

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

██████████
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Request # 192713

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████, 2022, the Department of Social Services (the “Department”) sent ██████████ ██████████ (the “Appellant”), a Notice of Action (“NOA”) notifying her that she is eligible for \$20.00 in Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2022.

On ██████████ 20222021, the Appellant requested an administrative hearing to contest the amount of her 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 following individuals participated in the hearing:

██████████, Appellant
██████████, Appellant’s Authorized Representative (“AREP”) and mother
Jacqueline Taft, Department’s Representative
Carla Hardy, Hearing Officer

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. The Appellant is the only member in her household. She is 54 years old (DOB [REDACTED]/67). (Appellant's Testimony)
2. [REDACTED] is the Appellant's authorized representative ("AREP") and mother. (Appellant's Exhibit A: Agreement of Authorized Representative Notice; AREP's Testimony)
3. The Appellant is employed by [REDACTED]. She is paid \$13.00 hourly and works approximately 12 hours weekly. (AREP's Testimony)
4. On [REDACTED] 2022, the Department received notification that the Appellant began receiving \$1,156.10 monthly in Social Security Disability ("SSD") benefits. They sent an NOA to the Appellant notifying her that her SNAP would be reduced to \$20.00 monthly effective [REDACTED] 2022. (Exhibit 1: NOA, [REDACTED]/22; Hearing Summary)
5. On [REDACTED] 2022, the Appellant submitted her SNAP renewal form to the Department for review. (Hearing Summary)
6. The Appellant's gross SSD income equals \$1,157.00 monthly. (Exhibit 3: Unearned Income Details; AREP's Testimony)
7. The Appellant's rent was \$620.00 monthly. (Exhibit 2: NOA, [REDACTED]/22; Hearing Summary)
8. The Department queried The Work Number and verified the Appellant's following wages from [REDACTED]

Date	Gross Wages
[REDACTED]/22	\$169.00
[REDACTED]/22	\$52.00
[REDACTED]/22	\$165.75
[REDACTED]/22	\$169.00

(Hearing Record)

9. The Appellant did not report any medical or child support expenses. (AREP's Testimony)
10. The Department used the standard utility allowance ("SUA") in the calculation of Appellant's SNAP benefits. (Department's Testimony)

11. On [REDACTED] 2022, the Department notified the Appellant that she is eligible for \$20.00 in SNAP effective [REDACTED] 2022. (Exhibit 2: NOA, [REDACTED]/22)
12. On the date of the hearing, the AREP notified the Department that the Appellant's rent increased from \$620.00 to \$800.00 effective [REDACTED] 2022. (Hearing Record)
13. 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 hearing. The Appellant requested an administrative hearing on [REDACTED] 2022. 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 273.9(a) provides that 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) 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 as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).
3. Title 7 C.F.R § 273.9(b) provides that household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) earned income shall include (i) all wages and salaries of an employee.
4. Title 7 C.F.R. § 273.9(b)(2)(ii) provides in part that unearned income shall include, but not be limited to 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.

The Department correctly included the Appellant's SSD income when it calculated eligibility for the SNAP benefit.

The Department correctly included the Appellant's wages from [REDACTED] when it calculated eligibility for the SNAP benefit.

5. Title 7 C.F.R. § 273.10(c)(1)(i) provides that 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.
6. Title 7 C.F.R. § 273.10(c)(1)(ii) provides in part that 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. Title 7 C.F.R. § 273.10(c)(2)(i) provides that 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.

The Department correctly determined that the Appellant's monthly unearned income equals \$1,157.00.

The Department correctly determined that the Appellant's monthly earned income equals \$597.43 [(\$169.00 + \$52.00 + \$165.75 + \$169.00) / 4 x 4.3 = \$597.43]

8. Title 7 C.F.R. § 273.9(d)(1)&(2) provides for standard deductions and earned income deductions.

UPM § 5045.15 provides that the amount of applied income upon which the level of SNAP benefits is based is calculated in the following way:

- A. The monthly net earned income amount is calculated by reducing monthly earnings by:
 1. the actual amount of self-employment expenses, if applicable; and
 2. any earned income deductions approved by the Social Security Administration in regards to individual self-support plans (Cross reference: 5035.15); and
 3. a deduction of 20% of the gross earnings for personal employment expenses.
- B. The monthly net earned income is added to the monthly gross unearned income amount and the total of the income deemed to the unit.
- C. The amount of applied income is calculated by reducing the combined total of net earnings, gross unearned income and deemed income by the following in the order presented:
 1. a deduction for farming losses, if any;

2. a disregard of \$177.00 per month; {effective October 1, 2021}
 3. a deduction for unearned income to be used to fulfill a bona-fide plan to achieve self-support (PASS); Cross reference: 5035.15
 4. the appropriate deduction for work related dependent care expenses;
 5. deduction for allowable medical expenses for those assistance unit members who qualify;
 6. a deduction for legally obligated child support when it is paid for a child who is not a member of the assistance unit;
 7. a deduction for shelter hardship, if applicable.
(Cross References: 5030 - "Income Disregards" and 5035 "Income Deductions")
- D. The remaining amount after the disregards and deductions are subtracted is the amount of the unit's applied income.

