

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVE.
HARTFORD, CT 06105-3725

■■■■ 2022
Signature Confirmation

Client ID ■■■■
Case ID ■■■■
Request # 196532

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

The Department of Social Services (the "Department") issued ■■■■ ■■■■ (the "Appellant") benefits of \$185.00 under the Supplement Nutrition Assistance Program ("SNAP") for ■■■■ 2022.

On ■■■■ ■■■■ 2022, the Appellant requested an administrative hearing to contest the amount of her ■■■■ 2022 benefits under the SNAP issued by the Department.

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

On ■■■■ ■■■■ 2022, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone at the Appellant's request.

The following individuals called in for the hearing:

■■■■ ■■■■ Appellant
■■■■ ■■■■ Appellant's Mother and Witness for the Appellant
Andrena Wilson, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's calculation of benefits under the SNAP as \$185.00 for [REDACTED] 2022 was correct.

FINDINGS OF FACT

1. The Appellant receives benefits under the SNAP for herself. (Hearing Record)
2. The Appellant is age [REDACTED] and disabled with no dependents. (Appellant's Testimony)
3. The Appellant lives on [REDACTED] with her mother, [REDACTED] [REDACTED] ("Appellant's Mother"). (Appellant's Testimony)
4. The Appellant pays \$180.00 per month for rent as reported at the last recertification of SNAP benefits. (Department Representative's Testimony)
5. The Appellant receives gross Social Security Disability ("SSDI") benefits under claim # [REDACTED] totaling \$963.00 per month. (Hearing Record)
6. The Appellant receives Medicare Part A and Medicare Part B. The Department pays the Appellant's Medicare Part B premiums under the Qualified Medicare Beneficiary ("QMB") program administered by the Department. (Department Representative's Testimony and Appellant's Testimony)
7. The Appellant received Medicaid under the Husky C program, referred to as Medical for the Aged, Blind, and Disabled program S95 program. (Department Representative's Testimony)
8. The Department determined the Appellant eligible for SNAP benefits \$185.00 for [REDACTED] 2022. The Department calculated this benefit using a standard deduction of \$177.00, shelter hardship of \$570.00 which included rent credit of \$180.00 and standard utility allowance ("SUA") as \$783.00. The Department determined the Appellant's net income as \$216.00. (Department Representative's Testimony)

9. The maximum benefit under the SNAP for a household of one with no source of income equals \$250.00. (Department Representative's Testimony)
10. On [REDACTED] [REDACTED] 2022, the OLCRAH received a request for an administrative hearing from the Appellant. The Appellant writes, "I did not receive SSI for [REDACTED] 2022 so I want an increase in my snap benefits for this month." (Exhibit 3: Hearing Request)
11. The Appellant did not report any changes in her source of income prior to the [REDACTED] [REDACTED] 2022 hearing request. (Appellant's Testimony)
12. At the administrative hearing, the Appellant reported the following changes: landlord increase rent to \$1,240.00, \$549.00 tenant portion which she shares with her mother and Section 8 pays \$691.00, no longer pays for utilities as her mother pays for all utilities, and SSDI decreased to \$672.70 per month due to a recoupment action initiated by the Social Security Administration. (Appellant's Testimony)
13. At the administrative hearing, the Appellant reported she received an overpayment of benefits from the Social Security Administration for which she is responsible to pay back. The Social Security Administration is responsible for the error which caused the overpayment claim. The Appellant does not know the amount of the overpayment. The Social Security Administration began recouping the overpayment claim from her SSDI, reducing her SSDI to \$672.70 per month. The Appellant does not know when the recoupment began. (Appellant's Testimony)
14. The Appellant is seeking additional [REDACTED] 2022 benefits under the SNAP because her source of income was been reduced. (Appellant's Testimony)
15. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, 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] [REDACTED] 2022. Therefore, this decision is due not later than [REDACTED] [REDACTED] 2022.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides as follows: 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.

2. Title 7 Section 273.1(a)(2) of the Code of Federal Regulations (“C.F.R.”) provides for the general household definition as follows:

A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others.

The Department correctly determined a household of one, the Appellant.

3. Federal regulation provides for the definition of income as follows:

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](#); 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)(ii)

The Department correctly included the Appellant's SSDI benefit as unearned income.

4. **“Determining deductions.** Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs as described in [§ 273.9](#).” 7 C.F.R. § 273.10(d)

Federal regulation provides for income deductions as follows:

Deductions shall be allowed only for the following household expenses:

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)

For the period October 1, 2021 through September 30, 2022, the standard deduction for a household of one equals \$177.00. (United States Department of Agriculture, Food and Nutrition Service, Policy Memo SNAP – Fiscal Year 2022 Cost-of Living Adjustments Without Maximum Allotments, August 9, 2021)

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.

7 C.F.R. § 273.9(d)(6)(i)

Standard utility allowances. 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). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with [paragraph \(d\)\(6\)\(iii\)\(E\)](#) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

7 C.F.R. § 273.9(d)(6)(iii)(C)

Federal regulation provides in pertinent part for an “elderly or disabled member means a member of a household who 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.” 7 C.F.R. § 271.2

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 State agency may not prorate the SUA if all the individuals who share utility expenses but are not in the SNAP household are excluded from the household only because they are ineligible.

