

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

[REDACTED]
SIGNATURE CONFIRMATION

CASE # [REDACTED]
CLIENT# [REDACTED]
REQUEST# 209056

NOTICE OF DECISION
PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] the Department of Social Services (the "Department") issued [REDACTED] (the "Appellant"), a Notice of Action ("NOA") advising the Appellant of her eligibility for benefits under the Supplemental Nutrition Assistance Program ("SNAP") in the amount of \$127.00 per month, effective [REDACTED]

On [REDACTED] the Appellant requested an administrative hearing because she disagrees with the amount of her SNAP benefits.

On [REDACTED] the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for [REDACTED]

On [REDACTED] in accordance with sections 17b-60, 17b-61 and 4-176e to 4-184 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals participated in the hearing:

[REDACTED] Appellant
Javier Rivera, Department's Representative
Sara Hart, Hearing Officer

The hearing record remained open for one additional day for the Department to submit additional evidence. Evidence was received and the hearing record closed on [REDACTED]
[REDACTED]

STATEMENT OF THE ISSUE

The issue is whether the Department's calculation of the Appellant's [REDACTED], SNAP benefit amount is correct.

FINDINGS OF FACT

1. The Appellant is a recipient of SNAP benefits for a household of two members including the Appellant, age [REDACTED] (DOB: [REDACTED]), and the Appellant's son, [REDACTED] (the "son"), age [REDACTED] (DOB: [REDACTED]). The Department certified her SNAP benefits for the period of [REDACTED], through [REDACTED] [REDACTED] (*Department's Testimony, Appellant's Testimony*)
2. The Appellant received \$516.00 in SNAP benefits for a household of two in [REDACTED] [REDACTED]. The Appellant's SNAP benefit decreased to \$127.00 for a household of two, effective [REDACTED]. (*Exhibit 14: NOA [REDACTED]*)
3. On [REDACTED], the son turned [REDACTED] years of age. (*Hearing Record, Appellant's Testimony*)
4. The son is a full-time secondary school student in the twelfth grade and is expected to graduate in [REDACTED]. (*Appellant's Testimony*)
5. [REDACTED] employs the son, and he is paid weekly. The Department determined the son's monthly gross wages as \$1,275.22. (*Department's Testimony, Exhibit 8: Federal SNAP Income Test*)
6. The Appellant's monthly child support payments equaled \$700.00. (*Appellant's Testimony, Exhibit 13: Case Notes*)
7. There are no disabled household members. (*Appellant's Testimony*)
8. The Appellant's monthly rent at the time of her most recent SNAP certification was \$75.00 per month. (*Hearing Record*)
9. The Appellant is responsible to pay separate heating and cooling costs. The Department provided the Standard Utility Allowance ("SUA") credit. (*Hearing Record*)
10. On [REDACTED], the Department issued a NOA to the Appellant advising that her SNAP benefits would be reduced from \$516.00 per month to \$127.00 per month, effective [REDACTED]. (*Exhibit 14: NOA [REDACTED]*)

11. 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 receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] with this decision due by [REDACTED]. The hearing record remained open for one additional day; therefore, this decision is due no later than [REDACTED].
(Hearing Record)

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.

The Department has the authority to review the Appellant's SNAP eligibility and determine benefit amounts.

2. Title 7 of C.F.R. § 273.9 (a) provides that 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 the Food Stamp Program. 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 the Food Stamp Program. Households that 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 levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

The Appellant's household does not contain elderly or disabled members and is therefore subject to both the net and gross SNAP income standards.

3. 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

7 C.F.R. § 273.1(b)(1) provides for 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.

- ii. 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 the Appellant's household size of two members, including the Appellant and her son.

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

7 C.F.R. § 273.9(b)(2)(iii) provides unearned income shall include but not be limited to support or alimony payments made directly to the household from non-household members.

7 C.F.R. § 273.9(b)(1)(i) provides Earned income shall include all wages and salaries of an employee.

7 C.F.R. § 273.9(c)(7) provides for income exclusions. Only the following items shall be excluded from household income and no other income shall be excluded: The earned income (as defined in [paragraph \(b\)\(1\)](#) of this section) of any household member who is under age 18, who is an elementary or secondary school student, and who lives with a natural, adoptive, or stepparent or under the parental control of a household member other than a parent. For purposes of this provision, an elementary or secondary school student is someone who attends elementary or secondary school, or who attends classes to obtain a General Equivalency Diploma that are recognized, operated, or supervised by the student's state or local school district, or who attends elementary or secondary classes through a home-school program recognized or supervised by the student's state or local school district. The exclusion shall continue to apply during temporary interruptions in school attendance due to semester or vacation breaks, provided the child's enrollment will resume following the break. If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

The Department correctly considered the son's wages as countable earned income and correctly determined that the son's earned income must be considered in the determination of SNAP benefits because, although he is a secondary student, he is no longer under the age of 18 years.

