

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

██████████ 2022
SIGNATURE CONFIRMATION

CASE # ██████████
CLIENT ID # ██████████
REQUEST# ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) informing her that her household had been approved for Supplemental Nutritional Assistance Program (“SNAP”) benefits in the amount of \$321.00 effective ██████████ 2022.

On ██████████, 2021, the Appellant requested an administrative hearing to appeal the Department’s calculation of her SNAP.

On ██████████ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative Hearing for ██████████ 2022.

On ██████████ 2021, the Appellant requested the ██████████ 2022, hearing be rescheduled.

On ██████████ 2022, the OLCRAH issued a notice scheduling the administrative hearing for ██████████ 2022.

On [REDACTED], 2022, 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 hearing was held telephonically at the Appellant's request. The following individuals participated in the hearing:

[REDACTED], Appellant
[REDACTED], Appellant's spouse
Jaqueline Taft, Department's representative
Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly determined the Appellant's monthly SNAP allotment beginning [REDACTED] 2022.

FINDINGS OF FACT

1. The Appellant's household consist of two persons; Herself and her spouse [REDACTED] ("Appellant's spouse"). (Appellant's testimony, Hearing Record).
2. The Appellant is [REDACTED] years old (DOB [REDACTED]) and the Appellant's spouse is [REDACTED] years old (DOB [REDACTED]). (Hearing Record)
3. The Appellant's income consists of monthly Social Security Disability ("SSDI") benefits totaling \$1,009.00. The Appellant's spouse's income consists of monthly Social Security benefits ("SSA") totaling \$486.00. (Dept. Ex. 1: Notice of Action, Appellant's spouses' testimony)
4. Effective [REDACTED], 2022, the Appellant's gross SSDI was increased from \$953.00 to \$1,009.00 and the Appellant's spouses SSA was increased from \$459.00 to \$486.00 because of a cost-of-living adjustment/increase. (Hearing Record, Appellant's spouses' testimony)
5. The Appellant has a monthly rental obligation totaling \$725.00. (Dept. Ex. 1: Notice of Action)
6. The Appellant is responsible for paying for her heating and cooling expenses separately from other household expenses. (Dept. Ex. 1: Notice of Action)
7. The Appellant/Appellant's spouse pays \$41.80 per month for out-of-pocket prescription and non-prescription medication expenses. (Dept. Ex. 1: Notice of Action, Appellant's spouses' testimony)
8. On [REDACTED] 2021, the Department issued a NOA notifying the Appellant her Household's SNAP would be reduced from \$358.00 to \$321.00 effective [REDACTED] 2022. (Dept. Ex. 1: Notice of Action)

9. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within [REDACTED] days of the request for an Administrative Hearing. The hearing request was received on [REDACTED] 2021. The hearing, which was originally scheduled to held on [REDACTED], 2022, was rescheduled to [REDACTED], 2022, at the Appellant's request adding an additional [REDACTED] days to the decision due date. This decision is therefore due no later than [REDACTED] 2022.

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. Title 7 of the Code of Federal Regulations ("CFR") Sec. 273.9(a) provides, in relevant part, as follows:

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. Household's which contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Household's 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 are 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 §673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

3. 7 CFR § 271.2 states that Elderly or disabled member means a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act;

The Appellant's household contains elderly and disabled members. Therefore, the household is not subject to the SNAP gross income eligibility standards.

4. "For purposes 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).

5. "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).
6. 7 CFR §273.9(b)(2)(ii) and (b)(5)(i) & (c)(8) instruct the Department the count Social Security Benefits as unearned income. Furthermore, the Department is instructed to count the gross amount even if Social Security tax or Medicare premium is withheld.

The Department correctly determined the Appellant's gross SSDI and the Appellant's spouses' gross SSA should be counted as unearned income.

7. 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 and 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)

Pursuant to SNAP rules, the Appellant's household size is two and her household's total countable gross monthly income is \$1,495.00

8. The income limits and standards used in the SNAP are adjusted each year on the first day of October. The current figures used for the SNAP are effective from October 1, 2021 through September 30, 2022.

185% of the Federal Poverty Level ("FPL") for a household consisting of two persons is \$2,686.00 monthly. The Appellant's household's total income of \$1,495.00 is less than 185% of the FPL. The Appellant's household is therefore eligible for "Help for People in Need" and therefore categorically eligible for SNAP under the provisions of 7 C.F.R. §273.2(j)(2)(ii). Due to the household being categorically eligible, it is not required to meet either the gross or net income eligibility standards pursuant to 7 CFR §273.9(a).

9. In the benefit determination, the Appellant's household's income and deductions must be calculated pursuant to 7 CFR §273.9. Net income and SNAP benefit levels then must be calculated pursuant to 7 CFR §273.10(e). The calculations are as follows:

Only certain deductions can 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.

10. The standard deduction for a household size of one to six persons is equal to 8.31% 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 qualifies for the standard deduction for a Household consisting of one to three persons which is \$177.00. The figure equaling the total deductions allowable under (d)(1) to (d)(5) is applicable to the next calculation.

