

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 # 205888

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the "Department") sent ██████████ ██████████ (the "Appellant"), a Notice of Action ("NOA") denying her application for Supplemental Nutrition Assistance Program ("SNAP") benefits.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the Department's action.

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 a telephonic administrative hearing. The following individuals participated in the hearing:

██████████, Appellant
Marybeth Mark, Department's Representative
Carla Hardy, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's SNAP application due to being over the income limit on [REDACTED] 2022.

FINDINGS OF FACT

1. On [REDACTED] 2022, the Department received the Appellant's application for SNAP benefits. The Appellant's household consists of three members, the Appellant, her spouse, and a child. (Exhibit 1: Online Application, [REDACTED],22; Appellant's Testimony)
2. The Appellant is 42 years old (DOB [REDACTED]/80), her spouse is 65 years old (DOB [REDACTED]57), and the child is 15 years old (DOB [REDACTED]07). (Exhibit 1; Appellant's Testimony)
3. The Appellant receives \$1,561.00 monthly from Social Security ("SSA"). Her spouse receives \$1,328.00 monthly in SSA and the child receives \$780.00 monthly in SSA benefits. (Exhibit 1; After Hearing Exhibit 8: Bendex Inquiry; Hearing Summary)
4. The Appellant's rent is \$750.00 monthly. (Exhibit 1; Appellant's Testimony)
5. The Appellant pays for oil heat. The Department used the Standard Utility Allowance ("SUA") in its calculation for SNAP eligibility. (Appellant's Testimony; Department's Testimony)
6. The Appellant does not have child support or day care expenses. (Appellant's Testimony)
7. The Appellant and her spouse have Medicare A and Medicare B. The Department pays for the monthly Medicare B premium. (Department's Testimony)
8. The Appellant has approximately \$100.00 in monthly medical bills that she has not submitted to the Department. (Appellant's Testimony)
9. On [REDACTED] 2022, the Department denied the Appellant's application for SNAP benefits because the amount of the household's income that the Department counts is greater than the maximum SNAP benefit for the household size. (Exhibit 7: NOA, [REDACTED]/22)
10. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a hearing. The Appellant requested an administrative hearing on [REDACTED] 2022. Therefore, this decision is due no later than [REDACTED] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Title 7 of the Code of Federal Regulations ("C.F.R.") section 271.2 provides in part that an elderly or disabled person is a member of a household who is 60 years of age or older, receives supplemental security income or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act.

The Department correctly determined that the Appellant's spouse is elderly.

3. Title 7 C.F.R. § 273.9(b) provides that household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.

Title 7 C.F.R. § 273.9(b)(2)(ii) provides in part that unearned income shall include annuities; pensions; retirement, veteran's or disability benefits; worker's or unemployment compensation; old-age, survivors, or social security benefits; strike benefits; or foster care payments. . . .

The Department correctly included the household's SSA income when it calculated eligibility for the SNAP benefit.

4. Title 7 C.F.R. § 273.10(c)(1)(i) provides that for the purpose of determining the household's eligibility and level of benefits, the state agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by § 273.12.

Title 7 C.F.R. § 273.10(c)(1)(ii) provides in part that income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period.

Title 7 C.F.R. § 273.10(c)(2)(i) provides that income anticipated during the certification period shall be counted as income only in the month it is expected to be received unless the income is averaged. Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the State agency shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15, use the

State Agency's PA conversion standard, or use the exact monthly figure if it can be anticipated for each month of the certification period.

The Department correctly determined that the Appellant's gross monthly household unearned income equals \$3,669.00 [(\$1,561.00 SSA + \$1,328.00 + \$780.00 SSA = \$3,669.00].

5. Title 7 C.F.R. § 273.9 provides for income guidelines and states in part:

(a) ***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)).

(1) The gross income eligibility standards for SNAP shall be as follows:

(i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

(ii) The income eligibility standards for Alaska shall be 130 percent of the Federal income poverty levels for Alaska.

(iii) The income eligibility standards for Hawaii shall be 130 percent of the Federal income poverty levels for Hawaii.

(2) The net income eligibility standards for SNAP shall be as follows:

(i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

(ii) The income eligibility standards for Alaska shall be the Federal income poverty levels for Alaska.

(iii) The income eligibility standard for Hawaii shall be the Federal income poverty levels for Hawaii.

(3) 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.

(4) 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.

Title 7 C.F.R. § 273.2(j)(2)(ii) provides that the State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purposes of the Food and Nutrition Act of 2008:

Title 7 C.F.R. § 273.2(j)(2)(ii)(A) provides that 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.

The Department correctly determined that the Appellant is subject to the net income standard.

6. Title 7 C.F.R. § 273.9(d)(1)(i) pertains to a **standard deduction** in 48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands and provides, in part, Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under paragraph (a) (2) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

The Department correctly determined the standard deduction is \$193.00.

7. Title 7 C.F.R. § 273.9(d)(3) pertains to **allowable medical expenses** and provides 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 § 271.20. Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. Allowable medical costs are:

(i) Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by State law or other qualified health professional.

(ii) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the State.

(iii) Prescription drugs, when prescribed by a licensed practitioner authorized under State law, and other over-the-counter medication (including insulin), when approved by a licensed practitioner or other qualified health professional.

(A) *Medical supplies and equipment.* Costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible;

(B) *Exclusions.* The cost of any Schedule I controlled substance under The Controlled Substances Act, 21 U.S.C. 801 *et seq.*, and any expenses associated with its use, are not deductible.

