

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

██████████
██████████
Request # 194044

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 ██████████ 2022, 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, the Appellant requested the hearing to be rescheduled.

On ██████████ 2022, OLCRAH issued a notice rescheduling 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

Rosalie Bertolini, Department's Representative
Carla Hardy, Hearing Officer

Due to the COVID-19 Pandemic, the hearing was held as a telephonic hearing.

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. On [REDACTED] 2022, the Department received the Appellant's Renewal Form. (Exhibit 5: Case Notes; Hearing Record)
2. The Appellant is the only member in her household. She is 71 years old (DOB [REDACTED]/60). (Appellant's Testimony)
3. The Appellant is employed with [REDACTED]. She is paid \$15.00 hourly and works 19 to 20 hours weekly. (Appellant's Testimony)
4. The Appellant submitted the following pay stubs as proof of her earnings:

Pay Date	Gross Earnings
[REDACTED]/22	\$273.75
[REDACTED]/22	\$301.25
[REDACTED]/22	\$109.75
[REDACTED]/22	\$313.25

(Exhibit 3: Paystubs)

5. The Appellant's gross Social Security Disability ("SSD") income equals \$896.00 monthly. (After Hearing Exhibit 7: Unearned Income Details)
6. The Appellant's monthly rent is \$550.00. It was previously \$679.00 in [REDACTED] 2022. (Appellant's Testimony)
7. The Appellant pays \$50.00 monthly for electric heat. She is on the Matching Payment Program. (Appellant's Testimony)
8. The Department used the standard utility allowance ("SUA") in the calculation of Appellant's SNAP benefits. (Department's Testimony)
9. The Appellant pays \$38.00 monthly for [REDACTED] her Medicare D premium and \$35.00 monthly for prescriptions. (Appellant's Testimony)

10. The Appellant did not submit proof of her monthly Medicare D premiums or prescription copays to the Department. (Appellant's Testimony, Department's Testimony)
11. The Appellant submitted a \$60.00 dental receipt from her dentist dated [REDACTED] 2022. (Exhibit 8: Dental bill and receipt)
12. 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)
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. However, the hearing was rescheduled which caused a 27-day delay. Therefore, this decision is due not later than for [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.

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.

4. 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.
5. 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.
6. 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 SSD income equals \$896.00.

The Department correctly determined that the Appellant's monthly earned income equals \$1,072.85 [(\$273.75 + \$301.25 + \$109.75 + \$313.25) / 4 x 4.3 = \$1,072.85]

7. Title 7 C.F.R. § 273.9(d)(1)(i) provides for the standard deduction. 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.

The Department correctly determined that the current standard deduction for a one-person household equals \$177.00.

8. Title 7 C.F.R. § 273.9(d)(2) provides for earned income deductions. 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 correctly determined that twenty percent of the Appellant's earned income equals \$214.57 ($\$1,072.85 \times .20 = \214.57).

9. Title 7 C.F.R. § 273.9(d)(3) provides in relevant part for excess medical deductions. That portion of medical expenses in excess of \$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
 - ...
 - (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.

The Department correctly determined that the Appellant's medical deduction equals \$25.00 ($\$60.00 - \$35.00 = \25.00).

The Department correctly determined the Appellant's adjusted gross income equals \$1,552.28 [$\896.00, SSD + ($\$1,072.85 - \214.57) Earned Income - $\$177.00$, Standard Deduction - $\$25.00$ Medical Deduction = $\$1,552.28$].

10. Title 7 C.F.R. § 273.9(d)(6)(ii) provides for excess shelter deduction. Monthly shelter expenses in excess of 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.

- (C) 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.
- (D) The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.
- (E) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

The Department correctly determined the Appellant's shelter deduction equals \$556.86.

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

- (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...
- (B) The State agency must review the standards annually and make adjustments to reflect changes in costs, rounded to the nearest whole dollar. State agencies must provide the amounts of standards to FNS when they are changed and submit methodologies used in developing and updating standards to FNS for approval when the methodologies are developed or changed.
- (C) A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA)...
- (D) 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.

- (E) A State agency may mandate use of standard utility allowances for all households with qualifying expenses if the State has developed one or more standards that include the costs of heating and cooling and one or more standards that do not include the costs of heating and cooling, the standards will not result in increased program costs, and FNS approves the standard...
- (F) If a household lives with and shares heating or cooling expenses with another individual, another household, or both, the State agency shall not prorate the standard for such households if the State agency mandates use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section...

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 \$1,333.00 (\$550.00 Rent + \$783.00 Standard Utility Allowance = \$1,333.00) per month.

12. Title 7 C.F.R. § 273.9(d)(6)(ii) provides in relevant part for the maximum shelter deduction. Monthly shelter expenses in excess of 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.

The Appellant's household contains a disabled household member. The Department correctly determined the Appellant's shelter hardship is \$556.86.

13. Title 7 C.F.R. § 273.10(e) provides for the monthly SNAP benefit calculation. 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.

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

SNAP BENEFIT CALCULATION	
INCOME	
Earned Income	\$1,072.85
Less 20 percent	-\$214.57
= Adjusted earned income	\$858.28
+ Unearned income	\$896.00
= Total income	<u>\$1,754.28</u>
- Standard deduction	-\$177.00
- Medical expenses	\$25.00
-Dependent care expenses	0.00
=Adjusted gross income	\$1,552.28
SHELTER COSTS	
Rent	\$550.00
+ SUA	<u>\$783.00</u>
Total shelter costs	\$1,333.00
SHELTER HARDSHIP	
Shelter costs	\$1,333.00

Less 50% of adjusted gross income	<u>-\$776.14</u>
= Total shelter hardship (max \$597 if not disabled or elderly)	\$556.86
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$1,552.28
Less shelter hardship	<u>-\$556.86</u>
Net Adjusted Income (NAI)	\$995.42
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for one person	\$250.00
Less 30% of NAI (rounded up to nearest whole dollar)	<u>-\$299.00</u>
SNAP award	\$0.00

15. 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.
16. **The thrifty food plan for one person is \$250.00. Eight percent of \$250.00 equals \$20.00 (\$250.00 x .08 = \$20.00)**
17. On [REDACTED], 2022, the Department correctly calculated that the Appellant is eligible for a \$20.00 monthly SNAP benefit.

DECISION

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

Carla Hardy

Carla Hardy
Hearing Officer

Pc: Jill Sweeney, Operations Managers, Rosalie Bertolini, Hearing Liaison, Department of Social Services, Danbury 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 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.