

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

██████████, 2022
Signature Confirmation

Case ID ██████████
Client ID ██████████
Request #: 187062

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued ██████████ ██████████ (the “Appellant”) a Notice of Action informing her that her benefits under the Supplemental Nutrition Assistance Program (“SNAP”) would be reduced to \$103.00 per month beginning ██████████ 2022.

On ██████████, 2022, the Appellant requested an administrative hearing to contest the Department’s calculation of her SNAP benefits.

On ██████████ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2022.

On ██████████ 2022, the Appellant requested a continuance which OLCRAH granted.

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

On ██████████ 2022, 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 via teleconference due to Covid-19 concerns.

The following individuals called in for the hearing:

██████████, Appellant
Carolyn Jones, Department’s Representative
Lisa Nyren, Hearing Officer

The record remained open for the submission of additional evidence. Both the Appellant and the Department submitted additional evidence. On [REDACTED], 2022 the record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's [REDACTED] 2021 calculation of the Appellant's SNAP benefits as \$103.00 per month beginning [REDACTED] 2022 is correct.

FINDINGS OF FACT

1. The Appellant lives with her son [REDACTED] (the "son"), and her daughter [REDACTED] (the "daughter"). (Hearing Record)
2. The Appellant receives SNAP benefits for a household of three: the Appellant, her son, and her daughter. (Hearing Record)
3. The Appellant is [REDACTED] years old and not disabled. (Appellant Testimony)
4. The son is [REDACTED] years old and disabled. (Appellant's Testimony)
5. The daughter is [REDACTED] years old and disabled. (Appellant's Testimony)
6. The Appellant home schools her son and daughter. (Appellant's Testimony, Exhibit 7: Case Documents, and Exhibit B: School Documents)
7. The son receives Supplemental Security Income ("SSI") benefits of \$841.00 per month. (Stipulated)
8. The daughter receives SSI benefits of \$841.00 per month. (Stipulated)
9. The Appellant receives \$342.00 per month under the Temporary Family Assistance ("TFA") program. (Stipulated)
10. Effective [REDACTED] 2021, the Appellant's rent increased from \$264.00 to \$265.00 per month. The Appellant resides in subsidized housing, total rent \$1,124.00. [REDACTED] pays \$859.00 directly to the property owner. (Appellant's Testimony and Exhibit C: Shelter Documents)
11. The Appellant pays for the cost of heat in her apartment. The Appellant's heating source is gas provided by Connecticut Natural Gas ("CNG"). (Appellant's Testimony)

12. The Appellant pays for electricity in her apartment. The Appellant incurs cooling costs during the summer months. The Appellant's electricity is provided by Eversource. (Appellant's Testimony)
13. The Appellant intends to file for energy assistance under the Connecticut Energy Assistance Program ("CEAP"). (Appellant's Testimony)
14. The Appellant incurs out of pocket medical expenses for treatment from [REDACTED] ("Chiropractic Care Center"), a chiropractic care center, for herself, her son, and her daughter. Treatment cost totals \$1,650.00 for the household of three. On [REDACTED], 2021, the Appellant signed a financial plan with the Chiropractic Care Center to pay these costs monthly for six months at \$247.00 per month because the treatment is not covered by insurance. The Appellant made the following payments to the Chiropractic Care Center: (Appellant's Testimony and Exhibit A: Financial Plan and Receipts)

| Date Paid | Amount Paid |
|---------------|-------------|
| [REDACTED]/21 | \$247.00 |
| [REDACTED]/21 | \$247.50 |
| [REDACTED] 21 | \$247.50 |
| [REDACTED]/22 | \$247.50 |

