

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

██████████ 2023
SIGNATURE CONFIRMATION

██████████
██████████
REQUEST# 204604

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) discontinuing the food benefits under the Supplemental Nutrition Assistance Program (“SNAP”) effective ██████████ 2022.

On ██████████ 2022, the Appellant requested an Administrative Hearing to appeal the Department’s decision to discontinue the benefits under the SNAP.

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

On ██████████ 2022, the Appellant contacted the OLCRAH and requested for the hearing to be rescheduled.

On ██████████ 2022, the OLCRAH issued a notice rescheduling the Administrative Hearing for ██████████ 2022.

On [REDACTED] 2022, the Appellant contacted the OLCRAH and requested for the hearing to be rescheduled.

On [REDACTED] 2023, the OLCRAH issued a notice rescheduling the Administrative Hearing for [REDACTED] 2023.

On [REDACTED] 2023, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Hearing.

The hearing was held telephonically at the Appellant's request. The following individuals participated in the hearing by phone:

[REDACTED], Appellant
Shannon Slash, Department's Representative
Jessica Gulianello, Hearings Officer

The hearing record remained open until the close of the same business day to allow the Department time to submit additional information. The hearing record was extended until [REDACTED] 2023, to allow the Appellant time to submit a rebuttal and provide additional documentation. Additional documents were received from both parties and on [REDACTED] [REDACTED] the hearing record closed accordingly.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's action to discontinue the benefits under the SNAP due to excess income was correct.

FINDINGS OF FACT

1. The Department determined the Appellant (DOB: 1[REDACTED]) and her two children [REDACTED] (DOB: [REDACTED]) and [REDACTED] (DOB: [REDACTED]) to be eligible for food benefits under the SNAP for the period of [REDACTED] through [REDACTED]. (*Exhibit 18: Notice of Renewal of Eligibility (W-1ERL), [REDACTED]/2022*)
2. On [REDACTED] 2022, the Department issued the Appellant a Notice of Renewal of Eligibility ("W-1ERL"). The W-1ERL requested for the Appellant to return the enclosed Renewal Form ("W-1ER") completed by [REDACTED] 2022. The Renewal Notice further explained the W-1ER must be received completed by [REDACTED] 2022, to prevent an interruption in benefits and if it is not received completed by [REDACTED] 2022, the benefits under the SNAP may stop. (*Exhibit 18: Renewal Packet, [REDACTED]/2022*)

3. On [REDACTED] 2022, the Department received the completed W-1ER Renewal Form. The Appellant requested continued benefits under the SNAP for herself, and two children and she requested to add her mother, [REDACTED] (DOB: [REDACTED]) to the SNAP household. *(Exhibit 1: W1ER, signed [REDACTED]/2022)*
4. On [REDACTED] 2022, the Department issued the Appellant a NOA. The NOA informed the Appellant that the food benefits under the SNAP were closed effective [REDACTED] 2022. The NOA cited the following reasons for the closure: “Renewal form was not submitted”, “Renewal process not completed”, “No household members are eligible for this program”, and “Does not meet program requirements”. *(Exhibit 19: NOA, [REDACTED]/2022)*
5. On [REDACTED] 2022, the Appellant contacted the Department’s Benefits Center (“BC”) and completed the SNAP telephone interview (“TI”). *(Exhibit 5: Case Notes – Details, [REDACTED]/2022)*
6. The Appellant’s child, [REDACTED] ([REDACTED]) was attending [REDACTED] at [REDACTED], located [REDACTED]. [REDACTED] was a full-time student, residing [REDACTED]. *(Hearing Record)*
7. The Department determined [REDACTED] to be ineligible for benefits under the SNAP. *(Department’s Testimony)*
8. The Appellant is employed full-time with [REDACTED] also known as [REDACTED]. The Department verified the Appellant’s biweekly wages via an online interface known as, [REDACTED] as follows:

Pay Date:	Gross Wages:	Hours Worked:
[REDACTED]/2022	\$1,982.84	80
[REDACTED]/2022	\$1,989.04	79.5

(Exhibit 11: [REDACTED])

