

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

CASE # ██████████
CLIENT ID # ██████████
REQUEST# ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
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PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) sent ██████████ ██████████ (the “Appellant”) a Notice of Action (“NOA”) discontinuing her Supplemental Nutritional Assistance Program (“SNAP”) benefits effective ██████████ 2023, due to excess income.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the discontinuance of her SNAP benefits.

On ██████████ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling an administrative hearing for ██████████ ██████████ 2023, to be held telephonically at the Appellant’s request.

On ██████████ 2023, the following individuals participated at the hearing.

██████████, Appellant
Princess O’Reggio, Department’s Representative
Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly discontinued the Appellant’s SNAP benefits due to excess income.

FINDINGS OF FACT

1. On [REDACTED], 2022, the Appellant submitted an online change through the ImpaCT system (determines eligibility for Federal and state administered benefits programs). The Appellant reported being employed with [REDACTED] and earning gross bi-weekly pay of \$1,334.00, receiving \$19.00 per hour, and working an average of thirty-six (36) hours per week. (Exhibit. 1: Online Change)
2. On [REDACTED] 2022, the Department reviewed the online change and updated the Appellant’s SNAP Eligibility Determination Group (“EDG”) to reflect a gross monthly earned income of \$2,868.10 (\$1,334.00 x 2.15 [paid bi-weekly]) from [REDACTED]. (Exhibit 2. Case Note dated [REDACTED]/22)
3. In addition to the income from [REDACTED], the Department was counting gross income from [REDACTED] totaling \$26.75 per month and direct child support payments totaling \$330.50 per month. (Exhibit 3: Notice of Action)
4. On [REDACTED] 2022, the Department determined the Appellant’s total gross monthly income exceeded the SNAP gross income limit for a household of two (\$3,052.00). A Notice of Action was mailed to the Appellant informing her that her SNAP would be discontinued effective [REDACTED] 2023, because the monthly gross income of her household was more than the limit for the SNAP. (Exhibit 3: Notice of Action)
5. On [REDACTED] 2022, the Appellant contacted the Department’s Benefit Center to review her SNAP eligibility and to report a monthly rental obligation of \$1,035.00. Following the telephone call, the Department updated the ImpaCT system to reflect the reported rental obligation and sent a W-1348 Proofs We Need form requesting the Appellant submit earnings statements from [REDACTED] to verify her reported income. (Exhibit 2: Case Note dated [REDACTED]/22)
6. On or after [REDACTED] 2022, the Appellant submitted the following earnings statements from [REDACTED]:

Pay Date	Gross Amount
[REDACTED] 2022	\$1,344.25
[REDACTED], 2022	\$1,353.75
[REDACTED] 2022	\$1,339.50

(Exhibit 7: [REDACTED] Earnings Statements)

7. On [REDACTED] 2023, the Department contacted the Appellant to discuss the discontinuance of her SNAP. The Department reviewed the household's gross monthly income from the following sources:

[REDACTED] \$2,868.10 (reported bi-weekly \$1,334.00 x 2.15)

[REDACTED] \$26.75 (previously recorded in ImpaCT system)

Child Support \$330.50 (\$76.86 x 4.3 [receives weekly])

(Exhibit 5: [REDACTED] Child Support Program Payment Information, Exhibit 7: Earned Income Worksheet / [REDACTED] Earnings Statements)

8. The Appellant's household consists of herself and one minor child. (Hearing Record)
9. The Appellant is [REDACTED] ([REDACTED]) years old. (Exhibit 2: Case Notes)
10. No member of the household is disabled. (Hearing Record)
11. The Appellant does not have any allowable medical, dependent care or optional child support expenses. (Hearing Record)
12. The SNAP gross income limit for a household of two is \$3,052.00. (Hearing Record)
13. On [REDACTED] 2022, the Department issued an NOA to the Appellant discontinuing her household's SNAP benefits due to excess income effective [REDACTED] 2023. (Exhibit 3: Notice of Action)
14. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a) which requires that a decision be issued within [REDACTED] days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] 2022, making this decision is due no later than [REDACTED] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Department of Social Services to administer the SNAP in accordance with Federal law.
2. "Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible as defined in § 273.2(j)(2) or 273.2(j)(4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the Federal income poverty levels as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))." Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.9(a)
3. "Regular Categorical Eligibility ("RCE"). EDGs are RCE when each EDG member is authorized to receive at least one of the following qualifying programs: AABD, SAGA, SSI, TFA." 7 C.F.R § 273.2(j)(1)-(5)
4. "Expanded Categorical Eligibility ("ECE"). EDGs not RCE, whose gross income is below 200% of the FPL, are ECE because all household members are authorized to receive TFA-funded referral services.

