

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

██████████
SIGNATURE CONFIRMATION

CASE # ██████████
CLIENT # ██████████
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”) regarding the denial of her application for Supplemental Nutritional Assistance Program (“SNAP”) benefits due to excess income.

On ██████████ 2022, the Appellant requested an administrative hearing to appeal the SNAP discontinuance.

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
Rose Montinat, Department’s Representative
Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's application for SNAP benefits due to excess income.

FINDINGS OF FACT

1. On [REDACTED] 2022, the Department received a W-1E Application requesting food assistance for a household of three. (Dept. Ex. 1: Case Notes)
2. The Appellant's household consist of herself and her two minor children. (Appellant Testimony)
3. One member of the household has been deemed disabled through the Social Security Administration. (Hearing Record)
4. The household's gross monthly income consists of the following: (Hearing Record)
 - \$4,117.82 from [REDACTED] wages
 - \$34.32 Supplemental Security Income ("SSI")
5. The Department calculated the Appellant's wages from [REDACTED] using the following pay dates/gross pay amounts taken directly from Equifax (aka "The Work Number"): (Dept. Ex. 1: Case Notes)
 - [REDACTED] \$701.50
 - [REDACTED] \$1,466.75
 - [REDACTED] \$697.69
 - [REDACTED] \$759.69

Total \$3,625.63 / 4 = \$906.40 (Anticipated pay for [REDACTED])

[REDACTED] \$1,466.75 + [REDACTED] \$697.69 + [REDACTED] \$759.69 + [REDACTED] \$906.40 = \$3,830.53

\$3,830.53 / 4 = \$957.63 weekly average x 4.3 weeks (weekly pay) = \$4,117.82 gross monthly income
6. The Appellant has a monthly shelter expense obligation of \$1,109.30. (Hearing Record, Dept. Ex. 4: NOA)
7. The Appellant is responsible for paying heating and cooling expenses separately from other household expenses. (Appellant Testimony)
8. The Appellant has a monthly childcare obligation totaling \$64.50. (Appellant Testimony)

9. No member of the household has out-of-pocket medical expense obligations.
(Appellant Testimony)
10. 185% of the Federal Poverty Level (“FPL”) for a household of three is \$3,386.00 and 130% of the FPL for a household of three is \$2,379.00; These figures represent the gross and net income limits for the SNAP for a household of three. (Federal Register)
11. On [REDACTED], 2022, the Department issued a NOA notifying the Appellant her Application for SNAP was denied for the following reasons:
(Dept. Ex. 4: NOA)
 - The monthly net income of your household is more than the limit for this program
 - Does not meet program requirements
12. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within [REDACTED] days of the request for an Administrative Hearing. The hearing request was received on [REDACTED], 2022. The hearing record remained open until [REDACTED] 2022, adding a total of three (3) days to the decision due date to allow the Appellant an opportunity to submit documentation to be included as part of the record. The decision is therefore due by [REDACTED] 2022.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Title 7 of the Code of Federal Regulations (“CFR”) Sec. 273.9(a) provides, in relevant part, as follows:

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

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

One member of the household is considered disabled therefore, the household is not subject to the SNAP gross income eligibility standards.

4. 7 CFR § 273.2(j) provides for categorical eligibility. There are 2 different types of categorical eligibility: regular categorical eligibility (“RCE”) and expanded categorical eligibility (“ECE”).
5. 7 CFR § 273.2(j)(1)-(5) provides for RCE and specifies Eligibility Determination Groups (“EDG”) are RCE when each EDG member is authorized to receive at least one of the following programs:
 - AABD (Aid to the Aged Blind Disabled)
 - SAGA (State Administered General Assistance)
 - SSI (Supplemental Security Income)
 - TFA (Temporary Family Assistance)

“Authorized to receive” means an individual has been determined eligible for benefits and has been notified, even if the benefits have been:

- authorized but not accessed,
- authorized but not received,
- recouped,
- suspended, or
- not paid because they are less than the minimum amount.

The Department correctly determined the EDG does not meet the RCE Requirements as only one member out of the three meets the RCE criteria.

