

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# 190099

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) denying her application for Supplemental Nutritional Assistance (“SNAP”) benefits.

On ██████████ 2022, the Appellant requested an Administrative Hearing to appeal the Department’s decision to deny SNAP.

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

On ██████████ 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 per the Appellant’s request. The following individuals participated in the hearing:

██████████ Appellant
██████████ Appellant's Spouse ("Spouse")
Garfield White, Department's Representative
Jessica Gulianello, Administrative Hearings Officer

The Spouse provided the primary testimony during the hearing proceedings.

The hearing record remained open to allow both parties time to submit additional information. On ██████████ 2022, the hearing record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's ██████████ 2022, action to deny the Appellant's ██████████ 2022, application for SNAP due to excess income was correct.

FINDINGS OF FACT

1. On ██████████ 2022, the Appellant filed an online application ("ONAP") requesting SNAP benefits for a household of five individuals: ██████████
██████████
██████████ (Exhibit 2: ONAP, Department's Testimony, Spouses Testimony)
2. On ██████████ 2022, the Department's online eligibility management system ("ImpaCT") auto updated the application received date to the next business day, ██████████ 2022. (Exhibit 2: ONAP)
3. On ██████████ 2022, the Department registered the Appellant's SNAP application in ImpaCT. (Exhibit 1: Case Notes, Department's Testimony)
4. On ██████████ 2022, the Appellant completed the mandatory SNAP interview via telephone. (Exhibit 1: Case Notes, Department's Testimony)
5. The Appellant received legal permanent residency ("LPR") status in ██████████. (Exhibit 1: Case Notes, Exhibit 2: ONAP, Department's Testimony, Spouses Testimony)
6. The Spouse is a United States Veteran – ██████████. (Exhibit 2: ONAP, Spouses Testimony)
7. The Spouse has court ordered joint custody of his two sons, ██████████
██████████ (Exhibit 2: ONAP, Exhibit 12: ██████████ Custody Agreement, Exhibit C: ██████████ Custody Agreement, Spouses Testimony)

8. On [REDACTED] 2022, the Department determined the [REDACTED] two children, [REDACTED] were ineligible for SNAP as they were already receiving SNAP benefits as part of another case. (Exhibit 1: Case Notes, Department's Testimony)
9. The Spouse is receiving \$4,236.09 per month [REDACTED] [REDACTED] (Exhibit 1: Case Notes, Exhibit 2: ONAP, Exhibit 8: Letter from [REDACTED], Department's Testimony, Spouses Testimony)
10. The Spouse is receiving \$1,416.10 per month [REDACTED] [REDACTED]. (Exhibit 1: Case Notes, Exhibit 10: ImpaCT Interface, Department's Testimony, Spouses Testimony)
11. The Spouse is responsible for a mortgage of \$1,861 per month (taxes and insurance included) plus utility expenses paid separately. (Exhibit 1: Case Notes, Exhibit 2: ONAP, Department's Testimony, Spouses Testimony)
12. The Spouse was court ordered to pay child support in the amount of \$1,010 per month [REDACTED]. [REDACTED] received \$660 a month (increased to \$668 as of 2021) [REDACTED]. The Spouse was obligated to pay the remaining sum of \$350 to make a total of \$1,010 per month in child support. (Exhibit D: [REDACTED] letter dated [REDACTED]/21, Exhibit F: [REDACTED] Child Support Court Order)
13. The Spouse made the following child support payments via [REDACTED] Support Enforcement Services to, [REDACTED]: [REDACTED] 2021: \$420, [REDACTED] 2021: \$420, [REDACTED] 2021: \$420, [REDACTED] 2022: \$420. (Exhibit B: [REDACTED] Support Enforcement Statement)
14. On [REDACTED], 2022, the Appellant reported non-recurring out of pocket medical expenses for herself and [REDACTED] son, [REDACTED]. (Exhibit 1: Case Notes, Exhibit 2: ONAP, Exhibit 9: Medical Expenses, Department's Testimony)
15. On [REDACTED] 2022, the Department determined the household was over the net income limit for the SNAP program. ImpaCT issued a W-0001: NOA advising the Appellant the SNAP application was denied as the household's monthly net income exceeded the limit for the program. Furthermore, the Appellant was denied benefits for not meeting the non-citizen requirements and the [REDACTED] two children were denied benefits as they were already receiving SNAP benefits as part of another case. (Exhibit 4: NOA, Department's Testimony)
16. The issuance of this decision is timely under section 17b-61(a) of Connecticut General Statutes, 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], 2022. This decision, therefore, was due no later than [REDACTED] 2022. However, the hearing record, which had been anticipated to close on [REDACTED] 2022, did not close for the admission of evidence until [REDACTED] 2022, at the Appellant's request. Because this four-day delay in the close of the hearing record arose from the Appellant's request, this final decision was not due until [REDACTED] 2022, and is therefore timely. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statute provides the following: "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 of the Code of Federal Regulations ("C.F.R") § Section 273.2(a)(2) provides the following: *Application processing*. The application process includes filing and completing an application form, being interviewed, and having certain information verified. The State agency must act promptly on all applications and provide SNAP benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

