

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# ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████
████████████████████

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) informing him that he had been approved for Supplemental Nutritional Assistance Program (“SNAP”) benefits in the amount of \$20.00 per month effective ██████████ 2022.

On ██████████ 2022, the Appellant requested an administrative hearing to appeal the Department’s calculation of his 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 via telephone at the Appellant’s request. The following individuals participated in the hearing:

██████████, Appellant
██████████, Appellant’s Representative
Shannon Slash, Department’s Representative
Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly calculated the Appellant's monthly SNAP benefits beginning [REDACTED] 2022.

FINDINGS OF FACT

1. The Appellant resides alone and receives SNAP benefits for a household size of one. (Appellant Testimony, Dept. Ex. 6: NOA dated [REDACTED])
2. The Appellant is [REDACTED] years old (DOB [REDACTED]) and is not disabled. (Appellant Testimony)
3. The Appellant's income consists of a monthly pension totaling \$2,089.68. (Dept. Ex. 4: Pension Statement)
4. The Appellant does not work and has no other sources of income. (Appellant Testimony)
5. The Appellant has a monthly rental obligation totaling \$1,250.00. (Dept. Ex. 5: Lease)
6. The Appellant does not have childcare or support obligations. (Appellant Testimony)
7. The Appellant pays for heating and cooling expenses separate from his rent. (Appellant Testimony)
8. A medical premium totaling \$258.85 is deducted from the Appellant's monthly pension. (Dept. Ex. 4: Pension Statement, Appellant Testimony)
9. On [REDACTED], 2022, the Department issued a NOA to the Appellant regarding his approval for SNAP benefits in the amount of \$20.00 per month effective [REDACTED] 2022. (Dept. Ex. 6: NOA dated [REDACTED])
10. 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, making this decision due no 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. "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))." 7 Code of Federal Regulations ("C.F.R.") § 273.9(a)
3. "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; (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; (4) Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66; (5) Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act. (6) Is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code; (7) Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under title 38 of the United States Code; (8) Is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States Code; (9) Is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under title 38 of the

United States Code and has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; or (10) Receives an annuity payment under: section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act. (11) Is a recipient of interim assistance benefits pending the receipt of Supplemented Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State general assistance benefits provided that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the State agency which are at least as stringent as those used under title XVI of the Social Security Act (as set forth at 20 CFR part 416, subpart I, Determining Disability and Blindness as defined in Title XVI)." 7 C.F.R. § 271.2

The Department correctly determined the Appellant is ■ years of age or older and therefore, for purposes of determining SNAP eligibility, elderly.

4. Unearned income shall include, but not be limited to: (i) Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in §271.2); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt from consideration as countable income under the provisions of paragraph (c)(1) of this section. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income. (ii) 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. 7 C.F.R. § 273.9 (b)(2)(i) &(ii)

The Department correctly determined that the Appellant's total gross unearned income is \$2,089.68

5. Income deductions. Deductions shall be allowed only for the following household expenses: (1) Standard deduction—(i) 48 States, 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)(i)
6. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes to the Standard Deductions (see: www.fns.usda.gov/snap/allotment/COLA):

“The following tables provide the monthly maximum allotment and allowable deductions for FY [REDACTED] (effective October 1, [REDACTED], through September 30, [REDACTED]).”

Standard Deductions

Household Size	Standard Deduction Amount
1	\$177
2	\$177
3	\$177
4	\$184
5	\$215
6+	\$246

The Department correctly applied the \$177 Standard Deduction for the Appellant's household size (one).

7. "Deductions shall be allowed only for the following household expenses:

(3) Excess medical deduction. 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.

(4) Dependent care. Payments for dependent care when necessary for a household member to search for, accept or continue employment, comply with the employment and training requirements as specified under §273.7(e), or attend training or pursue education that is preparatory to employment, except as provided in §273.10(d)(1)(i).

