

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 ID#: ██████████
Client ID#: ██████████
Request #: ██████████

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) indicating that the Appellant’s Supplemental Nutrition Assistance Program (“SNAP”) monthly benefit would be \$165.00 effective ██████████, 2022.

On ██████████ 2022, the Appellant requested an administrative hearing because ██████████ disagrees with the Department’s calculation of his SNAP benefit.

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

On ██████████ 2022, accordance with sections 17b-60, 17b-61, and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals were present at the hearing:

██████████ Appellant
██████████ Appellant’s Witness
██████████, Interpreter, ██████████
Kristin Haggan, Department Representative

Sybil Hardy, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly calculated the Appellant's SNAP benefits.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Department received from the Appellant a completed and signed SNAP application requesting SNAP benefits for a household of one member which included himself. (Hearing Record, Exhibit 1: Application, [REDACTED], Exhibit 7: Case Notes)
2. On [REDACTED] 2021, the Department sent the Appellant a NOA indicating that he was approved SNAP benefits for an assistance unit of one member. He was approved a SNAP benefit for [REDACTED] 2021 of \$60.00 and for [REDACTED] 2022 and the ongoing months in the amount of \$165.00. (Exhibit 5: NOA, [REDACTED])
3. The Appellant is [REDACTED] years old (D.O.B. [REDACTED] and is not disabled. (Appellant Testimony, Exhibit 1)
4. The Appellant is married and lives with [REDACTED] spouse, [REDACTED] (the "spouse"), who is [REDACTED] years old. (Appellant Testimony)
5. The Appellant did not include [REDACTED] spouse on his SNAP application. (Hearing Record, Appellant Testimony)
6. The Appellant receives a gross monthly unearned income from [REDACTED] [REDACTED] in the amount of \$887.00. (Exhibit 1, Exhibit 3: Federal SNAP-Income Test, Exhibit 7)
7. [REDACTED] Connecticut, employs the spouse full time. (Appellant Testimony)
8. The Appellant and [REDACTED] spouse own their home. (Appellant Testimony)
9. The Department used the standard utility allowance ("SUA") in the calculation of the Appellant's SNAP benefit. (Department Representative Testimony, Exhibit 2: Supplemental Nutrition Assistance Program Computation Sheet, Exhibit 3)

10. On [REDACTED] 2022, the Department erroneously counted the Appellant's SSA benefit twice and reduced the Appellant's monthly SNAP benefit to \$20.00 effective [REDACTED] 2022. (Department Representative Testimony)
11. On [REDACTED], 2022, the Department corrected the amount the Appellant's SSA amount. (Department Representative Testimony, Exhibit 7)
12. On [REDACTED] 2022, the Department sent the Appellant a NOA indicating that his monthly SNAP benefit is \$165.00 effective [REDACTED] 2022. (Exhibit 6: NOA, [REDACTED]/22)
13. Due to the public health emergency created by the COVID-19 pandemic, the Appellant receives the maximum SNAP benefit for a household of one member.) (Department Representative Testimony, Exhibit 4: Benefit Issuance Search)
14. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2022, and the hearing was held on [REDACTED]; therefore, this decision is due not 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 ("C.F.R.") Section 273.1(a) provides that a household is composed 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.
3. Required household combinations. The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. (i) Spouses; (ii) a person under 22 years of age who is living with his or her natural or adoptive parent(s). Title 7 § 273.1(b)(1)

The Department incorrectly determined that the Appellant was a household of one member because the Appellant did not include [REDACTED] spouse on the application and the spouse must be included as a household member.

4. Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible as defined in §273.2(j)(2)(4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)). Title 7 C.F.R. Section 273.9(a)

Unearned income shall include, but not be limited to: (i) assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) 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. Title 7 C.F.R. § 273.9(b)(2)(ii)

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, the 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 the gross monthly income as required by § 273.12. Title 7 C.F.R. § 273.10(c)(i)

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. Title 7 C.F.R. § 273.10(c)(1)(ii)

The Department correctly determined that the Appellant's [REDACTED] would be used in the calculation of the Appellant's SNAP benefits.

The Department incorrectly determined the Appellant's applied income because the Appellant did not include [REDACTED] spouse or [REDACTED] earned income on [REDACTED] application.

5. 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 August 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 shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 months 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. Title 7 C.F.R. § 273.9(d) (6) (ii)

The Department incorrectly determined the shelter expenses because the Appellant did not include all the shelter expenses on his application.

The Appellant's SNAP eligibility could not be correctly determined because the Appellant did not include all household members or their income on [REDACTED], SNAP application.

DISCUSSION

The Department determination of the Appellant's [REDACTED] SNAP benefit was incorrect, and the correct SNAP benefit cannot be calculated with the evidence provided for the hearing record. The Appellant did not include [REDACTED] spouse, who is a mandatory participant, on [REDACTED] application; therefore, the SNAP benefit calculated for the Appellant an assistance unit of one member is incorrect

DECISION

The Appellant's appeal is **REMANDED** back to the Department for further action.

ORDER

1. The Department must add the spouse to the Appellant's SNAP assistance unit effective [REDACTED], and then recalculate the Appellant's SNAP eligibility.
2. The Department will send the Appellant a request for the spouse's information and income and allow the Appellant 10 days to submit the information.
3. Compliance with this order is due back to the undersigned no later than [REDACTED] 2022.

**Sybil Hardy*

Sybil Hardy
Hearing Officer

*Electronic Signature

Pc: Cheryl Stuart, Operations Manager, DSS R.O. [REDACTED]
Kristin Haggan, Fair Hearings Liaison, DSS R [REDACTED]

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 Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision, or 45 days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105-3725. 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 his 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.