

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 # ██████████
Request # 193455

NOTICE OF DECISION
PARTY

██████████

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) issued a notice of action to ██████████ (the “Appellant”) denying the Appellant’s Supplemental Nutrition Assistance Program (“SNAP”) application because his household income exceeded the program income limit.

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

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

On ██████████ 2022, OLCRAH, at the Appellant’s request, issued a notice rescheduling the administrative hearing for ██████████ 2022.

On ██████████ 2022, in accordance with sections 17b-60, 17-61 and 4-176e to 4-184 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephonic conferencing.

The following individuals participated in the hearing:

██████████ Appellant
Andrezj Cimenki, Interpreter, ITI Translates
Christopher Filex, DSS Middletown
Christopher Turner, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department was correct to deny the Appellant's application for SNAP assistance due to having a net monthly income above the program limit for his household size.

FINDINGS OF FACT

1. On [REDACTED] 2022, the Appellant submitted a SNAP application. The Appellant and his spouse comprise the assistance unit. The Appellant indicated on his application that he has a monthly expense for distilled water. (Exhibit 6A: Case notes; Exhibit 7: SNAP application)
2. On [REDACTED] 2022, the Department sent the Appellant a notice of action denying his SNAP application due to having a monthly net income more than the limit for his household size. (Exhibit 1: Notice; Exhibit 6A: Case notes)
3. On [REDACTED] 2022, the Department completed a telephone interview with the Appellant not previously done. (Exhibit 6C: Case notes)
4. The Appellant is [REDACTED] years old (D.O.B [REDACTED]) and his spouse is [REDACTED] years old (D.O.B [REDACTED]). (Exhibit 7; Record, Appellant's Testimony)
5. The Appellant and his spouse receive Social Security Disability Income ("SSDI"). The Appellant's monthly SSDI is \$1,220.00 and the monthly SSDI for his spouse is \$1,495.00. (Exhibit 7; Record; Appellant's testimony)
6. The Appellant's monthly mortgage expense is \$1,297.19, which includes taxes and insurance. (Exhibit 2: Mortgage escrow; Appellant's testimony)
7. The Department afforded the Appellant's household the Standard Utility Allowance ("SUA"). (Record; Department's testimony)
8. The Appellant and his spouse are recipients of the Department's Medicare Savings Program ("MSP"). (Exhibit 6C; Record; Department's testimony, Appellant's testimony)
9. The Appellant indicated at the hearing he does not have a private insurance expense but has a special diet and pays for tonic water. The Appellant has not otherwise provided copies of unpaid medical expenses. (Exhibit 4: Appellant's letter; Exhibit 6A: Case notes; Appellant's Testimony)

10. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations (“C.F.R.”) § 273.15 (c) (1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and the local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2022, with this decision due [REDACTED] 2022. However, due to a 22-day delay granted to the Appellant, this decision is due no later than [REDACTED] 2022, as [REDACTED] 2022, is a [REDACTED].

CONCLUSIONS OF LAW

1. Connecticut General Statutes §17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to review the Appellant’s SNAP application to determine whether his household meets the program’s eligibility requirements.

2. 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 is not a recipient of Public Assistance (cash assistance) or SSI and is therefore not categorically eligible based on receipt of such.

3. 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 that 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. § 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.

The Department correctly determined that the Appellant’s household does contain a disabled individual(s) and is therefore subject to the net income eligibility standard.

4. 7 C.F.R. § 273.9 (b) (2) (ii) addresses which types of unearned income are included in the calculation of the SNAP allotment, and provides that 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 shall be considered unearned income.

The Department correctly determined that SSDI is considered unearned income and counted in the calculation of the Appellant's SNAP benefit.

5. 7 C.F.R. § 273.9 (d) (1) provides for the standard deduction. (i) 48 States, the District of Columbia, Alaska, Hawaii, and the Virgin Islands. Effective October 1, 2002, in the 48 States and the 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 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 months 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 allowed the Appellant's household the \$177.00 standard deduction for a household of two.

The Department correctly determined the Appellant's adjusted gross income is \$2,538.00 (\$2,715.00 – \$177.00).

6. 7 C.F.R. § 273.9 (d) (3) provides for the excess medical deduction. That portion of medical expenses more than \$35 per month, excluding special diets, incurred by any household member who is elderly or disabled as defined in [§ 271.2](#). Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. Allowable medical costs are:

(i) Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by State law or other qualified health professional.

(ii) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the State.

(iii) Prescription drugs, when prescribed by a licensed practitioner authorized under State law, and other over-the-counter medication (including insulin), when approved by a licensed practitioner or other qualified health professional.

