

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 # ██████████
Hearing Request # 190996

NOTICE OF DECISION

PARTY

██████████
██████████
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PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the "Department") issued ██████████ (the "Appellant") a Notice of Action ("NOA") stating effective ██████████ 2022, his Supplemental Nutrition Assistance Program ("SNAP") benefit amount will be \$288.00 per month.

On ██████████, 2022, the Appellant requested an administrative hearing to contest the amount of his SNAP benefits.

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, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The hearing was held telephonically. The following individuals were present at the hearing:

██████████, the Appellant
Carmen Ferrer, Department's Representative
Andrzej Cieslik, Polish Interpreter, Interpreters and Translators, Inc.
Scott Zuckerman, Hearing Officer

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. The Appellant and his spouse are certified SNAP through [REDACTED] 0, 2022, for a household of two. (Exhibit 3: Notice of Action dated [REDACTED], 2022)
2. The Appellant is [REDACTED] and his spouse is [REDACTED] years old. (Appellant's testimony)
3. The Appellant receives unearned income from Social Security ("SSA") of \$819.00 per month. (Appellant's testimony, Hearing Summary, Exhibit 5: Unearned Income - Details)
4. The Appellant receives Supplemental Security Income ("SSI") of \$83.00 monthly. (Appellant's Testimony, Hearing Summary and Exhibit 5)
5. The Appellant's spouse receives unearned income from SSA of \$296.00 monthly. (Appellant's testimony, Hearing Summary and Exhibit 6: Unearned Income – Details)
6. The Appellant's spouse receives SSI of \$83.00 monthly. (Appellant's Testimony, Hearing Summary and Exhibit 5)
7. The Appellant has a monthly shelter expense of \$306.00 for rent. (Appellant's testimony and Case note dated [REDACTED], 2022)
8. The Appellant receives the Standard Utility Allowance because he has a shelter expense and receives the SUA dollar. (Hearing Record)
9. On [REDACTED] 2022, the Department sent the Appellant a Notice of Action. The notice stated that effective [REDACTED] 2022, the Appellant would receive \$288.00 in SNAP benefits for his household. (Exhibit 3: Notice of Action, [REDACTED]/2022)
10. 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. Therefore, this decision is due not later than [REDACTED], 2022, and is therefore timely. (Hearing Record)

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. 7 C.F.R. § 271.2 defines an elderly or disabled member as 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; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.
3. 7 C.F.R. § 273.2 (j) (2) (i) provides the following households are categorically eligible for SNAP benefits unless the entire household is institutionalized as defined in §273.1(e) or disqualified for any reason from receiving SNAP benefits. (E) any household in which all members receive or are authorized to receive PA and/or SSI benefits in accordance with paragraphs (j)(2)(i)(A) through (j)(2)(i)(D) of this section.

The Appellant's household receives SSI and is therefore categorically eligible.

4. 7 C.F.R. § 273.9 (a) provides that participation in the Program shall be limited to those households whose income incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households that contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. 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 the Food Stamp Program. Households which are categorically eligible as 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 levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

7 C.F.R. § 273.2(j) (2) (ii) (A) provides the state agency, at its option, may extend categorically eligibility to the following households only if doing so will further the purposes of the Food Stamp Act. (A) Any household (except those listed in paragraph (j) (2) (vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with state money counted for MOE purposes under Title IV-A or federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determined to confer categorical eligibility.

The Department correctly determined that the Appellant's household contains elderly household members and is therefore subject to the net (applied) income eligibility standards.

5. Title 7 CFR § 273.9(b)(2) provides in part that unearned income shall include, but not 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.

(ii) 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 correctly determined the Appellant's monthly income from SSA is \$819.00 and SSI is \$83.00

The Department correctly determined the Appellant's spouse's monthly income from SSA is \$296.00 and SSI is \$83.00.

The Department correctly determined the household's gross monthly income as \$1281.00 (\$819.00 + \$83.00 + \$296.00 + \$83.00).

6. Title 7 CFR § 273.9(d)(1)(i) provides for standard deductions and states that Effective October 1, 2002, in the 48 States and 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. 7 C.F.R. § 273.9 (d) (1) (iii) provides for Minimum deduction levels. Notwithstanding paragraphs (d)(1)(i) and (d)(1)(ii) of this section, the standard deduction for FY 2009 for each household in the 48 States and the District of Columbia, Alaska, Hawaii, Guam, and the U.S. Virgin Islands shall not be less than \$144, \$246, \$203, \$289, and \$127, respectively. Beginning FY 2010 and each fiscal year thereafter, the amount of the minimum standard deduction is equal to the unrounded amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

The Department correctly applied the standard deduction of \$177.00 to the Appellant's total income of \$1281.00 for an adjusted gross income of \$1104.00 (\$1281.00 – \$177.00)

8. 7 C.F.R. § 273.9 (d) (6) (ii) provides for excess shelter deduction. Monthly shelter expenses more than 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.

The Department correctly determined the Appellant's household is eligible for an uncapped shelter deduction because his household is elderly.

9. 7 C.F.R. § 273.9(d) (6) (iii) provides for the Standard Utility Allowance ("SUA"). (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 correctly allowed the Appellant the SUA.

The Department correctly determined the Appellant's shelter costs to be \$1089.00 (\$306.00 rent + 783.00 SUA)

The Department correctly determined that 50% of the Appellant's adjusted gross income is \$552.00 (\$1104.00 / 2 = \$552.00)

The Department correctly determined the Appellant's shelter hardship as \$537.00 (\$1089.00 shelter costs - \$552.00 50% adjusted gross)

The Department correctly determined the Appellant's net adjusted income is \$567.00 (\$1104.00 - \$537.00).

10.7 C.F.R. § 273.10 (e) (2) (ii) (A) provides 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.

The Department correctly determined that 30% of the Appellant's net adjusted income, rounded up is \$171.00 (\$567.00 x 30%).

11.7 C.F.R. § 273.10(e) (4) (i) provides for the Thrifty Food Plan ("TFP") and Maximum Food Stamp Allotments. Maximum food stamp allotment level. Maximum food stamp allotments shall be based on the 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.

The TFP for a household of two from [REDACTED] 2021, through [REDACTED] 2022, is \$459.00.

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

SNAP BENEFIT CALCULATION

INCOME	
Total Social Security and SSI	\$1281.00
Total Unearned Income	\$1281.00
Less standard deduction	<u>-\$177.00</u>
Adjusted gross income	\$1104.00
SHELTER COSTS	
Rent	\$306.00
SUA	<u>+\$783.00</u>
Total shelter costs	\$1089.00
SHELTER HARDSHIP	
Shelter costs	\$1089.00
Less 50% of adjusted gross income	<u>-\$552.00</u>
Total shelter hardship	\$537.00 (Cannot exceed \$597 unless elderly or disabled)
ADJUSTED NET INCOME	
Adjusted gross income	\$1104.00
Less shelter hardship	<u>-\$537.00</u>
Net Adjusted Income (NAI)	\$567.00
BENEFIT CALCULATION	
Thrifty Food Plan for two	\$459.00
Less 30% of NAI	<u>-\$171.00</u>
SNAP award	\$288.00

The Department correctly calculated the Appellant's monthly SNAP benefit amount of \$288.00 effective [REDACTED] 2022.

DECISION

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

Scott Zuckerman
Scott Zuckerman
Hearing Officer

Pc: Shahar Thadal, Operations Manager, DSS, Stamford Regional Office
Carmen Ferrer, Fair Hearing Liaison, DSS, Stamford 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.