

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

██████████, 2023
Signature Confirmation

████████████████████
████████████████████
Request #: 204974

NOTICE OF DECISION

PARTY

██████████
██████████.
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PROCEDURAL BACKGROUND

On ██████████ ███, 2022, ██████████ ██████████ (“the Appellant”) requested an administrative hearing to contest the amount of her Supplemental Nutrition Assistance Program (“SNAP”) benefits.

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

On ██████████ 2022, the Appellant requested to reschedule the hearing for a date after ██████████, 2022.

On ██████████ 2022, OLCRAH issued a notice rescheduling 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 a telephonic administrative hearing.

The following individuals were present at the hearing:

██████████, Appellant
██████████, Appellant’s spouse
Christine Moffitt, Department’s Representative

Amy MacDonough, Fair Hearing Officer

The hearing record remained open for the submission of additional evidence from the Department. On [REDACTED] 2022, the Department provided the requested information; case notes from [REDACTED] 2022 through present, and a medical expense details screen. In addition to the documents requested, the Department provided a copy of the eligibility determination results and SNAP eligibility summary for [REDACTED] 2023. The undersigned received the requested information, and the hearing record was closed on [REDACTED] 2022.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly calculated the Appellant's SNAP benefit amount.

FINDINGS OF FACT

1. The Appellant's SNAP certification period of eligibility began [REDACTED] 2021 and ended [REDACTED] 2022. The SNAP benefits were for a household of two, the Appellant and her spouse. (*Exhibit 1: Notice of Action; Exhibit 8: Eligibility Determination Results; Department's Testimony; Appellant's Testimony*)
2. On [REDACTED] 2022, the Appellant's spouse entered a skilled nursing facility. (*Department's Testimony; Appellant's Testimony; Exhibit 3: Living Arrangement Summary; Exhibit 4: Living Arrangement Details; Exhibit 12: Case Notes*)
3. On [REDACTED] 2022, the Department updated the Appellant's household composition and removed her spouse from the home. (*Department's Testimony; Exhibit 12*)
4. On [REDACTED] 2022, the Department issued a NOA informing the Appellant of the change in her SNAP benefits to \$20.00 per month effective [REDACTED] 2022. (*Department's Testimony; Exhibit 1*)
5. Effective [REDACTED] 2022, the Appellant was a recipient of SNAP benefits for herself as a household of one. (*Department's Testimony; Appellant's Testimony; Exhibit 3; Exhibit 8*)
6. The Appellant is [REDACTED] years old. (*Exhibit 12*)

7. The Appellant receives unearned income from a Community Spousal Allowance (“CSA”) in the amount of \$1510.13 from the Appellant’s spouse’s pension. (*Department’s Testimony; Exhibit 5: Unearned Income Details dated 01/01/2021; Exhibit 9: Community Spousal Allowance*)
8. The Appellant is responsible to pay rent in the amount of \$272 per month and pays separate for heating costs. (*Appellant’s Testimony; Exhibit 7: Shelter Expenses Summary; Exhibit 10: Federal SNAP Income Test*)
9. On ██████████ 2022, the Appellant’s CSA increased to \$1627.13 due to an increase in Appellant’s spouse’s pension. (*Department’s Testimony; Exhibit 6: Unearned Income Details dated 10/01/2022; Exhibit 9; Exhibit 11: Verification of Annuity*)
10. On ██████████ 2022, the Department increased the Appellant’s SNAP benefits to \$23 per month due to the SNAP annual adjustment. (*Department’s Testimony; Exhibit 10*)
11. On ██████████ 2022, the Appellant submitted a W-1ER renewal form for SNAP and W01 benefits. (*Exhibit 12*)
12. On ██████████, 2022, the Department processed the Appellant’s renewal for SNAP benefits and issued a new certification period from ██████████ 2022, through ██████████ 2023. (*Exhibit 2: Notice of Action; Exhibit 12*)
13. The Appellant’s SNAP benefits remained at \$23.00 per month for the new certification period. (*Exhibit 2; Exhibit 12*)
14. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations (“C.F.R.”) § 273.15(c)(1) which provides that within 60 days of the receipt of a request for a fair hearing, the State agency shall issue a decision. The Appellant requested an administrative hearing on ██████████ ██████████ 2022. The record remained open for an additional 7 days; therefore, with the 7 delay days, this decision is due no later than ██████████ 2023.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides that 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. 7 C.F.R. § 273.1(a) provides for household concept and states that 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.