15. On [REDACTED] 2021, the Department received a copy of the Chiropractic Care Center financial plan signed by the Appellant on [REDACTED] 2021. The financial plan lists the name of the Chiropractic Care Center and the case type as "Acute – Restorative- Wellness" and payment options. No additional information is noted. (Exhibit A: Financial Plan and Receipts and Exhibit 8: Case Documents)
16. The Appellant incurs out of pocket medical costs needed to care for her son. These costs include but not limited to bed pads, wipes, weighted vests/jackets, weighted blankets, hearing aid batteries, essential oils, soaps, and humidifier costs. The Appellant did not save the receipts or submit such receipts to the Department for these costs when incurred. (Appellant's Testimony)
17. The Department calculated the Appellant's gross monthly income as \$2,024.00. (\$841.00 Son's SSI + \$841.00 Daughter's SSI + \$342.00 TFA = \$2,024.00) (Department Representative's Testimony and Exhibit 6: SNAP Computation Sheet and Income Test)
18. The Department determined the Appellant eligible for the standard deduction of \$177.00 per month. (Department Representative's Testimony and Exhibit 6: SNAP Computation Sheet and Income Test)
19. The Appellant received the standard utility allowance ("SUA") of \$783.00 under the SNAP. (Department Representative's Testimony and Exhibit 6: SNAP Computation Sheet and Income Test)

20. The Department determined the Appellant's shelter costs as \$783.00. Rent \$00.00 per month + \$783 SUA = \$1,269.00. (Exhibit 6: SNAP Computation Sheet and Income Test)
21. The Department determined the Appellant ineligible for a shelter deduction under the SNAP computation. (Department Representative's Testimony and Exhibit 6: SNAP Computation Sheet and Income Test)
22. The maximum monthly SNAP allotment for [REDACTED] 2022 for a household of three with no source of income equals \$658.00. (Department Representative's Testimony and Exhibit 6: SNAP Computation Sheet and Income Test)
23. The Department determined the Appellant eligible for \$103.00 per month under the SNAP effective [REDACTED] 2022. (Exhibit 2: Notice of Action and Exhibit 6: SNAP Computation Sheet and Income Test)
24. The Appellant is seeking an increase in her monthly SNAP allotment to provide a proper diet for her children due to an increase in medical expenses not covered by insurance. (Appellant's Testimony)
25. 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. However, the hearing which was originally scheduled for [REDACTED] 2022 was rescheduled for [REDACTED], 2022 at the request of the Appellant causing a [REDACTED]-day delay. Additionally, the close of the hearing record, which had been anticipated to close on [REDACTED] 2022, did not close for the admission of additional evidence until [REDACTED] 2022 resulting in an additional [REDACTED]-day delay. Therefore, this decision is not due until [REDACTED] 2022 and therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes ("Conn. Gen. Stats.") provides 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. Title 7 Section 273.1(b)(1)(i) of the Code of Federal Regulations ("C.F.R.") provides as follows:

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

The Department correctly determined an assistance unit of three: the Appellant, the son, and the daughter.

3. Federal regulation provides as follows:

Unearned income shall include but not be limited to: Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in [§ 271.2](#)); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt from consideration as countable income under the provisions of [paragraph \(c\)\(1\)](#) of this section. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.

7 C.F.R. § 273.9(b)(2)(i)

The Department correctly included the son's SSI income when calculating the SNAP benefits for the assistance unit.

The Department correctly included the daughter's SSI income when calculating the SNAP benefits for the assistance unit.

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

4. Federal regulation provides as follows:

Determining Income-Anticipating income. 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. 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 son's gross SSI benefit as \$841.00 per month.

The Department correctly determined the daughter's gross SSI benefits as \$841.00 per month.

The Department correctly determined the Appellant's gross monthly TFA benefit as \$342.00 per month.

5. Federal regulation provides in pertinent part as follows:

Deductions shall be allowed only for the following household expenses:

Standard deduction – 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)

For the period October 1, 2021 through September 30, 2022, the standard deduction for the 48 States and DC for a household of three equals \$177.00. (United States Department of Agriculture ("USDA"), Food and Nutrition Service ("FNS") Memorandum SNAP – Fiscal Year 2022 Cost-of-Living Adjustments Without Maximum Allotments, August 9, 2021)

The Department correctly determined the standard deduction for a household of three under the SNAP as \$177.00 per month. Refer to Conclusion of Law (“COL”) # 8.