9. The Department calculated the Appellant’s average monthly gross wages as follows: $\$1,982.84 + \$1,989.04 = \$3,971.88 / 2 \text{ checks} = \$1,985.94 \text{ biweekly} \times 2.15 \text{ weeks} = \$4,269.77 \text{ per month}$. *(Hearing Summary, Department’s Testimony)*
10. The Appellant’s mother, [REDACTED] [REDACTED] has been determined to be [REDACTED] by the [REDACTED]. [REDACTED] was receiving benefits from the [REDACTED] in the gross amount of \$1,947.10 per month. *(Exhibit 10 [REDACTED])*

11. The Appellant's mortgage was \$1,570.04 per month (property taxes and insurance were included). The Appellant was also responsible to pay for utility expenses separately including gas heat and electricity. (*Exhibit 1: W-1ERL signed [REDACTED]/2022, Hearing Summary, Appellant's Testimony, Department's Testimony*)
12. The Appellant's mother, [REDACTED] was responsible to pay for a [REDACTED] Premium in the amount of \$170.10 per month. (*Hearing Summary, Department's Testimony*)
13. On [REDACTED] 2022, the Department reinstated benefits under the SNAP effective [REDACTED] 2022, updated the case details in the electronic eligibility management system known as "ImpaCT" and completed the SNAP renewal. The SNAP household comprised of three potentially eligible individuals (the Appellant, her daughter [REDACTED], and her mother [REDACTED]) were determined to be over the net income limit. (*Exhibit 5: Case Note Details: [REDACTED]/2022*)
14. On [REDACTED] 2022, the Department subsequently removed the Appellant's mother, [REDACTED] from the SNAP household and reevaluated the Appellant's eligibility for benefits under the SNAP based on a household comprised of two potentially eligible individuals (the Appellant, and her daughter [REDACTED]). (*Exhibit 5: Case Note Details: [REDACTED]/2022*)
15. On [REDACTED] 2022, the Department issued the Appellant a NOA advising that benefits under the SNAP closed effective [REDACTED] 2022. The NOA reflected that [REDACTED] was ineligible for benefits under the SNAP as more than half of [REDACTED] meals were provided by a facility that is not approved for SNAP. The NOA reflected that the Appellant and [REDACTED] were ineligible for benefits under the SNAP citing the following reasons: "The monthly gross income of your household is more than the limit for this program" and "Does not meet program requirements". (*Exhibit 19: NOA, [REDACTED]/2022*)
16. On [REDACTED] 2022, the Department reviewed the Appellant's case in response to the receipt of her request for a hearing. The Department added the Appellant's mother, [REDACTED], back into the SNAP household. (*Exhibit 5: Case Note Details: [REDACTED]/2022*)
17. On [REDACTED] 2022, the Department issued the Appellant an updated NOA advising that benefits under the SNAP were again closed effective [REDACTED] 2022. The NOA reflected that [REDACTED] remained ineligible for benefits under the SNAP due to getting more than half of the meals at a facility not approved for SNAP. The SNAP reflected that the Appellant, [REDACTED], and [REDACTED] were ineligible for benefits under the SNAP citing the following reasons: "monthly net income of your household is more than the limit for this program" and "does not meet program requirements". (*Exhibit 19: NOA, [REDACTED]/2022*)

18. There is no evidence to support that the Appellant reported additional out-of-pocket medical expenses at the time of the SNAP renewal. (*Hearing Record*)
19. In [REDACTED] 2023, the Appellant's mother, [REDACTED] reapplied for SNAP benefits for herself as a household of one individual. (*Hearing Record*)
20. The Appellant's mother, [REDACTED] is responsible to pay for out-of-pocket medical expenses including but not limited to [REDACTED]. (*Exhibit 21: Medical Expenses - received by the Department on [REDACTED]/2023, Appellant's Testimony*)
21. The Appellant is responsible to pay for private health insurance through her employer (medical, dental, and vision) as she incurred out-of-pocket medical expenses at [REDACTED]. (*Exhibit J: Proof of out-of-pocket medical expenses, Appellant's Testimony*)
22. The issuance of this decision is timely under section 17b-61(a) of Connecticut General Statutes, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] 2022. This decision, therefore, was due no later than [REDACTED] 2023. The hearing, however, which was originally scheduled for [REDACTED] 2022, was rescheduled to [REDACTED] 2022, at the request of the Appellant, which caused a [REDACTED]-day delay. The hearing, which was rescheduled for [REDACTED] 2022, was subsequently rescheduled to [REDACTED] 2023, at the request of the Appellant causing an additional [REDACTED]-day delay. Because the [REDACTED]-day delay resulted from the Appellant's requests, this decision was not due until [REDACTED], 2023. However, the hearing record, which had anticipated to close on [REDACTED] 2023, did not close for the admission of evidence until [REDACTED] 2022, at the Appellant's request. Because this [REDACTED]-day delay in the close of the hearing record arose from the Appellant's request, this final decision is not due until [REDACTED] 2023, and is therefore timely. (*Hearing Record*)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statute provides the following: "The Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008."