7 C.F.R § 273.2(c)(1)(i) provides the following: Households must file SNAP applications by submitting the forms to the SNAP office either in person, through an authorized representative, by mail, by completing an on-line electronic application, or, if available, by fax, telephone, or other electronic transmission.

The Department complied with Federal Regulation and correctly determined the Appellant filed an ONAP requesting SNAP benefits.

3. 7 C.F.R § 273.2(c)(1)(iv) provides the following: *Recording the filing date*. The date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

The Department complied with Federal Regulation and correctly determined the SNAP application date to be [REDACTED] 2022.

4. 7 C.F.R § 273.2(e)(1) provides the following: Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

7 CFR § 273.2(e)(2) provides the following: 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 Department complied with Federal Regulation and conducted a telephone interview with the Appellant on [REDACTED] 2022.

5. 7 C.F.R § 273.4(a)(6)(i) provides the following: A qualified alien is: (A) An alien who is lawfully admitted for permanent residence under the INA; (B) An alien who is granted asylum under section 208 of the INA; (C) A refugee who is admitted to the United States under section 207 of the INA; (D) An alien who is paroled into the U.S. under section 212(d)(5) of the INA for a period of at least 1 year; (E) An alien whose deportation is being withheld under section 243(h) of the INA as in effect prior to April 1, 1997, or whose removal is withheld under section 241(b)(3) of the INA; (F) An alien who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980; (G) An alien who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the alien at the time of the abuse, an alien whose child has been battered or subjected to battery or cruelty, or an alien child whose parent has been battered;^[2] or (H) An alien who is a Cuban or Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980.

7 C.F.R § 273.4(a)(6)(iii) provides the following: The following qualified aliens, as defined in paragraph (a)(6)(i) of this section, must be in a qualified status for 5 years before being eligible to receive SNAP benefits. The 5 years in qualified status may be either consecutive or nonconsecutive. Temporary absences of less than 6 months from the United States with no intention of abandoning U.S. residency do not terminate or interrupt the individual's period of U.S. residency. If the resident is absent for more than 6 months, the agency shall presume that U.S. residency was interrupted unless the alien presents evidence of his or her intent to resume U.S. residency. In determining whether an alien with an interrupted period of U.S. residency has resided in the United States for 5 years, the agency shall consider all months of residency in the United States, including any months of residency before the interruption: (A) An alien age 18 or older lawfully admitted for permanent residence under the INA. (B) An alien who is paroled into the U.S. under section 212(d)(5) of the INA for a period of at least 1 year; (C) An alien who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the alien at the time of the abuse, an alien whose child has been battered or subjected to battery or cruelty, or an alien child whose parent has been battered; (D) An alien who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980.