6. 7 CFR § 273.2(j)(2)(ii)(A)-(B) and (iii) provides for ECE and specifies EDGs not RCE, whose gross income is below 185% of the Federal Poverty Level (“FPL”), are ECE because all household members are authorized to receive TFA-funded referral services.

The Department correctly determined the EDG does not meet the ECE requirements as the household’s gross monthly income exceeds 185% of the FPL for a household consisting of three members and none of the household members are authorized to receive TFA-funded referral services.

The Department correctly determined that because the EDG meets neither the RCE or ECE requirements, its members are subject to the net income limit (130% FPL) for this program.

7. “For purposes of determining the household’s eligibility and level of benefits the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period....” 7 CFR §273.10(c)(1)(i).
8. “Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period....” 7 CFR §273.10(c)(1)(ii).
9. 7 CFR § 273.9(b)(2)(ii) and (b)(5)(i) & (c)(8) provides for Social Security Benefits and instructs the Department to count as unearned income. In addition, the Department counts the gross amount even if Social Security tax or Medicare premium is withheld.

The Department correctly counted the SSI income (\$34.32).

10. 7 CFR § 273.9(b)(1)(i) instructs the Department to count all wages and salaries as earned income.

The Department correctly counted the Appellant’s wages.

11. 7 CFR § 273.10(c)(3)(i)-(iii) instructs the Department to average income when the income amounts or receipt dates are inconsistent. To determine an average amount:
 1. Add the gross income for the time period used;
 2. Divide the total gross income (Step 1) by the number of pay dates used;
 3. Multiply the average (Step 2) by the conversion factor, if applicable.

The result is the gross monthly average.

12. 7 CFR § 273.10(c)(2)(i) provides for income conversion and instructs the Department to convert income paid more often than monthly to a monthly amount. Conversion factors are:
 - The average weekly amount multiplied by 4.3
 - The average bi-weekly amount multiplied by 2.15
 - Received twice a month (semi-monthly) multiplied by 2

The Department correctly averaged the household’s income and used the correct conversion factor (4.3) when determining SNAP eligibility.

13. 7 CFR § 273.9(b)(1) instructs the Department to count bonuses as earned income if received while the individual is employed.
14. 7 CFR § 273.9(b)(1)(i) instructs the Department to count overtime pay as earned income.

15. 7 CFR § 273.9(b)(1)(i) and (2)(ii) & (c)(8) instruct the Department to count sick pay as earned income when the individual received it while employed.
16. The income limits and standards used in the SNAP are adjusted each year on the first day of October. The current figures used for the SNAP are effective from [REDACTED] 2021, through September 30, 2022 (Program Limits Chart Region A, B, C)
17. 7 CFR § 273.2(f)(1)(xii) & 7 CFR § 273.9(d) & 7 CFR § 273.10(d)(1)(i)-(ii)(2)(4) provide for the expenses and deductions associated with SNAP. EDGs may receive 6 expenses and deductions from their income. These expenses and deductions are:
 - Dependent Care
 - Earned Income Deduction (subtract 20% of gross earned income)
 - Legally Obligated Child Support
 - Medical Expenses (Elderly or disabled EDG member)
 - Shelter Expenses
 - Standard Deduction
18. 7 CFR § 273.9(d)(2) & 7 CFR § 273.11(a)(2) and (c)(1)-(3) & 7 CFR § 273.18(c) provides for the earned income deduction and instructs the Department to subtract 20 % of countable gross earned income

The Department correctly deducted 20% of the Appellant's countable gross income (see calculation below).

19. 7 CFR § 273.9(d)(6)(ii)-(iii) instructs the Department to use the EDG's shelter expenses for the calculation of net income and the benefit amount.
20. 7 CFR §273.9(d)(6)(ii)(A)(E)) discusses shelter costs and provides that only certain expenses are allowable as shelter expense. These expenses include rent, mortgage, property taxes, insurance on the structure, condo, and association fees and the actual costs of utilities.

The Department correctly counted the Appellant's monthly \$1,109.30 rent/mortgage.

