Appellant receives \$580.50 monthly child support for her two minor children. (Appellant's testimony, Exhibit 3: Federal SNAP – Income Test and Exhibit 4: Case notes)
8. The Appellant pays monthly rent of \$1400.00. (Appellant's testimony)
9. The Appellant pays for heat and receives the Standard Utility Allowance. (Appellant's testimony and Exhibit 4: Case notes)
10. On [REDACTED], 2021, the Department sent the Appellant a Notice of Action renewing her SNAP benefits effective [REDACTED] 2021 with a monthly benefit amount of \$100.00. (Exhibit 1: Notice of Action, [REDACTED]/2021)
11. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a fair 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 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. "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)).
3. Title 7 of the Code of Federal Regulations (CFR) § 273.1(a)(3) provides for general household definition and states that 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.
4. Title 7 of the CFR § 273.1(b)(1)(ii) provides that 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 stepparent(s).

UPM § 2020.10 provides that the assistance unit must include certain individuals who are in the home if they are not specifically excluded or ineligible to participate in the Food Stamp program.

- A. Those who are related as follows must be included in the assistance unit, except when the child or adult is a foster child or foster adult:
 1. a child under age 18 under the parental control of a member of the assistance unit;
 2. a spouse of a member of the assistance unit including any who presents himself or herself as a spouse;
 3. children ages 18 through 21 living with their parents.

The Department correctly determined that the Appellant's twenty-one-year-old child is part of the SNAP household and must be included in the calculation of benefits.

5. Title 7 of the CFR § 273.2(e)(2) provides that the State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by

the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

The Appellant completed the SNAP telephone interview.

6. Title 7 CFR § 273.10(c)(1)(ii) provides for converting income into monthly amounts and states in part that: 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. Title 7 CFR § 273.10(c)(2)(i) provides that 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.

"For past months the Department uses the exact amount of the unit's available income received or deemed in the month." Uniform Policy Manual ("UPM") § 5025.05(A)(1)

Or

UPM § 5025.05(B)(2) provides that if income is received on other than a monthly basis, the estimate of income is calculated by multiplying 4.3 by a representative weekly amount that is determined as follows: if income is the same each week, the regular weekly income is the representative weekly amount; if income varies from week to week, a representative period of at least four consecutive weeks is averaged to determine the representative weekly amount.

The Department correctly determined the Appellant's gross monthly earned income from [REDACTED] was \$752.50 ([REDACTED]/2021, \$100.00 + [REDACTED] 2021 \$600.00 = \$700.00 / 2 = \$350.00 x 2.15 weeks = \$752.50).

The Department correctly determined that the Appellant's son's gross monthly earned income from [REDACTED] was \$2558.50 ([REDACTED]/2021 \$600.00 + [REDACTED]/2021 \$585.00 + [REDACTED]/2021 \$600.00 = \$1785.00 / 3 = \$595.00 x 4.3 weeks = \$2558.50).

The Department correctly determined the total earned income as \$3311.00 (\$752.00 + \$2558.50).

8. Title 7 CFR § 273.9(b)(2)(iii) provides that unearned income shall include Support or alimony payments made directly to the household from non-household members.

“Child support received from absent parents by members of a Food Stamp assistance unit who are not members of an AFDC unit are counted as unearned income in determining eligibility and calculation benefits.” UPM § 5050.18(B)(3)

The Department correctly counted the Appellant’s monthly child support of \$580.50 as unearned income when determining eligibility and calculating benefits.

The Department correctly determined the Appellant’s gross monthly household income as \$3891.50 (\$3311.00 earnings + \$580.50 child support).

9. Title 7 CFR § 273.9(d)(1)&(2) provides for standard deductions and earned income deductions.

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

- A. The monthly net earned income amount is calculated by reducing monthly earnings by:
 1. the actual amount of self-employment expenses, if applicable; and
 2. any earned income deductions approved by the Social Security Administration in regards to individual self-support plans (Cross reference: 5035.15); and
 3. a deduction of 20% of the gross earnings for personal employment expenses.
- B. The monthly net earned income is added to the monthly gross unearned income amount and the total of the income deemed to the unit.
- C. The amount of applied income is calculated by reducing the combined total of net earnings, gross unearned income and deemed income by the following in the order presented:
 1. a deduction for farming losses, if any;
 2. a disregard of \$ 184.00 per month; {effective October 2021}
 3. a deduction for unearned income to be used to fulfill a bona-fide plan to achieve self-support (PASS); Cross reference: 5035.15
 4. the appropriate deduction for work related dependent care expenses;
 5. deduction for allowable medical expenses for those assistance unit members who qualify;
 6. a deduction for legally obligated child support when it is paid for a child who is not a member of the assistance unit;

7. a deduction for shelter hardship, if applicable.

(Cross References: 5030 - "Income Disregards" and 5035 "Income Deductions")

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

The Department correctly determined the Appellant's household's adjusted gross earned income as \$2648.80 (\$3311.00 gross household income - \$662.20 [20% gross earnings]).