The Department correctly determined that the Appellant's household does not meet the RCE or ECE criteria and does not contain an elderly or disabled member. Therefore, the Appellant's household is subject to both the gross income and net income eligibility tests.

5. "Required Household Combinations. 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. (i) Spouses (ii) A person under [REDACTED] years of age who is living with his or her natural or adoptive parent(s) or step-parent(s)." 7 C.F.R. § 273.1(b)(1)(i) & (ii)

The Department correctly determined the Appellant's household must be considered an assistance unit size of two as the household includes the Appellant and her child who is under the age of [REDACTED] ([REDACTED]).

6. "Income only in month received. (i) Income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged. Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the State agency shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15, use the State Agency's PA conversion standard, or use the exact monthly figure if it can be anticipated for each month of the certification period. Nonrecurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income." 7 C.F.R. § 273.10 (c)(2)(i)

The Department correctly calculated the Appellant's monthly earned income from [REDACTED] as \$2,868.10 ($\$1,334.0 \times 2.15 = \$2,868.10$)

The Department's calculation of earned income from [REDACTED] (\$26.75) was done prior to the action which precipitated the Appellant's request for an Administrative Hearing.

7. "Child Support Income. Count as unearned income, child support (court-ordered or voluntary), excluding any fees withheld, as unearned income of the child for whom it's paid. Voluntary support payments are payments not legally ordered including payments made over and above the court-ordered amount." 7 C.F.R. § 273.9(b)(2)(iii) & (b)(5)(i)-(ii)

The Department correctly counted the Appellant's child support income received on a weekly basis from the state of [REDACTED].

The Department correctly calculated the child support income to be \$330.50 ($\$76.86 \times 4.3 = \330.50)

8. "Earned Income Deduction. Twenty percent of gross earned income as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in paragraph (c)(17) of this section." 7 C.F.R. § 273.9(d)(2)

The Department correctly applied the twenty (20) percent Earned Income Deduction totaling \$578.97 (\$2,868.10 gross [REDACTED] income + \$26.75 gross [REDACTED] income = \$2,894.85 total gross earned income x .20 (20%) = \$578.97 Earned Income Deduction)

9. "Income deductions. Deductions shall be allowed only for the following household expenses: (1) Standard deduction—(i) 48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands. Effective [REDACTED] 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under paragraph (a)(2) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household." 7 C.F.R. § 273.9 (d)(1)(i)
10. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes to the Standard Deductions (see: www.fns.usda.gov/snap/allotment/COLA):

"The following table provides the monthly maximum allotment and allowable deductions for fiscal year 2023 (effective [REDACTED] 2022, through [REDACTED], 2023)."

Household Size	Standard Deduction Amount
1	\$193.00
2	\$193.00
3	\$193.00
4	\$193.00
5	\$225.00
6+	\$258.00

The Department correctly applied the \$193.00 Standard Deduction.

11. Deductions shall be allowed only for the following household expenses: (3) Excess medical deduction. That portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is elderly or disabled as defined in § 271.2.

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

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

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

12. “Monthly shelter expenses in excess of 50 percent of the household’s income after all other allowable 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 costs 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; sewage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees,

and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.” 7 C.F.R. § 273.9 (d)(6)(ii)

The Department correctly applied a \$1,035.00 monthly rental obligation.

13. “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, sewage, well and septic tank installation and maintenance, telephone, and garbage or trash collection.” 7 C.F.R. § 273.9 (d)(6)(iii)

The Department correctly applied the Standard Utility Allowance (“SUA”) of \$921.00.

14. “Gross income limit. The total of all non-excluded gross income of all EDG members must not be greater than the gross income limit for that EDG size unless: the EDG is RCE (Regular Categorical Eligibility) or an EDG member is elderly or disabled.