(iv) Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump sum settlements for death or dismemberment or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible;

(v) Medicare premiums related to coverage under Title XVIII of the Social Security Act; any cost-sharing or spend down expenses incurred by Medicaid recipients;

(vi) Dentures, hearing aids, and prosthetics;

(vii) Securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills;

(viii) Eyeglasses prescribed by a physician skilled in eye disease or by an optometrist;

(ix) Reasonable cost of transportation and lodging to obtain medical treatment or services;

(x) Maintaining an attendant, homemaker, home health aide, or childcare services, housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one-person benefit allotment shall be deducted if the household furnishes the majority of the attendant's meals. The allotment for this meal related deduction shall be that in effect at the time of initial certification. The State agency is only required to update the allotment amount at the next scheduled recertification; however, at their option, the State agency may do so earlier. If a household incurs attendant care costs that could qualify under both the medical deduction of §273.9(d) (3) (x) and the dependent care deduction of §273.9(d) (4), the costs may be deducted as a medical expense or a dependent care expense, but not both.

The Department correctly determined that the Appellant does not have medical expenses exceeding \$35.00 monthly.

The Department correctly calculated the Appellant's household's adjusted gross income equals \$3,476.00 (\$3,669.00, gross income – \$193.00, standard deduction = \$3,476.00) per month.

8. Title 7 C.F.R. § 273.9(d)(6)(ii) provides, in part, for excess shelter deduction. Monthly shelter in excess of 50 percent of the household's income after all other deductions in paragraphs (d) (1) through (d) (5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in §271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

(A) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(B) Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

(C) The cost of fuel for heating; cooling (i.e., the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center

surcharges, 911 fees, and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.

(D) The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.

(E) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

The Department correctly allowed the Appellant a rental expense of \$750.00 per month.

The Appellant's shelter hardship is not limited to the maximum shelter deduction.

9. Title 7 C.F.R. § 273.9(d)(6)(iii) pertains to the **standard utility allowance** and provides, in part,

(A) With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection.

(B) The State agency must review the standards annually and make adjustments to reflect changes in costs, rounded to the nearest whole dollar.

(C) A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA).

(D) At initial certification, recertification, and when a household moves, the household may choose between a standard or verified actual utility costs for any allowable expense identified in paragraph (d)(6)(ii)(C) of this section (except the telephone standard), unless the State agency has opted, with FNS approval, to mandate use of a standard. The State agency may require use of the telephone

standard for the cost of basic telephone service even if actual costs are higher. Households certified for 24 months may also choose to switch between a standard and actual costs at the time of the mandatory interim contact required by §273.10(f)(1)(i), if the State agency has not mandated use of the standard.

(E) A State agency may mandate use of standard utility allowances for all households with qualifying expenses if the State has developed one or more standards that include the costs of heating and cooling and one or more standards that do not include the costs of heating and cooling, the standards will not result in increased program costs, and FNS approves the standard.

(F) If a household lives with and shares heating or cooling expenses with another individual, another household, or both, the State agency shall not prorate the standard for such households if the State agency mandates use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. The 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.

Effective October 2022, the Standard Utility Allowance (“SUA”) was \$921.00. The Department correctly applied the SUA towards the SNAP benefit.

The Department correctly determined that the Appellant’s total shelter costs were \$1,671.00 (\$750.00, rent + \$921.00, SUA = \$1,671.00).

The Appellant’s shelter hardship is \$0.00 [\$1,671.00 shelter costs - \$1,738.00, (50% of the adjusted gross income) = \$0.00].

10. Title 7 C.F.R. § 273.10(e)(1)(i) provides in part, for calculating net monthly income.

The Appellant’s net adjusted income is \$3,476.00 (\$3,476.00, adjusted gross income - \$0.00, shelter hardship = \$3,476.00).

11. Title 7 C.F.R. § 273.10(e)(2)(ii)(A)(1) provides for the monthly SNAP benefit calculation. 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 the 30 percent of net income up to the nearest higher dollar.

Thirty percent (30%) of the Appellant’s net adjusted income of \$3,476.00, rounded up to the nearest whole dollar, is \$1,043.00 (\$3,476.00 x .30 = \$1,042.80)

12. Thrifty Food Plan (“TFP”) and Maximum SNAP Allotments. 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 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.

Effective October 1, 2022, the TFP amount for a household of three is \$740.00.

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

SNAP BENEFIT CALCULATION	
INCOME	
Earned Income	\$0.00
Less 20 percent	-\$0.00
= Adjusted earned income	\$0.00
+ Unearned income	\$3,669.00
= Total income	\$3,669.00
- Standard deduction	-\$193.00
- Medical expenses	\$0.00
-Dependent care expenses	0.00
=Adjusted gross income	\$3,476.00
SHELTER COSTS	
Rent	\$750.00
+ SUA	<u>\$921.00</u>
Total shelter costs	\$1,671.00
SHELTER HARDSHIP	
Shelter costs	\$1,671.00
Less 50% of adjusted gross income	<u>-\$1,738.00</u>
= Total shelter hardship (max \$624 if not disabled or elderly)	\$0.00
ADJUSTED NET INCOME	
Adjusted gross income	\$3,476.00
Less shelter hardship	<u>-\$0.00</u>
Net Adjusted Income (NAI)	\$3,476.00
BENEFIT CALCULATION	
Thrifty Food Plan for three persons	\$740.00
Less 30% of NAI (rounded up to nearest whole dollar)	<u>-\$1,043.00</u>
SNAP award	\$0.00

On [REDACTED] 2022, the Department correctly denied the Appellant's SNAP application.

DECISION

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

_____ *Carla Hardy* _____
Carla Hardy
Hearing Officer

Pc: Jessica Carroll, Operations Manager, Marybeth Mark, Hearing Liaison, Department of Social Services, Norwich

RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within **25** days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on §4-181a (a) of the Connecticut General Statutes.

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

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 060105-3725.

RIGHT TO APPEAL

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

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

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