The Department correctly considered the Appellant's Child Support unearned income and the Appellant's son's earned income in the calculation of SNAP benefits.

4. 7 C.F.R. § 273.10(c)(2)(i) provides for converting income into monthly amounts. 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)(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.

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.

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 son's monthly average gross wages equaled \$1,275.21 ($\$296.56 * 4.3$). The household's total gross monthly income equaled \$1,975.21 ($\$1,275.21 + \700.00).

5. 7 C.F.R. § 273.9(d)(2) provides for the earned income deduction. 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.

The son's earned income deduction equals \$255.04 ($\$1,275.21 * 20\%$).

6. 7 C.F.R. § 273.9(d)(1)(i) provides for the standard deduction. *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.

The Department correctly determined the Appellant eligible for the \$193.00 standard deduction.

7. 7 C.F.R § 273.9(d)(6)(iii) provides in relevant part 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);

The Department correctly determined the Appellant is entitled to the SUA, which is \$921.00.

8. 7 C.F.R. § 273.10(e)(1)(i) provides the following: *Calculating net income and benefit levels-(1) Net monthly income*. To determine a household's net monthly income, the State agency shall:

- A. Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with §273.11(a)(2)(iii).
- B. Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with §273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income.
- C. Subtract the standard deduction.
- D. If the household is entitled to an excess medical deduction as provided in §273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.
- E. Subtract allowable monthly dependent care expenses if, any, as specified under § 273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with §

273.9(d)(5), subtract allowable monthly child support payments in accordance with § 273.9(d)(5).

- G. Subtract the homeless shelter deduction, if any, up to the maximum of \$143.
- H. Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section.
- I. Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

7 C.F.R. § 273.10(e)(2)(ii)(A) provides the following: 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".

7 C.F.R. § 273.10(e)(4) provides the following: 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 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 Appellant's SNAP benefits are calculated as follows:

SNAP BENEFIT CALCULATION

<u>INCOME</u>	
Earned Income	\$1,275.21
Less 20%	-\$255.04
= Adjusted earned income	\$1020.17
+ Unearned income	\$700.00
= Total income	<u>\$1,720.17</u>
- Standard deduction	-\$193.00
- Medical expenses	\$0.00
-Dependent care expenses	\$0.00
=Adjusted gross income	\$1,527.17
<u>SHELTER COSTS</u>	
Rent	\$75.00
+ SUA	\$921.00
Total shelter costs	\$996.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$996.00
Less 50% of adjusted gross income	-\$763.56
= Total shelter hardship (max \$569.00 if not disabled or elderly)	\$232.44
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$1,527.17
Less shelter hardship	-\$232.44
Net Adjusted Income (NAI)	\$1,294.73
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for two persons	\$516.00
Less 30% of NAI (rounded up to nearest whole dollar)	\$389.00
SNAP award	\$127.00

9. 7 C.F.R. § 273.13(a) provides for notice of adverse action. *Use of notice.* Prior to any action to reduce or terminate a household's benefits within the certification period, the State agency shall, except as provided in [paragraph \(b\)](#) of this section, provide the household timely and adequate advance notice before the adverse action is taken. (1) The notice of adverse action shall be considered timely if the advance notice period conforms to that period of time defined by the State agency as an adequate notice period for its public assistance caseload, provided that the period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective. Also, if the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday, the State agency shall consider the request timely received.

The Department correctly issued a notice of adverse action advising the Appellant of the SNAP reduction on [REDACTED].

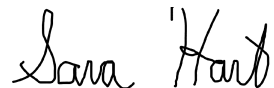
DISCUSSION

The Department's calculation of the Appellant's [REDACTED] SNAP benefit amount of \$127.00 is correct. Regulations provide for the exclusion of earned income of household members who are secondary school students and are *under* the age of 18. The Appellant's son turned 18 on [REDACTED], and the Department appropriately counted his earned income in the calculation of SNAP benefits beginning [REDACTED].

The Appellant testified regarding reductions in her child support income and rental costs that were not previously reported to the Department. The Appellant is encouraged to verify the changes to the Department for evaluation of ongoing SNAP benefits.

DECISION

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



Sara Hart
Fair Hearing Officer

CC: Javier Rivera, Department Representative Manchester Regional Office
Angelica Branfalt, Operations Manager, Manchester 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.