7 C.F.R § 273.1(b)(7) provides in part for ineligible household members. The following persons are not eligible to participate as separate households or as a member of any household: (vi) residents of an institution, with some exceptions. Individuals must be considered residents of an institution when the institution provides them with the majority of their meals (over 50 percent of three meals daily) as part of the institution's normal services.

The Department correctly determined the Appellant's household size of one member.

3. 7 C.F.R. § 271.2 states for 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.

The Department correctly determined the Appellant does not meet the definition of elderly or disabled for purposes of SNAP eligibility.

4. 7 C.F.R. § 273.9(b)(2) states unearned income shall include, but not be limited to: (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.

The Department correctly determined the Appellant's CSA income from her spouse's pension as unearned income.

5. 7 C.F.R § 273.2(j)(2)(ii) states the State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purpose of the Food and Nutrition Act of 2008: (A) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determining to confer categorical eligibility. (B) Subject to FNS approval, any household (except those listed in

paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes three and four of the TANF block grant, as set forth in Section 401 of P.L. 104-193, and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.

7 C.F.R. § 273.2(j)(4)(iii)(B) provides for gross and net income limits and states none of the provisions in § 273.9(a) relating to income eligibility standards apply to categorically eligible households, except the fourth sentence pertaining to categorical eligibility. The provisions in §§ 273.10(a)(1)(i) and 273.10(c) relating to the income eligibility determination also do not apply to categorically eligible households.

200% of the FPL for a household of one person is \$2265.00.

In █████ 2022, the Appellant's gross income of \$1510.13 per month is less than 200% of the Federal Poverty Level. The Appellant is eligible for SNAP as an expanded categorical eligibility household.

In █████ 2022, the Appellant's gross income of \$1627.13 per month is less than 200% of the Federal Poverty Level. The Appellant is eligible for SNAP as an expanded categorical eligibility household.

6. 7 C.F.R. § 273.9(a) provides for income eligibility standards and states 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)).

7 C.F.R. § 273.9(a)(3) states the income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii. (i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income

poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary. (ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.

7 C.F.R § 273.9(a)(4) states the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at www.fns.usda.gov/snap

The Department correctly determined that the Appellant's household was categorically eligible for SNAP benefit and was not subject to the gross or net income limits.

7. 7 C.F.R § 273.9(d)(1)(i) provides for standard deduction and states **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)(iii) provides for minimum deduction levels and states notwithstanding paragraphs (d)(1)(i) and (d)(1)(ii) of this section, the standard deduction for FY 2009 for each household in the 48 States and the District of Columbia, Alaska, Hawaii, Guam and the U.S. Virgin Islands shall not be less than \$144, \$246, \$203, \$289, and \$127, respectively. Beginning FY 2010 and each fiscal year thereafter, the amount of the minimum standard deduction is equal to the unrounded amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

The Department correctly deducted the \$177.00 standard deduction from the Appellant's income.

8. 7 C.F.R. § 273.9(d)(6)(ii) provides in part for excess shelter deduction and states 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. (C) provides for excess shelter deduction and states 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.

The Department incorrectly determined the Appellant's rental income of \$0.00. The correct rental amount is \$272.00.

9. 7 C.F.R. § 273.9(d)(6)(iii) provides for standard utility allowances and states with FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. The LUA must include expenses for at least two utilities. However, at its option, the State agency may include the excess heating and cooling costs of public housing residents in the LUA if it wishes to offer the lower standard to such households. The State agency may use different types of standards but cannot allow households the use of two standards that include the same expense. In States in which the cooling expense is minimal, the State agency may include the cooling expense in the electricity component. The State agency may vary the allowance by factors such as household size, geographical area, or season. Only utility costs identified in paragraph (d)(6)(ii)(C) of this section must be used in developing standards.

The Department correctly determined the Appellant's household was eligible for the Standard Utility Allowance ("SUA") of \$783.00, effective [REDACTED] 2021.

The Department correctly determined the Appellant's household was eligible for the SUA of \$921.00, effective [REDACTED] 2022.

10.7 C.F.R. § 273.9(a)(3) provides for income eligibility standards and states the income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.

7 C.F.R. § 273.10(e)(4)(i) provides for Thrifty Food Plan (TFP) and maximum SNAP Allotments and states 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.

