

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# 193440

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2022, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”). The NOA stated the Appellant is eligible for SNAP benefits of \$150 beginning ██████████, 2022.

On ██████████, 2022, the Appellant requested an Administrative Hearing to contest the calculation of the amount of benefits under the 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
██████████, Psychologist, ██████████
Shannon Slash, Department’s Representative
Jessica Gulianello, Hearing Officer

The hearing record remained open to allow the Department time to submit additional information. Additional documents were received and on [REDACTED], 2022, the hearing record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's calculation of the Appellant's amount of benefits under the SNAP is correct.

FINDINGS OF FACT

1. The Department determined the Appellant, [REDACTED] was eligible to receive SNAP benefits for herself in the amount of \$250 per month with a certification cycle end date of [REDACTED] 2022. (Hearing Record)
2. On [REDACTED], 2022, the Appellant submitted an online application ("ONAP") requesting cash benefits. The Appellant reported she [REDACTED] did not have any bills. (Exhibit 1: ONAP)
3. [REDACTED]. The Appellant used [REDACTED] address [REDACTED] for mailing [REDACTED]. The Appellant was not responsible for rent or utility expenses, and her cell phone was paid for by [REDACTED]. (Appellant's Testimony)
4. The Appellant was hired by [REDACTED] as a [REDACTED]-time employee earning \$13.25 per hour [REDACTED]. (Exhibit 1: ONAP, Exhibit 8: [REDACTED])
5. On [REDACTED], 2022, while processing the ONAP for cash assistance the Department [REDACTED] verify the Appellant had only received one [REDACTED] check. The check was issued on [REDACTED], 2022, in the amount of \$296.67 for 22.39 hours worked. (Exhibit 8: [REDACTED], Department's Testimony)
6. On [REDACTED], 2022, the Department calculated the Appellant's projected estimated monthly gross wages as follows: \$296.67 [REDACTED] x 2.15 weeks per month= \$637.84. (Exhibit 5: Case Notes, Exhibit 6: Federal SNAP Income Test, Department's Testimony)
7. On [REDACTED], 2022, the Department added the Appellant's [REDACTED] employment and wages to the online eligibility management system ("ImpaCT"). (Exhibit 5: Case Notes, Department's Testimony)
8. On [REDACTED], 2022, the Department issued the Appellant a NOA reflecting SNAP remained approved in the amount of \$250 for [REDACTED] 2022 and the amount reduced

to \$150 as of [REDACTED] 2022 and forward. (Exhibit 2: NOA, Exhibit 5: Case Notes, Hearing Record)

9. 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, and is 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.”

The Department has the authority to administer the SNAP.

2. Title 7 of the Code of Federal Regulations (“C.F.R”) § Section 271.2 provides the following: “Homeless individual” means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is: (1) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter); (2) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized; (3) A temporary accommodation for not more than 90 days in the residence of another individual; or (4) A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).

The Department complied with the Federal Regulation and correctly determined the Appellant [REDACTED].

3. 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.

The Appellant is age [REDACTED] and not [REDACTED].

The Department complied with the Federal Regulations and correctly determined the Appellant was therefore eligible to receive SNAP benefits as a household of one individual.

4. 7 C.F.R § 273.9(d)(6)(i) provides the following: *Homeless shelter deduction*. A State agency may provide a standard homeless shelter deduction of \$143 a month to households in which all members are homeless individuals but are not receiving free shelter throughout the month. The deduction must be subtracted from net income in determining eligibility and allotments for the households. The State agency may make a household with extremely low shelter costs ineligible for the deduction. A household receiving the homeless shelter deduction cannot have its shelter expenses considered under paragraphs (d)(6)(ii) or (d)(6)(iii) of this section. However, a homeless household may choose to claim actual costs under paragraph (d)(6)(ii) of this section instead of the homeless shelter deduction if actual costs are higher and verified. A State agency that chooses to provide a homeless household shelter deduction must specify in its State plan of operation that it has selected this option.

7 C.F.R § 7 CFR 273.9(d)(6)(iii)(A) provides the following: *Standard utility allowances*. 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.