7 C.F.R. § 273.9(d)(6)(iii)(F)

The Department correctly determined the standard deduction for a household of one as \$177.00.

The Department correctly calculated the Appellant's shelter expenses as \$963.00 based on the information already on file with the Department at the last review. Rent \$180.00 (as reported at last review) + Standard Utility Allowance ("SUA") \$783.00 = \$963.00.

5. Federal regulation provides for determining income as follows:

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)(i)

Federal regulation provides as follows:

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)(2)(i)

The Department correctly determined the Appellant's gross countable SSDI as \$963.00 per month.

6. Federal regulation provides as follows:

Households which contain an elderly or disabled member as defined in [§ 271.2](#), shall have their net income, as calculated in [paragraph \(e\)\(1\)](#) of this section (except for households considered destitute in accordance with [paragraph \(e\)\(3\)](#) of this section), compared to the monthly income eligibility standards defined in [§ 273.9\(a\)\(2\)](#) for the appropriate household size to determine eligibility for the month.

7 C.F.R. § 273.10(e)(2)(i)(A)

Federal regulation provides for calculating net income and benefit levels as follows:

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.

7 CFR 273.10(e)(1)(i)

Effective October 1, 2021 through September 30, 2022, the maximum shelter deduction for the 48 states and DC equals \$597.00. (United States Department of Agriculture, Food and Nutrition Service, Policy Memo SNAP – Fiscal Year 2022 Cost-of Living Adjustments Without Maximum Allotments, August 9, 2021)

“In calculating net monthly income, the State agency shall use one of the following two procedures: 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.” 7 C.F.R. § 273.10(e)(1)(ii)(A)

The Department correctly determined the net applied income as \$216.00.

Gross household income \$963.00 - \$177.00 Standard deduction = \$786.00 Adjusted gross income (“AGI”)

\$786.00 / 2 = \$393.00 ½ of AGI

\$963.00 total shelter costs – \$393.00 ½ of AGI = \$570.00 shelter hardship

\$786.00 - \$570 shelter hardship = \$216.00 net applied income.

The Department correctly determined the Appellant is not subject to the maximum shelter hardship as the Appellant is disabled.

7. Federal regulation provides as follows:

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: The State agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

The Department correctly determined 30% of the net adjusted income as \$65.00. \$216.00 NAI x 30% = 64.8

8. Federal regulation provides for the Thrifty Food Plan (TFP) and Maximum SNAP Allotments as follows:

Maximum SNAP allotment level. Maximum SNAP 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)(i)

For the period October 1, 2021 through September 30, 2022, the maximum allotment for the 48 contiguous States and D.C. under the SNAP for a household of one equals \$250.00. (United States Department

of Agriculture, Food and Nutrition Service, Policy Memo SNAP – Fiscal Year 2022 Cost-of Living Adjustments, August 16, 2021)

The Department correctly calculated the Appellant’s regular monthly SNAP benefit as \$185.00. Reference calculation below.

INCOME	
Earned Income	\$00.00
Less earned inc. disregard	-\$00.00
Total	\$00.00
Plus Unearned Income	+\$963.00
Total	\$963.00
Less standard deduction	-\$177.00
Adjusted gross income	\$786.00
SHELTER COSTS	
Rent	\$180.00
SUA	+\$783.00
Total shelter costs	\$963.00
SHELTER HARDSHIP	
Shelter costs	\$963.00
Less 50% of adjusted gross income	-\$393.00
Total shelter hardship	\$570.00 (Cannot exceed \$597 unless elderly or disabled)
ADJUSTED NET INCOME	
Adjusted gross income	\$786.00
Less shelter hardship	-\$570.00
Net Adjusted Income (NAI)	\$216.00
BENEFIT CALCULATION	
Thrifty Food Plan for One Person/s	\$250.00
Less 30% of NAI	-\$65.00
SNAP award	\$185.00

9. Federal regulation provides for the State agency action on changes as follows:

The State agency shall take prompt action on all changes to determine if the change affects the household's eligibility or allotment. However, the State agency has the option to disregard a reported change to an established deduction in accordance with [paragraph \(c\)\(4\)](#) of this section.

If a household reports a change in income, and the new circumstance is expected to continue for at least one month beyond the month in which the change is reported, the State agency may act on the change in accordance with [paragraphs \(c\)\(1\)](#) and [\(c\)\(2\)](#) of this section. The time frames in [paragraphs \(c\)\(1\)](#) and [\(c\)\(2\)](#) of this section apply to these actions. During the certification period, the State agency shall not act on changes in the medical expenses of households eligible for the medical expense deduction which it learns of from a source other than the household and which, in order to take action, require the State agency to contact the household for verification. The State agency shall only act on those changes in medical expenses that it learns about from a source other than the household if those changes are verified upon receipt and do not necessitate contact with the household. Even if there is no change in the allotment, the State agency shall document the reported change in the casefile, provide another change report form to the household, and notify the household of the receipt of the change report. If the reported change affects the household's eligibility or level of benefits, the adjustment shall also be reported to the household. The State agency shall also advise the household of additional verification requirements, if any, and state that failure to provide verification shall result in increased benefits reverting to the original allotment. The State agency shall document the date a change is reported, which shall be the date the State agency receives a report form or is advised of the change over the telephone or by a personal visit. Restoration of lost benefits shall be provided to any household if the State agency fails to take action on a change which increases benefits within the time limits specified in [paragraph \(c\)\(1\)](#) of this section.