Excess medical deduction. That portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is elderly or disabled as defined in [§ 271.2](#). Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. Allowable medical costs are:

- i. Medical and dental care including psychotherapy and rehabilitation services provided by a licenses practitioner authorized by State law or other qualified health professional.
- ii. Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the State.
- iii. Prescription drugs, when prescribed by a licensed practitioner authorized under State law, and other over-the-counter medication (including insulin), when approved by a licensed practitioner or other qualified health professional.
- iv. Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump sum settlements for death or dismemberment or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible;
- v. Medicare premiums related to coverage under Title XVIII of the Social Security Act; any cost-sharing or spend down expenses incurred by Medicaid recipients;
- vi. Dentures, hearing aids, and prosthetics;
- vii. Securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills;
- viii. Eyeglasses prescribed by a physician skilled in eye disease or by an optometrist;
- ix. Reasonable cost of transportation and lodging to obtain medical treatment or services;
- x. Maintaining an attendant, homemaker, home health aide, or childcare services, housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one person benefit allotment shall be deducted if the household

furnishes the majority of the attendant's meals. The allotment for this meal related deduction shall be that in effect at the time of initial certification. The State agency is only required to update the allotment amount at the next scheduled recertification; however, at their option, the State agency may do so earlier. If a household incurs attendant care costs that could qualify under both the medical deduction of [§ 273.9\(d\)\(3\)\(x\)](#) and the dependent care deduction of [§ 273.9\(d\)\(4\)](#), the costs may be deducted as a medical expense or a dependent care expense, but not both.

7 C.F.R. § 273.9(d)(3)

Federal regulation provides in pertinent part:

Anticipating expenses. 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.

7 C.F.R. § 273.10(d)(4)

Federal regulation provides as follows:

Changes. Changes reported during the certification period shall be subject to the same verification procedures as apply at initial certification, except that the State agency shall not verify changes in income if the source has not changed and if the amount has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses or actual utility expenses which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated

7 C.F.R. § 273.2(f)(8)(ii)

Federal regulation provides as follows:

Medical expenses. The amount of any medical expenses (including the amount of reimbursements) deductible under [§ 273.9\(d\)\(3\)](#) shall be verified prior to initial certification. Verification of other factors, such as the allowability of services provided or the eligibility of the person incurring the cost, shall be required if questionable.

7 C.F.R. § 273.2(f)(1)(iv)

The Department incorrectly excluded the out of pocket medical costs from the Chiropractic Care Center reported by the Appellant on [REDACTED] 2021 because the Department failed to explore the household's eligibility for a

medical deduction. The Appellant is neither elderly or disabled, but the son and daughter meet the disability criteria under the SNAP as recipients of SSI. Although the financial plan failed to document the type of medical service provided and the recipient(s) of such services, federal regulation allows for a medical deduction for SNAP recipients who meet the criteria as elderly or disabled under federal regulations. The Department failed to notify the Appellant additional verification was needed to determine if the household qualified for a medical deduction under the SNAP.

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:

Standard utility allowances. 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)

For the period October 1, 2021 through September 30, 2022, the standard utility allowance for Connecticut equals \$783.00. (United States Department of Agriculture, Food and Nutrition Service SNAP SUA Table FY2022, December 16, 2021)

Federal regulation provides as follows:

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)

Federal regulation provides in pertinent part: “The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household’s eligibility and benefit level.” 7 C.F.R. § 273.2(f)(2)(i)

The Department correctly determined the Appellant eligible for the SUA because she incurs heating and cooling costs.

The Department incorrectly determined the shelter expense as \$783.00. The correct shelter costs equal \$1,048.00. \$265.00 rent + \$783.00 SUA = \$1,048.00. Refer to COL #8. Federal regulation requires verification of questionable information. The Appellant’s residency/address did not change, rather her rent decreased. “Shelter expenses are verified only when questionable. Client statement is an acceptable form of verification.”¹

The Department incorrectly determined the shelter hardship as \$00.00. The correct shelter hardship equals \$124.50. Refer to COL # 8.

6. Federal regulation provides as follows:

Calculating net income and benefit levels-Net monthly income. To determine a household’s net monthly income, the State agency shall:

- A. Add 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

¹ DSS Program Verification Desk Guide July 1, 2017.

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 in § 273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated 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 costs. 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 costs 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 household's gross monthly earned income as \$00.00.

The Department correctly determined the household's gross monthly unearned income as \$2,024.00 per month.