The Department has the authority to administer the SNAP.

2. Title 7 of the Code of Federal Regulations ("C.F.R") § 273.10(f) provides the following: *Certification periods*. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period

possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

The Department complied with the Federal Regulations and correctly determined the household to be eligible for a 12-month SNAP certification period with a beginning date of [REDACTED] 2021, and an ending date of [REDACTED] 2022.

3. 7 C.F.R § 273.14(a) provides the following: *General*. No household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.
4. 7 C.F.R § 273.14(b)(1)(i) provides the following: The State agency shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The State agency shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly processed PA and GA households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their PA or GA redetermination.

The Department complied with Federal Regulations and correctly issued the Appellant a NOE on [REDACTED] 2022, for the SNAP certification cycle that expired on [REDACTED] 2022.

5. 7 C.F.R § 273.2(c)(1)(iv) provides the following: *Recording the filing date*. The date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

The Department received the completed renewal form on [REDACTED] 2022, signed by the Appellant on [REDACTED] 2022.

6. 7 C.F.R § 273.14(e)(2) provides the following: If a household files an application before the end of the certification period, but fails to take a required action, the State agency may deny the case at that time, at the end of the certification period, or at the end of 30 days. Notwithstanding the State's right to issue a denial prior to the end of the certification period, the household has 30 days after the end of the certification period to complete the process and have its application be treated as an application for recertification. If the household takes the required action before the end of the certification period, the State agency must reopen the case and provide a full month's benefits for the initial month of the new certification period. If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action. The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of § 273.3(h)(1).

The Department correctly issued the Appellant a NOA on [REDACTED] 2022, as the renewal process had not been completed.

The Appellant contacted the Department on [REDACTED] 2022, within [REDACTED] days after the end of the certification cycle and the Department correctly reinstated benefits under the SNAP.

7. 7 C.F.R § 273.2(e)(1) provides the following: Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits

that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

7 C.F.R § 273.2(e)(2) provides the following: The State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

The Department complied with the Federal Regulations and completed an on-demand interview with the Appellant by telephone on [REDACTED] 2022.

8. 7 C.F.R § 273.1(a) provides the following: *General household definition*. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

7 C.F.R. § 273.1(b)(1)(ii) provides the following: *General household definition*. The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

The Department correctly determined that the Appellant requested benefits under the SNAP for a household comprised of four individuals.

9. 7 C.F.R § 273.5(a) provides the following: *Applicability*. An individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for one of the exemptions contained in paragraph (b) of this section. An individual is considered to be enrolled in an institution of higher education if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

7 C.F.R § 273.5(b) provides the following: *Student Exemptions*. To be eligible for the program, a student as defined in paragraph (a) of the section must meet at least one of the following criteria.

- (1) Be age 17 or younger or age 50 or older;
- (2) Be physically or mentally unfit;
- (3) Be receiving Temporary Assistance for Needy Families under Title IV of the Social Security Act;
- (4) Be enrolled as a result of participation in the Job Opportunities and Basic Skills program under Title IV of the Social Security Act or its successor program;
- (5) Be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receiving weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours. The State agency may choose to determine compliance with this requirement by calculating whether the student worked an average of 20 hours per week over the period of a month, quarter, trimester or semester. State agencies may choose to exclude hours accrued during academic breaks that do not exceed one month. A State agency that chooses to average student work hours must specify this choice and specify the time period over which the work hours will be averaged in its State plan of operation;
- (6) Be participating in a State or federally financed work study program during the regular school year.
 - (i) To qualify under this provision, the student must be approved for work study at the time of application for SNAP benefits, the work study must be approved for the school term, and the student must anticipate actually working during that time. The exemption shall begin with the month in which the school term begins or the month work study is approved, whichever is later. Once begun, the exemption shall continue until the end of the month

in which the school term ends, or it becomes known that the student has refused an assignment.