7 C.F.R. § 273.4(a)(6)(ii) provides the following: A qualified alien, as defined in paragraph (a)(6)(i) of this section, is eligible to receive SNAP benefits and is not subject to the requirement to be in qualified status for 5 years as set forth in paragraph (a)(6)(iii) of this section, if such individual meets at least one of the criteria of this paragraph (a)(6)(ii):

7 C.F.R § 273.4(a)(6)(ii)(G) provides the following: An alien with one of the following military connections:

(1) A veteran who was honorably discharged for reasons other than alien status, who fulfills the minimum active-duty service requirements of 38 U.S.C. 5303A(d), including an individual who died in active military, naval or air service. The definition of veteran includes an individual who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the U.S. or in the Philippine Scouts, as described in 38 U.S.C. 107;

(2) An individual on active duty in the Armed Forces of the U.S. (other than for training); or

(3) The spouse and unmarried dependent children of a person described in paragraphs (a)(6)(ii)(G)(1) or (a)(6)(ii)(G)(2) of this section, including the spouse of a deceased veteran, provided the marriage fulfilled the requirements of 38 U.S.C. 1304, and the spouse has not remarried. An unmarried dependent child for purposes of this paragraph (a)(6)(ii)(G)(3) is: a child who is under the age of 18 or, if a full-time student, under the age of 22; such unmarried dependent child of a deceased veteran provided such child was dependent upon the veteran at the time of the veteran's death; or an unmarried disabled child age 18 or older if the child was disabled and dependent on the veteran prior to the child's 18th birthday. For purposes of this paragraph (a)(6)(ii)(G)(3), child means the legally adopted or biological child of the person described in paragraph (a)(6)(ii)(G)(1) or (a)(6)(ii)(G)(2) of this section.

The Department did not comply with Federal Regulation when they determined the Appellant was an ineligible member of the SNAP household.

The Spouse is a veteran, [REDACTED].

The Appellant's military connection to the Spouse makes her an eligible member of the SNAP household.

6. 7 C.F.R § 273.1(a) provides the following: *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: (1) An individual living

alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

7 C.F.R § 273.1(b) provides the following: *Special household requirements* - (1) *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. (i) Spouses; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and (iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

7 C.F.R § 273.1(c) provides the following: *Unregulated situations*. For situations that are not clearly addressed by the provisions of paragraphs (a) and (b) of this section, the State agency may apply its own policy for determining when an individual is a separate household or a member of another household if the policy is applied fairly, equitably and consistently throughout the State.

Joint Physical Custody: If the child under joint physical custody lives with one parent more than 50% of the time, the child is included in that parent's household. Children under joint physical custody spending an equal amount of time in each household during a month are included in the EDG:

- the parents have agreed upon, or
- the EDG that applies first.

The Department verified the [REDACTED] had [REDACTED] custody of [REDACTED] two children, [REDACTED]. The court order verified the children spend an equal amount of time in each household during a month.

A separate Eligibility Determination Group ("EDG") applied for SNAP benefits for said child prior to the Appellant's [REDACTED] 2022, SNAP application.

The Department correctly determined the [REDACTED] two children were ineligible to receive SNAP benefits with this household as they were already receiving SNAP benefits as part of another EDG.

7. 7 C.F.R § 273.9(b) provides the following: *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)(2) provides the following: Unearned income shall include, but not be limited to:

7 C.F.R § 273.9(b)(2)(ii) provides the following: 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.

The Department complied with Federal Regulation and correctly determined the Spouses ██████ \$1,416.10 per month and ██████ \$4,236.09 per month were considered countable income to the SNAP household.

8. 7 C.F.R § 273.9(d)(6)(ii) provides the following: *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)(iii) provides the following: *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.

The Department complied with Federal Regulation and correctly determined the household was eligible for a shelter expense deduction and the Standard Utility Allowance (“SUA”) deduction.

9. 7 C.F.R § 273.9(d)(5) provides the following: *Optional child support deduction*. At its option, the State agency may provide a deduction, rather than the income exclusion provided under paragraph (c)(17) of this section, for legally obligated child support payments paid by a household member to or for a nonhousehold member, including payments made to a third party on behalf of the nonhousehold member (vendor payments) and amounts paid toward child support arrearages.

Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction. A State agency that chooses to provide a child support deduction rather than an exclusion in accordance with this paragraph (d)(5) must specify in its State plan of operation that it has chosen to provide the deduction rather than the exclusion.