21. 7 CFR §273.9(d)(6)(iii)(A) and (E) provides for a standard utility allowance which may, at State option, be used in place of the actual cost of utilities in determining a household's excess shelter deduction and which may be made available both the household's that incur actual utility expenses and to those that receive assistance under the Low-Income Home Energy Assistance Act ("LIHEAA").

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

22. 7 CFR § 273.9(d)(4) provides for dependent care and instructs the Department to allow the actual cost of dependent care expenses. Dependent care is limited to individuals:

- Under the age of 18, or
- An incapacitated person of any age

The Department correctly applied the dependent care expense (\$64.50) deduction.

23. The standard deduction for a household size of one to six persons is equal to 8.31% of the monthly net income standard for each household size established under §273.9(a)(2) rounded up to the nearest whole dollar. 7 CFR §273.9(d)(1).

The Appellant qualifies for the standard deduction for a household consisting of one to three persons which is \$177.00.

24. CFR §273.9(d)(6)(ii) provides for the excess shelter deduction. Monthly shelter expenses in excess of 50% of the household's income after all other deductions in paragraphs (d)(1) to (d)(5) of 7 CFR §273.9 have been allowed, are allowed as an excess shelter deduction.

25. Net income and SNAP benefit levels are calculated pursuant to 7 CFR §273.10(e)(1)(i)(A)-(I). The calculations are as follows:

Total Wages	\$4,117.82
Total Unearned Income	\$34.32
Gross Monthly Income	\$4,152.14
-20% Earned Income Deduction	\$823.56
-Dependent Care Expense	\$64.50
-Standard Deduction	\$177.00
Total Adjusted Gross Monthly Income	\$3,087.08
Total x .5 (50% Adjusted Gross Income)	\$1,543.54
Shelter Costs	
Rent/Mortgage	\$1,109.30
Standard Utility Allowance (SUA)	\$783.00
Total Shelter Costs	\$1,892.30
-50% Adjusted Gross Income	\$1,543.54
Excess Shelter Costs	\$348.76
Total Shelter Deduction (not capped)	\$348.76

Adjusted Gross Monthly Income	\$3,087.08
-Total Shelter Deduction	\$348.76
Total Net Monthly Income	\$2,738.32
Total Net Monthly Income x .30	\$821.00 (rounded to nearest whole dollar)
Thrifty Food Plan (household of three)	\$658.00
-30% Net Monthly Income	\$822.00
SNAP Allotment for Household	\$0.00

26. 7 CFR 273.9(a)(2)(i) provides for the net income limit and specifies the EDGs net income cannot be greater than the net income limit for the EDGs eligibility, benefit level, or benefit period changes, whichever occurs first.

The net income limit for a household of three (130% of the FPL) is equal to \$2,379.00. The household’s net income of \$2,738.32 exceeds the FPL.

27. “Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household’s monthly allotment shall be equal to the maximum SNAP allotment for a household’s size reduced by 30% of the household’s net monthly income as calculated in paragraph (e)(1) of this section....” 7 CFR §273.10(e)(2)(ii)(A).

30% of the Appellant’s household’s net monthly income is \$821.49. This figure is rounded up to \$822.00 pursuant to §273.10(e)(2)(ii)(A)(1).

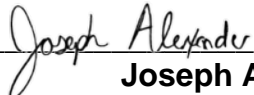
The maximum SNAP allotment (known as the “Thrifty Food Plan”) for a household of three is \$658.00.

30% of the Appellant’s net monthly income of \$822.00 exceeds the maximum SNAP allotment for a household of three (\$658.00).

The Department correctly denied the SNAP effective [REDACTED], 2022.

DECISION

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



Joseph Alexander
Administrative Hearing Officer

CC: Musa Mohamed, Operations Manager, DSS, Hartford Regional Office
Judy Williams, Operations Manager, DSS, Hartford Regional Office
Jessica Carroll, Operations Manager, DSS, Hartford Regional Office
Jay Bartolomei, Administrative Hearing Supervisor, DSS, Hartford Regional Office
Garfield White, Administrative Hearing Liaison, DSS, Hartford 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.