11. CFR §273.9(d)(6)(ii) provides for the excess shelter deduction. Monthly shelter expenses in excess of 50% 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.

12. 7 CFR §273.9(d)(6) discussed shelter costs and provides that only certain expenses are allowable as shelter expense, including rent, mortgage, property taxes, insurance on the structure, condo and association fees and the actual costs of utilities.

The Department correctly included the Appellant's monthly \$725.00 rental obligation in the SNAP benefit calculation.

13. 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 the household's that incur actual utility expenses and to those that receive assistance under the Low-Income Home Energy Assistance Act ("LIHEAA").

The Department allows a Standard Utility Allowance ("SUA"), currently \$783.00, in place of the actual cost of utilities for qualifying households.

The Department correctly included the SUA in the SNAP benefit calculation.

14. 7 CFR § 273.9(d)(3) provides for medical expenses. The Department is instructed to allow a medical expense deduction for:

- Elderly or disabled EDG members
- EDG members receiving emergency SSI benefits based on presumptive eligibility; or
- A non-EDG member meeting the following requirements:
 - The elderly/disabled definition;
 - The individual was in the EDG immediately prior to being placed in an institution (hospital, nursing home, etc.) or death of the member;
 - The individual cannot establish SNAP eligibility on his/her own; and
 - The EDG is paying the medical expenses of the individual

15. 7 CFR § 273.9(d)(3) provides for the medical expense deduction. The Department is instructed to allow a monthly medical expense deduction if the EDG’s allowed medical expenses are more than \$35.00. The medical expense deduction is the total cost of the allowed medical expenses minus \$35.00.

Example: The EDG has a total allowable medical expense of \$173.00. The medical expense deduction is \$138.00. (\$173.00-\$35.00)

The Department correctly calculated the household’s medical expense deduction to be \$6.80. (\$41.80-\$35.00)

16. “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 a household’s size reduced by 30% 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 is \$137.64. This figure is rounded up to \$138.00 pursuant to §273.10(e)(2)(ii)(A)(1).

The maximum SNAP allotment (known as the “Thrifty Food Plan”) for a household of two is \$459.00.

Total Wages	\$0.00
Total Unearned Income	\$1,495.00
Gross Monthly Income	\$1,495.00
-20% Earned Income Deduction	\$0.00
-Standard Deduction	\$177.00
Total Adjusted Gross Monthly Income	\$1,318.00
-Medical Expenses in Excess of \$35.00	\$6.80
Total x .5 (50% Adjusted Gross Income)	655.60
Shelter Costs	

Rent or Mortgage	\$725.00
Standard Utility Allowance (SUA)	\$783.00
Total Shelter Costs	\$1,508.00
-50% Adjusted Gross Income	\$655.60
Excess Shelter Costs	\$852.40
Total Shelter Deduction (not capped)	\$852.40
Net Monthly Income	\$1,311.20
-Total Shelter Deduction	\$852.40
Total Net Monthly Income	\$458.80
Total Net Monthly Income x .30	\$138.00 (rounded to nearest whole dollar)
Thrifty Food Plan (household of two)	\$459.00
-30% Net Monthly Income	\$138.00
SNAP Allotment for Household	\$321.00

The Department correctly calculated the Appellant’s monthly SNAP allotment to be \$321.00 effective [REDACTED] 2022.

DISCUSSION

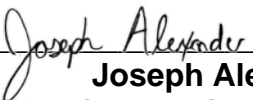
During the hearing, the Appellant’s spouse testified that a law/executive order issued from President Biden prevented the recipients of SNAP from having their benefits decreased in response to the increase of Social Security benefits (cost-of-living adjustment). Neither the Appellant nor the Appellant’s spouse was able to provide a name for the law or number reference for the executive order.

The USDA Food and Nutrition Service website issued a press release (Release No. USDA No. 179.21) on August 16, 2021, regarding a “re-evaluation of the Thrifty Food Plan” which would result in an increase of the average SNAP benefit for Fiscal Year 2022 beginning on October 1, 2021. The press release details President Biden issued an executive order on January 22, 2021, which supports the 2018 Farm Bill directed by Congress to adjust/revise the Thrifty Food Plan for the first time since 1975.

The revised Thrifty Food Plan details an increase of \$36.24 per person, per month, or \$1.19 per day, for Fiscal Year 2022 beginning on October 1, 2021. The press release makes no mention of any law or executive order preventing the reduction of SNAP because of cost-of-living adjustment.

DECISION

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



Joseph Alexander
Administrative Hearing Officer

CC: Rachel Anderson, Operations Manager, DSS, New Haven Regional Office
Mathew Kalarickal, Operations Manager, DSS, New Haven Regional Office
Lisa Wells, Operations Manager, DSS, New Haven Regional Officer
Jacqueline Taft, Administrative Hearing Liaison, DSS, New Haven 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.