(ii) The exemption shall not continue between terms when there is a break of a full month or longer unless the student is participating in work study during the break.

(7) Be participating in an on-the-job training program. A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer;

(8) Be responsible for the care of a dependent household member under the age of 6;

(9) Be responsible for the care of a dependent household member who has reached the age of 6 but is under age 12 when the State agency has determined that adequate child care is not available to enable the student to attend class and comply with the work requirements of paragraph (b)(5) or (b)(6) of this section;

(10) Be a single parent enrolled in an institution of higher education on a full-time basis (as determined by the institution) and be responsible for the care of a dependent child under age 12.

(i) This provision applies in those situations where only one natural, adoptive or stepparent (regardless of marital status) is in the same SNAP household as the child.

(ii) If no natural, adoptive or stepparent is in the same SNAP household as the child, another full-time student in the same SNAP household as the child may qualify for eligible student status under this provision if he or she has parental control over the child and is not living with his or her spouse.

(11) Be assigned to or placed in an institution of higher education through or in compliance with the requirements of one of the programs identified in paragraphs (b)(11)(i) through (b)(11)(iv) of this section. Self-initiated placements during the period of time the person is enrolled in one of these employment and training programs shall be considered to be in compliance with the requirements of the employment and training program in which the person is enrolled provided that the program has a component for enrollment in an institution of higher education and that program accepts the placement. Persons who voluntarily participate in one of these employment and training programs and are placed in an institution of higher education through or in compliance with the requirements of the program shall also qualify for the exemption. The programs are:

(i) A program under the Job Training Partnership Act of 1974 (29 U.S.C. 1501, et seq.);

(ii) An employment and training program under § 273.7, subject to the condition that the course or program of study, as determined by the State agency:

(A) Is part of a program of career and technical education as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302) designed to be completed in not more than 4 years at an institution of higher education as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 2296); or

(B) is limited to remedial courses, basic adult education, literacy, or English as a second language.

(iii) A program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or

(iv) An employment and training program for low-income households that is operated by a State or local government where one or more of the components of such program is at least equivalent to an acceptable SNAP employment and training program component as specified in § 273.7(e)(1). Using the criteria in § 273.7(e)(1), State agencies shall make the determinations as to whether or not the programs qualify.

7 C.F.R § 273.5(c) provides the following: The enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).

The Department complied with the Federal Regulations and correctly determined [REDACTED] to be ineligible for benefits under the SNAP. [REDACTED] was residing [REDACTED]. It should be noted, that if [REDACTED] living arrangement changes [REDACTED] will still be subject to the above-cited student requirements under the SNAP.

10.7 C.F.R § 273.1(b)(2) provides the following: *Elderly and disabled persons.* Notwithstanding the provisions of paragraph (a) of this section, an otherwise eligible member of a household who is 60 years of age or older and is unable to purchase and prepare meals because he or she suffers from a disability considered permanent under the Social Security Act or a non disease-related, severe, permanent disability may be considered, together with his or her spouse (if living there), a separate household from the others with whom the individual lives. Separate household status under this provision must not be granted when the income of the others with whom

the elderly disabled individual resides (excluding the income of the elderly and disabled individual and his or her spouse) exceeds 165 percent of the poverty line.

The Department evaluated the Appellant's eligibility for benefits under the SNAP with her mother as a member of the SNAP household and with her mother excluded from the SNAP household as she was [REDACTED] and unable to purchase and prepare her own meals because of [REDACTED].

11.7 C.F.R § 273.9(a) provides the following: *Income eligibility standards*. 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 established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

The Department correctly determined the SNAP household comprised of three individuals including the Appellant's mother who was [REDACTED] and had been determined to be [REDACTED] was subject to the net income limit.

The Department correctly determined the SNAP household comprised of two individuals (excluding the Appellant's mother) was subsequently subject to the gross income limit.

12.7 C.F.R § 273.9(b) provides the following: *Definition of income*. Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee.

The Department correctly determined the Appellant's gross wages from her employment as countable income under the SNAP.

13.7 C.F. R § 273.10(c)(2)(i) provides the following: 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.

The Department correctly converted the Appellant's biweekly wages to a monthly amount using the average conversion standard.

14.7 C.F.R § 273.9(b)(2)(ii) provides the following: 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.

The Department correctly determined that the income the Appellant's mother, [REDACTED], receives from [REDACTED] was countable income under the SNAP (when she was included in the SNAP household).