The TFP for a household of one from [REDACTED] 2021, through [REDACTED], 2022, is \$250.00

The TFP for a household of one from [REDACTED], 2022, through [REDACTED] 2023, is \$281.00

11.7 C.F.R. § 273.10(e)(1)(i)(A)-(I) provides for calculating net income and benefit levels.

The calculations are as follows for the period of [REDACTED] 2022 through [REDACTED] 2022:

Total Wages	\$0.00
Total Unearned Income	\$1510.13
Gross Monthly Income	\$1510.13
Minus (-) Standard Deduction (household of one)	\$177.00 [7 C.F.R § 273.9(d)(1)(i)]

Total Adjusted Gross Monthly Income	\$1333.13
Total multiplied by (x) .5 (50% Adjusted Gross Income)	\$666.56
Shelter Cost	
Rent or Mortgage	\$272.00
Standard Utility Allowance (SUA)	\$783.00
Total Shelter Costs	\$1055.00
Minus (-) 50% Adjusted Gross Income	\$666.56
Excess Shelter Costs	\$388.44
Total Shelter Deduction	\$388.44
Net Monthly Income	\$1333.13
Minus (-) Total Shelter Deduction	\$388.44
Total Net Monthly Income	\$944.69
Total Net Monthly Income multiplied by (x) .30	\$283.40
Thrifty Food Plan (household of one)	\$250.00 [7 C.F.R. § 273.10(e)(4)(i)]
Minus (-) 30% Net Monthly Income	\$283.40
SNAP Allotment for Household	\$-33.40

The calculations are as follows for the period beginning [REDACTED] 2022:

Total Wages	\$0.00
Total Unearned Income	\$1627.13
Gross Monthly Income	\$1627.13
Minus (-) Standard Deduction (household of one)	\$177.00 [7 C.F.R § 273.9(d)(1)(i)]
Total Adjusted Gross Monthly Income	\$1450.13
Total multiplied by (x) .5 (50% Adjusted Gross Income)	\$725.06
Shelter Cost	
Rent or Mortgage	\$272.00
Standard Utility Allowance (SUA)	\$921.00
Total Shelter Costs	\$1193.00

Minus (-) 50% Adjusted Gross Income	\$725.06
Excess Shelter Costs	\$467.94
Total Shelter Deduction	\$467.94
Net Monthly Income	\$1450.13
Minus (-) Total Shelter Deduction	\$467.94
Total Net Monthly Income	\$982.19
Total Net Monthly Income multiplied by (x) .30	\$294.65
Thrifty Food Plan (household of one)	\$281.00 [7 C.F.R. § 273.10(e)(4)(i)]
Minus (-) 30% Net Monthly Income	\$294.65
SNAP Allotment for Household	\$-13.65

The Department incorrectly calculated the total net monthly income due to excluding the rental expense. When calculating the benefits correctly, the Appellant remains ineligible for a SNAP benefit under the net income limit calculation.

12.7 C.F.R. § 273.10(e)(2)(ii)(C) provides for eligibility and benefits and states 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.

The maximum SNAP allotment (TFP) for a household of one is \$250.00 effective [REDACTED] 2021. \$20.00 equals 8 percent of \$250.00.

The Department correctly issued the Appellant a monthly SNAP benefit of \$20.00 from [REDACTED] 2022 through [REDACTED], 2022.

The maximum SNAP allotment (TFP) for a household of one is \$281 effective [REDACTED] 2022. \$23.00 equals 8 percent of \$281.00 (rounded up from \$22.48).

The Department correctly issued the Appellant a monthly SNAP benefit of \$23.00 as of [REDACTED] 2022.

13.7 C.F.R § 273.15(g) provides for time period for requesting hearing and states a household shall be allowed to request a hearing on any action by the State agency or loss of benefits which occurred in the prior 90 days.

Action by the State agency shall include a denial of a request for restoration of any benefits lost more than 90 days but less than a year prior to the request. In addition, at any time within a certification period a household may request a fair hearing to dispute its current level of benefits.

The Appellant requested a hearing on [REDACTED], 2022, to dispute the amount of her SNAP benefits. The Appellant's certification period began [REDACTED] 2022; however, regulations provide that the Appellant can request a hearing on any action by the Department or loss of benefits, which occurred in the prior 90 days. 90 days prior to [REDACTED] 2022 is [REDACTED] 2022, therefore, this review of the Appellant's SNAP benefit amount begins [REDACTED] 2022.

DECISION

The Appellant's appeal is DENIED.

Amy MacDonough
Amy MacDonough
Fair Hearing Officer

CC: Tonya Beckford, Operations Manager, DSS, Willimantic Regional Office
Ralph Filek, Operations Manager, DSS, New Haven Regional Office
Tim Latifi, Operations Manager, DSS, New Haven Regional Office
Sarah Chmielecki, Operations Manager, DSS, New Haven Regional Office
Christine Moffitt, Hearing Liaison, DSS, Willimantic Regional Office
Shannon Shlash, 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.