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

7 C.F.R § 273.9(d)(6)(iii)(D) provides the following: At initial certification, recertification, and when a household moves, the household may choose between a standard or verified actual utility costs for any allowable expense identified in paragraph (d)(6)(ii)(C) of this section (except the telephone standard), unless the State agency has opted, with FNS approval, to mandate use of a standard. The State agency may require use of the telephone standard for the cost of basic telephone service even if actual costs are higher. Households certified for 24 months may also choose to switch between a standard and actual costs at the time of the mandatory interim contact required by § 273.10(f)(1)(i), if the State agency has not mandated use of the standard.

The Department complied with the Federal Regulations and correctly determined the Appellant was ineligible for shelter expense deductions as she had no bills.

5. 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)(1)(i) provides the following: Earned income shall include: All wages and salaries of an employee.

The Department complied with the Federal Regulations and correctly determined the Appellant's earned income from her employment [REDACTED] was countable income for the SNAP.

6. 7 C.F.R § 273.10(c)(1)(i) provides the following: *Determining income - Anticipating income*. (i) 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.

7 C.F.R § 273.10(c)(1) (ii) provides the following: 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. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income. Similarly, if the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income. The State agency shall exercise particular caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the State agency automatically attribute to the household the amounts of any past income. The State agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

7 C.F.R § 273.10(c)(2)(i) provides the following: *Income only in month received.* 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. Nonrecurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income.

7 C.F.R § 273.10(c)(3)(i) provides the following: *Income averaging.* Income may be averaged in accordance with methods established by the State agency to be applied Statewide for categories of households. When averaging income, the State agency shall use the household's anticipation of monthly income fluctuations over the certification period. An average must be recalculated at recertification and in response to changes in income, in accordance with § 273.12(c), and the State agency shall inform the household of the amount of income used to calculate the

allotment. Conversion of income received weekly or biweekly in accordance with paragraph (c)(2) of this section does not constitute averaging.

The Department complied with the Federal Regulations and correctly anticipated the Appellant's earned income based on the gross wages paid on [REDACTED], 2022.

The Department complied with the Federal Regulations and correctly converted the Appellant's [REDACTED] wages to a monthly amount.

The standardized calculation [REDACTED] is as follows: $\$296.67 \times 2.15 = \637.84 per month.

7. 7 C.F.R § 273.9(d)(2) provides the following: *Earned income deduction*. Twenty percent of gross earned income as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in paragraph (c)(17) of this section.

The Department complied with the Federal Regulation and correctly applied the 20% Earned Income Deduction in the calculation of the SNAP.

8. 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)(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.

The Department complied with the Federal Regulations and correctly determined the Appellant was subject to the gross income test followed by the net income test.

SNAP BENEFIT CALCULATION:

<u>COUNTABLE GROSS UNEARNED INCOME</u>	
Gross Earned Income	\$637.84
Total Income	\$637.84
Minus 20% earned Income Deduction	-\$127.56
Minus standard deduction (For a household of 1)	-\$177
Adjusted Gross Income	= \$333.28
<u>SHELTER COSTS</u>	
Rent	\$0
SUA	\$0
TUA	\$0
Total shelter costs	\$0
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$0
Minus 50% of adjusted gross income	\$166.64
Total shelter hardship	\$0 (-\$166.64) (Cannot exceed \$569 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$333.28
Minus shelter hardship	\$0
Net Adjusted Income ("NAI")	\$333.28

<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan Amount for 1 SNAP Member	\$250
Less 30% of NAI (rounded up)	$(\$333.28 \times .3) = \99.98 Rounded up to \$100
SNAP award Calculation: Thrifty Food Plan: - 30% NAI= SNAP Amount	\$250 - \$100 = \$150 SNAP Award

The Department complied with the Federal Regulations and correctly calculated the amount of benefits under the SNAP as of [REDACTED] 2022.

DISCUSSION:

The issue of the hearing was the Department's calculation of the Appellant's amount of benefits under the SNAP at the time the Department took the action.

During the hearing proceedings the Appellant reported several changes to her circumstances effective [REDACTED] 2022. These changes included but were not limited to [REDACTED]. The Appellant is encouraged to follow up with the Department regarding these recent changes as they are outside of the scope of this hearing.

The Appellant requested the hearing decision be mailed to [REDACTED].

DECISION:

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

Jessica Gulianello

**Jessica Gulianello
Administrative Hearing Officer**

CC: Shannon Shlash, Rachael Anderson, Matthew Kalarickal, Lisa Wells (20)

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.