15.7 C.F.R § 273.9(d)(6)(ii) provides the following: *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)(iii) provides the following: *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. 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 complied with Federal Regulations and correctly determined the household was eligible for a shelter expense deduction and the Standard Utility Allowance (“SUA”) deduction.

16. 7 C.F.R § 273.9(d)(3) provides the following: *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. 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.

The Department correctly determined that the Appellant's mother was responsible for an out-of-pocket medical expense in the amount of \$170.10 per month for the [REDACTED].

The evidence does not support that the Appellant had reported additional out-of-pocket medical expenses when the Department processed the SNAP renewal in question ([REDACTED] 2022). The hearing record reflects that medical expenses were subsequently provided in [REDACTED] 2023 on or about the same time that the Appellant's mother, [REDACTED] applied for benefits under the SNAP on her own as a SNAP household comprised of one individual.

17.7 C.F.R § 273.10(e) provides the following: *Calculating net income and benefit levels* - (1) *Net monthly income*. (i) To determine a household's net monthly income, the State agency shall: (A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with § 273.11(a)(2)(iii). (B) Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with § 273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income. (C) Subtract the standard deduction. (D) If the household is entitled to an excess medical deduction as provided in § 273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35. (E) Subtract allowable monthly dependent care expenses, if any, as specified under § 273.9(d)(4) for each dependent. (F) If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with § 273.9(d)(5), subtract allowable monthly child support payments in accordance with § 273.9(d)(5). (G) Subtract the homeless shelter deduction, if any, up to the maximum of \$143. (H) Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section. (I) Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The

household's net monthly income has been determined. (ii) In calculating net monthly income, the State agency shall use one of the following two procedures: (A) Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents; or (B) Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.

18. 7 C.F.R § 273.10(e)(2)(i) provides the following: Eligibility and benefits.

(A) 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. (B) In addition to meeting the net income eligibility standards, households which do not contain an elderly or disabled member shall have their gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, compared to the gross monthly income standards defined in § 273.9(a)(1) for the appropriate household size to determine eligibility for the month.

(B) In addition to meeting the net income eligibility standards, households which do not contain an elderly or disabled member shall have their gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, compared to the gross monthly income standards defined in § 273.9(a)(1) for the appropriate household size to determine eligibility for the month.

19. 7 C.F.R § 273.10(e)(2)(ii) provides the following: (A) Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways:

(1) The State agency shall round the 30 percent of net income up to the nearest higher dollar; or (2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down

to the nearest lower dollar. (B) If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month. (C) Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.

7 C.F.R § 273.10(e)(2)(iii) For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements of paragraph (a)(1) and the provision precluding issuances of less than \$10 in an initial month of paragraph (e)(2)(ii)(B)) of this section: (A) The State agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued.

The Department correctly determined that the SNAP household comprised of two *potentially* eligible individuals (*absent of the Appellant's mother*) to be subject to the gross income test followed by the net income test.

As previously noted, the Appellant's average gross monthly wages from her employment were correctly calculated to be \$4,269.77 per month at the time of recertification. Effective [REDACTED] 2022, the gross income limit for a SNAP household comprised of two individuals was \$3,052 per month. The Department correctly did not conduct a net income test as the household did not pass the initial gross income test (countable wages of \$4,269.77 exceeded the gross income limit of \$3,052). The Department correctly issued a NOA denying benefits under the SNAP for a household of two *potentially* eligible individuals.

The Department subsequently re-evaluated the Appellant's eligibility for benefits under the SNAP with her mother who was [REDACTED] and had been determined to be [REDACTED] included in the SNAP household. Thus, the *potentially* eligible SNAP household size increased from two to three individuals. The previously noted adjustment to the SNAP household eliminated the household from being subjected to the gross income limit. However, the household remained subject to the net income test.