The Department correctly determined the household's gross monthly income as \$2,024.00. [\$00.00 earned income + \$2,024.00 unearned income = \$2,024.00 total household income]

7. 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)

8. 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 Thrifty Food Plan (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, 2021 through September 30, 2022, the maximum SNAP allotment for the 48 States and D.C. for a household of three equals \$658.00 per month. (USDA, FNS Memorandum SNAP – Fiscal Year 2022 Cost-of-Living Adjustments, August 16, 2021)

The Department incorrectly determined the SNAP benefit as \$103.00 beginning [REDACTED] 2022. Based on the hearing record, the correct SNAP benefit cannot be calculated until further documentation of out of pocket medical costs from the Chiropractic Care Center is provided and eligibility for a medical deduction is reviewed. It is noted below, eligibility for a shelter deduction increases the household's allotment validating the Department's calculation as \$103.00 as incorrect.

SNAP BENEFIT CALCULATION

| | |
|-------------------------------|----------------------------|
| <u>INCOME</u> | |
| Earned Income | \$00.00 |
| Less 20% | -\$00.00 |
| Total earned income | \$00.00 |
| Unearned Income SSI son | \$841.00 |
| Unearned Income SSI daughter | \$841.00 |
| Unearned Income TFA Appellant | +\$342.00 |
| Total unearned income | \$2,024.00 |
| TOTAL INCOME | \$2,024.00 |
| Less standard deduction | -\$177.00 |
| Less medical expenses | <u>Unable to determine</u> |
| Adjusted gross income | \$1,847.00 |
| <u>SHELTER COSTS</u> | |

| | |
|-----------------------------------|---|
| Rent | \$265.00 |
| SUA | +\$783.00 |
| Total shelter costs | \$1,048.00 |
| SHELTER HARDSHIP | |
| Shelter costs | \$1,048.00 |
| Less 50% of adjusted gross income | <u>-\$923.00</u> |
| Total shelter hardship | \$124.50 (Cannot exceed \$597 unless elderly or disabled) |
| ADJUSTED NET INCOME | |
| Adjusted gross income | \$1,847.00 |
| Less shelter hardship | <u>-\$124.50</u> |
| Net Monthly Income | \$1,722.50 |
| BENEFIT CALCULATION | |
| Thrifty Food Plan for # Person/s | \$658.00 |
| Less 30% of NAI \$516.75 | <u>-\$517.00</u> |
| SNAP AWARD | \$141.00 |

DISCUSSION

The son and daughter's SSI benefits increased beginning [REDACTED] 2022 resulting in an increase in monthly household income. This increase in household income along with a decrease in monthly rent charges caused a decrease in the Appellant's regular monthly SNAP benefit beginning [REDACTED] 2022. However, the Department failed to review eligibility for a medical expense deduction under the SNAP after receiving a report from the Appellant on [REDACTED] 2021 of out of pocket medical expenses.

DECISION

The Appellant's appeal is granted.

ORDER

1. The Department must include the rental expense of \$265 incurred by the Appellant effective [REDACTED] 2021 in the SNAP calculation.
2. The Department must evaluate the household's eligibility for a medical expense deduction under the SNAP beginning [REDACTED] 2021. The Department must allow the Appellant 10-days to submit additional verification confirming the medical services received by the son and daughter by a licensed practitioner or other

qualified health professional from the Chiropractic Care Center and the costs incurred by the son and daughter for such services.

3. Recalculate the Appellant's monthly SNAP allotment effective [REDACTED] 2021 and ongoing to include a medical expense deduction, **if appropriate**, and include the Appellant's rental obligation effective [REDACTED] 2022 and ongoing. Upon a determination of eligibility for a medical deduction, the Department must issue the Appellant any benefits due.²
4. Compliance is due [REDACTED], 2022.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Musa Mohamud, DSS RO #10
Judy Williams, DSS RO #10
Jessica Carroll, DSS RO #10
Jay Bartolomei, DSS RO #10
Carolyn Jones, DSS RO #10

² Federal regulation provides as follows: For the months the household was eligible, the State agency shall calculate the allotment the household should have received. If the household received a smaller allotment than it was eligible to receive, the difference between the actual and correct allotments equals the amount to be restored. 7 CFR 273.17(d)(3)

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.