The Appellant's adjusted gross income equals \$1,457.94 [$\$1,157.00 + (\$597.43 - (\$597.43 \times .20) - \177.00 (Standard Deduction) = \$1,457.94].

9. Title 7 C.F.R. § 273.9(d)(6)(ii) provides for excess shelter deduction.

UPM § 5035.15(F)(1) provides for the calculation of the shelter hardship for the SNAP and states in part that the amount of shelter expenses which exceeds 50% of that portion of the assistance unit's income which remains after all other deductions have been subtracted is allowed as an additional deduction. Shelter expenses are limited to the following:

- a. rent, mortgage payments, and any continuing charges leading to ownership of the property occupied by the assistance unit excluding any portions allowed as self-employment deductions in multiple-family dwellings;

10. Title 7 C.F.R. § 273.9(d)(6)(iii) provides for the standard utility allowances.

UPM § 5035.15(F)(6) provides that a standard utility allowance determined annually by the agency to reflect changes in utility costs is used to represent the total monthly utility expenses of the assistance unit if:

- a. the assistance unit incurs heating fuel or cooling costs separately from rent or mortgage payments; and
- b. the bill is established on the basis of individualized metering of service to the unit; or
- c. the costs are paid:
 - (1) totally or partially by the unit; or
 - (2) partially from a federal means-tested energy program directly to the service provider or to the recipient when these payments are less than the unit's total monthly heating or cooling costs; or
 - (3) totally by CEAP regardless of whether the payment is made to the unit or directly to the service provider.

The Department correctly determined that the Standard Utility Allowance equals \$783.00 effective October 1, 2021.

The Department correctly determined the Appellant's shelter costs equals \$1,403.00 (\$620.00 Rent + \$783.00 Standard Utility Allowance = \$1,403.00) per month.

11. Title 7 C.F.R. § 271.2 provides for the maximum shelter deduction.

UPM § 5035.15(F)(10) provides that for those units which do not have any members who are elderly or disabled, a maximum shelter hardship is revised annually effective October 1. (Maximum shelter hardship effective October 1, 2021 is \$597.00). The Appellant is elderly and disabled. There is no cap on the shelter hardship.

The Department correctly determined that the Appellant's shelter hardship is \$674.03.

12. Title 7 C.F.R. § 273.10(e)(2)(ii)(A)(1) provides for the monthly SNAP benefit calculation.

UPM § 6005(C) provides that in the SNAP, the amount of benefits is calculated by: (1) multiplying the assistance unit's applied income by 30%; and (2) rounding the product up to the next whole dollar if it ends in 1-99 cents; and (3) subtracting the rounded product from the Food Stamp standard of assistance for the appropriate unit size.

13. Effective [REDACTED] 2022, the Appellant's SNAP benefits are computed as follows:

SNAP BENEFIT CALCULATION	
INCOME	
Earned Income	\$597.43
Less 20 percent	-\$119.49
= Adjusted earned income	\$477.94
+ Unearned income	\$1,157.00
= Total income	<u>\$1,634.94</u>
- Standard deduction	-\$177.00
- Medical expenses	\$0
-Dependent care expenses	0.00
=Adjusted gross income	\$1,457.94
SHELTER COSTS	
Rent	\$620.00
+ SUA	<u>\$783.00</u>
Total shelter costs	\$1,403.00
SHELTER HARDSHIP	
Shelter costs	\$1,403.00

Less 50% of adjusted gross income	<u>-\$728.97</u>
= Total shelter hardship (max \$597 if not disabled or elderly)	\$674.03
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$1,457.95
Less shelter hardship	<u>-\$674.03</u>
Net Adjusted Income (NAI)	\$783.92
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for one person	\$250.00
Less 30% of NAI (rounded up to nearest whole dollar)	<u>-\$236.00</u>
SNAP award	\$14.00

14. Title 7 C.F.R. § 273.10(e)(2)(ii)(C) provides 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.
15. The thrifty food plan for one person is \$250.00. Eight percent of \$250.00 equals \$20.00 (\$250.00 x .08 = \$20.00)
16. On [REDACTED], 2022, the Department correctly calculated that the Appellant is eligible for a \$20.00 monthly SNAP benefit.

DISCUSSION

While participating in the hearing, the AREP notified the Department that the rent increased to \$800.00 effective [REDACTED] 2022. The Department notified the Appellant that the increase in rent could affect the SNAP amount effective [REDACTED] 2022.

DECISION

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

Carla Hardy

Carla Hardy
Hearing Officer

Pc: Rachel Anderson, Mathew Kalarickal, Lisa Wells, Operations Managers, Jacqueline Taft, Hearing Liaison, Department of Social Services, New Haven

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 060105-3725.

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 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.