7 C.F.R. § 273.12(c)

Federal regulation provides as follows:

The State agency may elect to verify changes which result in an increase in a household's benefits in accordance with the verification requirements of [§ 273.2\(f\)\(8\)\(ii\)](#), prior to taking action on these changes. If the State agency elects this option, it must allow the household 10 days from the date the change is reported to provide verification required by [§ 273.2\(f\)\(8\)\(ii\)](#). If the household provides verification within this period, the State shall take action on the changes within the timeframes specified in [paragraphs \(c\)\(1\) \(i\)](#) and [\(ii\)](#) of this section. The timeframes shall run from the date the change was reported, not from the date of verification. If, however, the household fails to provide the required verification within 10 days after the change is reported but does provide the verification at a later date, then the timeframes specified in [paragraphs \(c\)\(1\) \(i\)](#) and [\(ii\)](#) of this section for taking action on changes shall run from the date verification is provided rather than from the date the change is reported. If the State agency does not elect this option, verification required by [§](#)

[273.2\(f\)\(8\)\(ii\)](#) must be obtained prior to the issuance of the second normal monthly allotment after the change is reported. If in these circumstances the household does not provide verification, the household's benefits will revert to the original benefit level. Whenever a State agency increases a household's benefits to reflect a reported change and subsequent verification shows that the household was actually eligible for fewer benefits, the State agency shall establish a claim for the overissuance in accordance with [§ 273.18](#). In cases where the State agency has determined that a household has refused to cooperate as defined in [§ 273.2\(d\)](#), the State agency shall terminate the household's eligibility following the notice of adverse action.

7 C.F.R. § 273.12(c)(1)(iii)

Federal regulation provides as follows:

Changes reported during the certification period shall be subject to the same verification procedures as apply at initial certification, except that the State agency shall not verify changes in income if the source has not changed and if the amount has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses or actual utility expenses which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated.

7 C.F.R. § 273.2(f)(8)(ii)

Federal regulation provides as follows:

For changes which result in an increase in a household's benefits, other than changes described in [paragraph \(c\)\(1\)\(ii\)](#) of this section, the State agency shall make the change effective no later than the first allotment issued 10 days after the date the change was reported to the State agency. For example, a \$30 decrease in income reported on the 15th of May would increase the household's June allotment. If the same decrease were reported on May 28, and the household's normal issuance cycle was on June 1, the household's allotment would have to be increased by July.

7 C.F.R. § 273.12(c)(1)(i)

Federal regulation provides as follows:

Moneys withheld from an assistance payment, earned income, or other income source, or moneys received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source, provided that the overpayment was not

excludable under [paragraph \(c\)](#) of this section. However, moneys withheld from assistance from another program, as specified in [§ 273.11\(k\)](#), shall be included as income.

7 C.F.R. § 273.9(b)(5)(i)

The Department correctly determined the date the Appellant reported a change in household income as [REDACTED] [REDACTED] 2022, the date of the hearing request and would not be entitled to additional benefits for [REDACTED] 2022, the month the change was reported to the Department. Federal regulation provides that the effective date of a reported change that results in an increase in household benefits is the month following the month of report if the reported change is verified. The Department correctly determined the Appellant is not entitled to additional benefits for [REDACTED] 2022 due to a decrease in her SSDI which she reported on [REDACTED] [REDACTED] 2022.

The Department correctly determined the Appellant [REDACTED] 2022 SNAP benefits as \$185.00.

DISCUSSION

The Appellant reported she did not receive Supplemental Security Income (“SSI”) to the Department by requesting an administrative hearing rather than contacting the Department’s benefit center or submitting proof of change in income through the Department’s online portal. However, evidence provided by the Department confirms the Appellant does not receive SSI but receives SSDI from the Social Security Administration. At the administrative hearing, the Appellant testified that her SSDI benefits have decreased because she received an overpayment in SSDI benefits, and the Social Security Administration has initiated recoupment action lowering her SSDI until the overpayment claim is paid in full. The Appellant could not recall the date the recoupment began, nor the amount of the total overpayment claim at the administrative hearing. The Appellant is encouraged to submit proof of the overpayment claim and recoupment action to the Department so that the Department may recalculate the Appellant’s ongoing monthly SNAP allotment based on the new SSDI benefit. Any changes in shelter costs as reported at the administrative hearing may be updated at the next recertification or upon receipt of verification.

DECISION

The Appellant’s appeal is denied.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Rachel Anderson, SSOM RO #20
Mathew Kalarickal, SSOM RO #20
Lisa Wells, SSOM RO #20
Andrena Wilson, RO #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 § 4-181a (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.