(A) Medical supplies and equipment. Costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible;

(B) Exclusions. The cost of any Schedule I controlled substance under The Controlled Substances Act, [21 U.S.C. 801](#) *et seq.*, and any expenses associated with its use, are not deductible.

(iv) Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump sum settlements for death or dismemberment or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible;

(v) Medicare premiums related to coverage under Title XVIII of the Social Security Act; any cost-sharing or spend down expenses incurred by Medicaid recipients;

(vi) Dentures, hearing aids, and prosthetics;

(vii) Securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills;

(viii) Eyeglasses prescribed by a physician skilled in eye disease or by an optometrist;

(ix) Reasonable cost of transportation and lodging to obtain medical treatment or services;

(x) Maintaining an attendant, homemaker, home health aide, or childcare services, housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one-person benefit allotment shall be deducted if the household furnishes most of the attendant's meals. The allotment for this meal related deduction shall be that in effect at the time of initial certification. The State agency is only required to update the allotment amount at the next scheduled recertification; however, at their option, the State agency may do so earlier. If a household incurs attendant care costs that could qualify under both the medical deduction of [§ 273.9\(d\)\(3\)\(x\)](#) and the dependent care deduction of [§ 273.9\(d\)\(4\)](#), the costs may be deducted as a medical expense or a dependent care expense, but not both.

The Department correctly excluded the consideration of the Appellant's purported special diet and tonic water expenses as ineligible medical deductions.

7. 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 utility 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.

The Department correctly determined that 50% of the Appellant's adjusted gross income is \$1,269.00 (\$2,538.00 * 0.50).

The Department correctly determined Appellant's household is eligible for an uncapped shelter deduction based on age/disability.

8. 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 granted the Appellant the SUA.

The Department correctly determined the Appellant's shelter cost as \$2,080.19 (\$1,297.19 mortgage + \$783.00 SUA).

The Department correctly determined the Appellant's shelter hardship is \$811.19 (\$2,080.19 - \$1,269.00).

The Department correctly determined the Appellant's net adjusted income is \$1,726.81 (\$2,538.00 - \$811.19).

9. 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 percent of the Appellant's net adjusted income, rounded up, is \$519.00 ($\$1,726.81 * 0.30$).

10. 7 C.F.R. § 271.2 defines the Thrifty Food Plan ("TFP") as the diet required to feed a family of four persons consisting of a man and a woman 20 through 50, a child 6 through 8, and a child 9 through 11 years of age, determined in accordance with the Secretary's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition. In order to develop maximum SNAP allotments, the Secretary shall make household size and other adjustments in the Thrifty Food Plan considering economies of scale and other adjustments as required by law.

7 C.F.R. § 273.10(e) (4) (i) provides for the TFP and Maximum Food Stamp Allotments. 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.

7 C.F.R. § 273.10(e) (4) (ii) provides in relevant part that effective October 1, 1996, the maximum SNAP allotments must be based on 100% of the cost of the TFP as defined in §271.2 of this chapter for the preceding June, rounded to the nearest lower dollar increment.

The TFP for a two-person household with no applied income effective October [REDACTED] through September [REDACTED] is \$459.00.

11. The Appellant's SNAP benefit is computed as follows:

SNAP BENEFIT CALCULATION	
<u>UNEARNED INCOME</u>	
SSDI - Appellant	\$1,220.00
SSDI - Spouse	+\$1,495.00
Total Unearned Income	=\$2,715.00
Total Income	\$2,715.00
Less standard deduction	-\$177.00
Adjusted Gross Income	=\$2,538.00
<u>SHELTER COSTS</u>	
Mortgage	\$1,297.19
SUA	+\$783.00
Total shelter costs	=\$2,080.19
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,080.19
Less 50% of adjusted gross income	<u>-\$1,269.00</u>
Total shelter hardship	\$811.19 (Cannot exceed \$597 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$2,538.00
Less shelter hardship	-\$811.19
Net Adjusted Income (NAI)	=\$1,726.81
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for two persons	\$459.00
Less 30% of NAI	<u>-\$519.00</u>

SNAP award	= \$0.00
------------	-----------------

The Department correctly determined the Appellant's household is ineligible for SNAP benefits since the Appellant's net household income exceeds the SNAP program income limit for a household of two.

DECISION

The Appellant's appeal is denied.


Christopher Turner
Hearing Officer

Cc: Brian Sexton, Operations Manager, Middletown Office
Christopher Filek, Fair Hearing Liaison, Middletown 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, law, and 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 requested 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 the 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 the 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 if 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 to 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 per §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.