The Department correctly applied the \$184.00 standard deduction to the total income of \$3891.50 to determine the amount of the Appellant's household adjusted gross income of \$3045.30 (\$2648.80 adjusted earned income + \$580.50 child support – \$184.00).

11. Title 7 CFR § 273.9(d)(6)(ii) provides for excess shelter deduction.

UPM § 5035.15(F)(1) provides for the calculation of the shelter hardship for the SNAP and states in part that the amount of shelter expenses which exceeds 50% of that portion of the assistance unit's income which remains after all other deductions have been subtracted is allowed as an additional deduction. Shelter expenses are limited to the following:

- a. rent, mortgage payments, and any continuing charges leading to ownership of the property occupied by the assistance unit excluding any portions allowed as self-employment deductions in multiple family dwellings;

12. Title 7 CFR § 273.9(d)(6)(iii) provides for the standard utility allowances.

UPM § 5035.15(F)(6) provides that a standard utility allowance determined annually by the agency to reflect changes in utility costs is used to represent the total monthly utility expenses of the assistance unit if:

- a. the assistance unit incurs heating fuel or cooling costs separately from rent or mortgage payments; and
- b. the bill is established on the basis of individualized metering of service to the unit; or
- c. the costs are paid:
- (1) totally or partially by the unit; or
 - (2) partially from a federal means-tested energy program directly to the service provider or to the recipient when

- these payments are less than the unit's total monthly heating or cooling costs; or
- (3) totally by CEAP regardless of whether the payment is made to the unit or directly to the service provider.

13. The Standard Utility Allowance ("SUA") for November 2021 was \$783.00.

14. Title 7 CFR § 271.2 provides for the maximum shelter deduction.

"For those units, which do not have any members who are elderly or disabled, a maximum shelter hardship deduction, which is established by the USDA, is allowed. The maximum shelter hardship is revised annually effective October 1 (Maximum effective October 2021 is \$597.00). UPM § 5035.15 (F)(10)

The Department correctly determined the Appellant's shelter costs were \$2183.00 (\$1400.00 rent + \$783.00 SUA = \$2183.00).

The Department correctly determined the Appellant's shelter hardship was \$660.35 (\$2183.00 total shelter costs - \$1522.65, ½ of adjusted gross income = \$660.35). *There are no elderly or disabled household members therefore the Appellant's household is eligible for the maximum shelter hardship of \$597.00.*

The Department correctly determined the Appellant's applied income was \$2448.30 (\$3045.30 adjusted gross income - \$597.00 shelter hardship).

18. Title 7 CFR § 273.10(e) (2) (ii) (A) (1) provides for the monthly SNAP benefit calculation.

UPM § 6005(C) provides that in the SNAP, the amount of benefits is calculated by: (1) multiplying the assistance unit's applied income by 30%; and (2) rounding the product up to the next whole dollar if it ends in 1-99 cents; and (3) subtracting the rounded product from the Food Stamp standard of assistance for the appropriate unit size.

19. The Department correctly determined that 30% of the Appellant's net adjusted (applied) income of \$2448.30, rounded up, was \$735.00 (\$2448.30 x 30%).

20. The Appellant's SNAP benefits are computed as follows:

SNAP BENEFIT CALCULATION:

INCOME	
Earned Income	\$3311.00
Less 20%	\$662.20
Net Earned Income	\$2648.80

Unearned Income	580.50
Total Countable Income	\$3229.30
Less standard deduction	\$184.00
Adjusted Gross Income	\$3045.30
SHELTER COSTS	
Rent	\$1400.00
SUA	\$783.00
Total shelter costs	\$2183.00
SHELTER HARDSHIP	
Shelter costs	\$2183.00
Less 50% of adjusted gross income	\$1522.65
Total shelter hardship <i>(Cannot exceed \$597 unless elderly or disabled)</i>	\$597.00
ADJUSTED NET INCOME	
Adjusted gross income	\$3045.30
Less shelter hardship	\$597.00
Net Applied Income (NAI)	\$2448.30
BENEFIT CALCULATION	
Thrifty Food Plan for Household of 4	\$835.00
Less 30% of NAI	\$735.00
SNAP AWARD	\$100.00

21. The Department correctly calculated the Appellant's SNAP benefit amount of \$100.00 effective [REDACTED] 2021 based on a household of four.

DECISION

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

Scott Zuckerman
Scott Zuckerman
Hearing Officer

Pc: Cheryl Stuart, Operations Manager, DSS, Norwich Regional Office
Marybeth Mark, Fair Hearing Liaison, DSS, Norwich Regional Office

RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within **25** days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on § 4-181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue Hartford, CT 06105.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court within **45** days of the mailing of this decision, or **45** days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on § 4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue Hartford, CT 06105. A copy of the petition must also be served on all parties to the hearing.

The 45 day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than 90 days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or the Commissioner's designee in accordance with § 17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the appellant resides.