SNAP Calculation for [REDACTED] 2022:

COUNTABLE GROSS UNEARNED INCOME	
Earned Income:	\$4,269.77
Minus 20% Earned Income Disregard:	\$853.95
Adjusted Earned Income	\$3,415.82
Plus Unearned Income	\$1,947.10

Equals Total income	\$5,362.92
Minus standard deduction (For a household of 3)	-\$193.00
Minus child care expenses	\$0.00
Minus verified medical expenses in excess of \$35 (only if the individual is age 60 and older or disabled)	\$170.10 per month ██████████ Premium
Adjusted Gross Income	=\$4,999.82
<u>SHELTER COSTS</u>	
Mortgage	\$1,570.04
SUA	\$921.00
Total shelter costs	\$2,491.04
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,491.04
Less 50% of adjusted gross income	\$2,499.91
Total shelter hardship	-\$8.87 = \$0.00 (Cannot exceed \$569.00 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$4,999.82
Less shelter hardship	\$0.00
Net Adjusted Income ("NAI")	\$4,999.82
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan Amount for Three SNAP Members	\$740.00
Less 30% of NAI (rounded up)	(\$4,999.82 x .30)= \$1,499.95 Rounded up to \$1,500.00

SNAP award Calculation: Thrifty Food Plan: - 30% NAI= SNAP Amount	\$740.00 - \$1,500.00 = - \$760.00 \$0.00 SNAP Award / Ineligible for SNAP
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The Department correctly determined that the SNAP household comprised of three *potentially* eligible individuals to be ineligible for benefits under the SNAP as they did not pass the net income test as evidenced above.

DISCUSSION:

The Appellant asserted that the Department incorrectly evaluated the SNAP household's gross income rather than their net income and provided a copy of an online publication as issued by the Department following the proceedings. The referenced publication clearly states that most households are subject to the gross income limit; however, SNAP households in which one person is 60 years or older or a recipient of disability income are subject to a monthly net income test. The net income test is equal to the current Federal Poverty Level and is the amount left over after certain deductions are allowed.

As clearly stated in the Code of Federal Regulations gross earned income wages and gross unearned income such as Social Security Disability and/or retirements benefits are countable income under the SNAP. Typically, a SNAP household's total countable gross income is first compared to the gross income limit based on the applicable SNAP household size. If the household's total countable gross income is below the gross income limit, then the household is subjected to the net income test. However, SNAP households with a member who is elderly, or disabled are exempt from the gross income limit and are only subjected to the net income test and *may* be subject to an asset limit.

The hearing record confirms that the Appellant requested benefits under the SNAP for a household of four individuals. The testimony and evidence support that the Department correctly determined [REDACTED] to be ineligible for benefits under the SNAP as [REDACTED] is residing [REDACTED], [REDACTED], and [REDACTED]. Thus, [REDACTED] is not residing with the Appellant and furthermore, subject to the [REDACTED] education requirements under the SNAP.

The evidence confirms that the Department correctly determined the SNAP household comprised of two *potentially* eligible individuals (the Appellant and her minor child) to have countable gross monthly income that exceeded the gross monthly income limit (200% Federal Poverty Limit); therefore, the net

income test was not evaluated and benefits under the SNAP were correctly discontinued over the gross income limit.

The evidence confirms that the Department correctly determined the Appellant to be exempt from the gross income test when her mother who was [REDACTED] and [REDACTED] was added to the SNAP household. Furthermore, the Department correctly determined the SNAP household comprised of three *potentially* eligible individuals was subject to the net income test. The previously noted SNAP calculation for [REDACTED] 2022, confirms that the household's net income after allowable SNAP deductions exceeded the thrifty food plan amount based on the household size correctly resulting in discontinuance of benefits under the SNAP over the net income limit.

The Appellant testified that her mother had out-of-pocket medical expenses for [REDACTED]. I find there to be no evidence to support that these additional medical expenses had been reported and verified to the Department at the time of the SNAP renewal in question ([REDACTED] 2022). The evidence reflects that said expenses were later disclosed and verified on or about the same time that the Appellant's mother had subsequently applied for her own benefits under the SNAP in [REDACTED] 2023.

The testimony and evidence confirm that the Department correctly discontinued benefits under the SNAP due to excess income.

DECISION:

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

Jessica Gulianello

**Jessica Gulianello
Hearing Officer**

CC: Shannon Shlash, Department of Social Services, [REDACTED] (DO 20)
Sarah Chmielecki, Ralph Filek, Tim Latifi - SSOM

RIGHT TO REQUEST RECONSIDERATION

The Appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within 25 days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court with 45 days of the mailing of this decision, or 45 days after the agency denies petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105-3725. A copy of the petition must also be served on all parties to the hearing.

The 45-day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than 90 days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or her designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the appellant resides.