The Department correctly determined the household’s total gross income did not exceed the SNAP gross income limit after the appropriate earned income deduction was applied (see Conclusion of Law # 8)

15. “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 exclusion, 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)(ii)

(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 expense, 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). ...

(H) Total the allowable shelter expenses to determine the shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter expenses 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. ...

(2) Eligibility and benefits. (ii)(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 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 30 percent of the net income up to the nearest higher dollar.

(B) If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month. ...

(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. ...

(4) Thrifty Food Plan (TFP) and Maximum SNAP Allotments.

(i) 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 District of Columbia. ...

(ii) Adjustment. Effective [REDACTED] 1996, the maximum SNAP allotments must be based on 100% of the cost of TFP as defined in § 271.2 of this chapter for the preceding June, rounded to the nearest lower dollar increment, except that on [REDACTED] [REDACTED] 1996, the allotments may not fall below those in effect on [REDACTED] 1996." 7 C.F.R. § 273.10 (e)

16. The United States Department of Agriculture Food and Nutrition Services issues general guidance pertaining to the changes of the maximum shelter deductions and changes to the Cost-of-Living Adjustment (COLA) information (see: www.fns.usda.gov/snap/allotment/COLA):

"The following table provides the monthly maximum allotment and allowable deductions for FY 2023 (effective [REDACTED] 2022, through [REDACTED], 2023)."

Maximum Shelter Deductions

State/Territory	Amount
48 States & District of Columbia	\$624.00

The Department correctly determined the Appellant's Shelter Hardship cost was \$624.00 [\$1,035.00 rental obligation + \$921.00 SUA = \$1,956 - \$1,226.69 (50% of Adjusted Gross Income [see SNAP calculation below]).

"The following table provides the monthly maximum allotment for FY 2023 (effective [REDACTED] 2022, through [REDACTED], 2023)."

Maximum SNAP Allotment

Household Size	Allotment
1	\$281.00
2	\$516.00
3	\$740.00
4	\$939.00
5	\$1,116.00
6	\$1,139.00
7	\$1,480.00
8	\$1,691.00
Each Additional Person	Add \$211.00 for Each Additional Household Member

17. *Thrifty Food Plan (TFP) and Maximum SNAP Allotments.* (i) 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 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 TFP for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted for 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 website, at www.fns.usda.gov/fsp.” 7 C.F.R. § 273.10 (e)(4)(i)

18. Effective [REDACTED] 2023, the Appellant’s SNAP benefits are calculated as follows:

SNAP Benefit Calculation

Income	
Gross Earned Income	\$2,894.85
-20% Earned Income Deduction	-\$578.97
Total	\$2,315.88
+ Unearned Income	\$330.50
Total	\$2,646.38
-Standard Deduction	-\$193.00
Total	\$2,453.38
-Additional Allowable Deduction	\$0.00
Adjusted Gross Income	\$2,453.38
Shelter Costs	

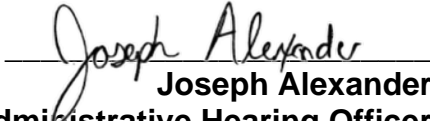
Rental Obligation	\$1,035.00
+SUA	\$921.00
Total	\$1,956.00
-50% Adjusted Net Income	-\$1,226.69
Total	\$729.31 (cannot exceed \$624.00 unless elderly or disabled)
Countable Total Shelter Hardship	\$624.00
Adjusted Gross Income	\$2,453.38
-Total Shelter Hardship	-\$624.00
Net Adjusted Income (NAI)	\$1,829.38
NAI x.30 (30%)	\$548.81
30% NAI (rounded up)	\$549.00
Benefit Calculation	
Thrifty Food Plan (2 Persons)	\$516.00
-30% NAI (rounded up)	-\$549.00
SNAP Award	\$0.00

The Department correctly determined that 30% of the Appellant's Net Adjusted Income exceeded the \$516.00 maximum SNAP allotment for a household size of two effective [REDACTED] 2023.

The Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED] 2023.

DECISION

The Appellant's appeal is **DENIED**


Joseph Alexander
Administrative Hearing Officer

CC: Tim Latifi, Operations Manager, DSS, Bridgeport Regional Office
Robert Stewart, Operations Manager, DSS, Bridgeport Regional Office
Princess O'Reggio, Hearing Liaison, DSS, Bridgeport 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 §4-1181a (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.