(5) Optional child support deduction. At its option, the State agency may provide a deduction, rather than the income exclusion provided under paragraph (c)(17) of this section, for legally obligated child support payments paid by a household member to or for a non-household member, including payments made to a third party on behalf of the non-household member (vendor payments) and amounts paid toward child support arrearages." 7 C.F.R. § 273.9 (d)(3), (4) & (5)

The Department correctly determined the Appellant does not have allowable dependent care or optional child support expenses.

The Department did not allow for the proper medical deduction concerning the monthly premium deducted from the Appellant's pension.

8. "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. ... 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.” 7 C.F.R. § 273.9 (d)(6)(ii)

The Department correctly determined the Appellants rental obligation totals \$1,250.00 per month.

9. “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.” 7 C.F.R. § 273.9 (d)(6)(iii)

The Department correctly applied the Standard Utility Allowance (“SUA”) of \$783.

10. “Net Income Calculation” 7 CFR § 273.10(e)(1)(i)(A)-(I)
 1. Total gross monthly earned income
 2. Add total gross monthly unearned income
 3. Subtract farm self-employment losses, if any from the result of Step 2. The result is the EDG's total gross income
 4. If the result of Step 3 is over the gross income limit for that EDG size, stop here and deny the case.
 5. Subtract 20% of the total earned income from Step 1 from the total gross income result of Step 3.
 6. Subtract the standard deduction for the EDG's size.
 7. Subtract the allowed net medical expenses (after the \$35 is deducted).
 8. Subtract the allowed dependent care expenses.
 9. Subtract the allowed child support expenses. The result, thus far, is the remaining income.
 10. Total allowed shelter expenses, then subtract 50% of the remaining income (determined in Step 9) to arrive at a net shelter amount.
 11. Compare the net shelter amount (determined in Step 10) to the excess shelter deduction or homeless shelter deduction. If eligible for homeless shelter, deduction and costs are below the standard, apply the homeless shelter deduction. If costs are in excess of the homeless shelter deduction, apply actual costs up to the excess shelter deduction. When comparing net shelter amount to excess shelter deduction, select the lower of the two amounts.

12. Subtract the excess shelter amount (determined in Step 11) from the remaining income to arrive at the net income for the EDG.
13. If the total is over the net income limit for that EDG size, stop here and deny the case

11. "Benefit Calculation" 7 CFR § 273.10(e)(1)(i)-(ii) and (2)(ii)-(iii)(A)

1. Multiply the net income times 30%.
2. Round up to the nearest dollar if the 30% amount ends in cents (Example: $\$100 \times 30\% = \30.30 , rounded to \$31).
3. Deduct the rounded 30% figure from the EDG's maximum benefit.
 - No benefit is issued if the initial month benefits are less than \$10.
 - After the initial month, EDGs with one or 2 individuals are eligible for the minimum benefit if the end result is less than that amount.
 - After the initial month, EDGs with 3 or more individuals are eligible for the actual amount. If the actual amount is:
 - \$1, \$3, or \$5, round up to \$2, \$4 or \$6, respectively;
 - zero, close the case

With regards to the net income calculation, the Department did not subtract the allowed net medical expense(s) (#7).


The Department did not calculate the Appellant's net income correctly therefore the SNAP benefit calculation is incorrect.

DECISION

The Appellant's appeal is **Remanded** to the Department.

ORDER

1. The Department shall recalculate the SNAP benefit effective [REDACTED] 2022, and issue a new Notice of Action based on the new SNAP benefit calculation
2. Compliance with this order is due to the undersigned by [REDACTED], 2022, and shall consist of a copy of the Notice of Action generated when the SNAP benefit is recalculated.


Joseph Alexander
Administrative Hearing Officer

CC: Rachel Anderson, Operations Manager, DSS, New Haven Regional Office
Mathew Kalarickal, Operations Manager, DSS, New Haven Regional Office
Lisa Wells, Operations Manager, DSS, New Haven Regional Office
Shannon Shlash, Administrative Hearing Liaison, DSS, New Haven 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.