The Department did not comply with Federal Regulation when calculating the child support deduction.

The [REDACTED] is eligible for a child support deduction of \$420 per month.

10.7 C.F.R 273.9(d)(3) *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.

The Department did not comply with Federal Regulation when calculating the household's medical deductions allowable to the SNAP.

At time of Application, the Appellant reported out of pocket medical expenses for herself and [REDACTED] son and provided proof of said expenses.

However, per Federal Regulation, the Spouse was the only member of the household potentially eligible for a medical expense deduction.

11.7 C.F.R § 273.10(e) provides the following: *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. (ii) In calculating net monthly income, the State agency shall use one of the following two procedures: (A) Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents; or (B) Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.

7 C.F.R § 273.10(e)(2) provides the following: (i) (A) Households which contain an elderly or disabled member as defined in § 271.2, shall have their net income, as calculated in paragraph (e)(1) of this section (except for households considered destitute in accordance with paragraph (e)(3) of this section), compared to the monthly income eligibility standards defined in § 273.9(a)(2) for the appropriate household size to determine eligibility for the month. (B) In addition to meeting the net income eligibility standards, households which do not contain an elderly or disabled member shall have their gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, compared to the gross monthly income standards defined in § 273.9(a)(1) for the appropriate household size to determine eligibility for the month.

7 C.F.R § 273.10(e)(2)(ii) provides the following: (A) 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:

(1) The State agency shall round the 30 percent of net income up to the nearest higher dollar; or (2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar. (B) If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month. (C) Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.

7 C.F.R § 273.10(e)(2)(iii) For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements of paragraph (a)(1) and the provision precluding issuances of less than \$10 in an initial month of paragraph (e)(2)(ii)(B)) of this section: (A) The State agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued.

SNAP BENEFIT RE- CALCULATION

<u>COUNTABLE GROSS UNEARNED INCOME</u>	
██████████ benefits	\$1,416.10
██████████ benefits	\$4,236.09
Total Income	\$5,652.19
Minus standard deduction (For a household of 3)	-\$177
Minus child support expenses	\$420
Minus medical expenses in excess of \$35 (only if age 60 and older or disabled)	\$135.10 (Calculation: \$170.10- \$35 client liability)
Adjusted Gross Income	=\$4,920.09
<u>SHELTER COSTS</u>	
Mortgage	\$1,861
SUA	\$783
Total shelter costs	\$2,644
<u>SHELTER HARDSHIP</u>	

Shelter costs	\$2,644
Less 50% of adjusted gross income	\$2,460.05
Total shelter hardship	\$183.95 (Cannot exceed \$569 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$4,920.09
Less shelter hardship	183.95
Net Adjusted Income ("NAI")	\$4,736.14
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan Amount for Three SNAP Members	\$658
Less 30% of NAI (rounded up)	(\$4,736.14 x .3) = \$1,420.84 Rounded up to \$1,421.
SNAP award Calculation: Thrifty Food Plan: - 30% NAI = SNAP Amount	\$658 - \$1,421 = \$0 Ineligible for SNAP

The Department complied with Federal Regulation and correctly denied the Appellant's SNAP application on the grounds the household's net adjusted income exceeded the level at which benefits are issued.

DISCUSSION:

The issue of this hearing was the Department's action to deny the Appellant's ██████████ 2022, application for SNAP due to excess income.

The Department inaccurately computed the SNAP household size, child support expenses and allowable medical expenses.

The Spouse testified to paying a ██████████ premium in the amount of \$170.10 per month (not reported at time of application). I find even if the Department took this medical expense into consideration at time of application the household's Net Adjusted Income ("NAI") still exceeded the Thrifty Food Plan table for a SNAP household of three individuals.

The Department correctly denied SNAP due to excess income.

DECISION:

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

Jessica Gulianello

**Jessica Gulianello
Administrative Hearing Officer**

CC: Musa Mohamud, Judy Williams, Jessica Carroll, Jay Bartolomei, Garfield White,
Department of Social Services, Hartford (RO 10)

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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 with 45 days of the mailing of this decision, or 45 days after the agency denies 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 06105-3725. 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 her 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.