

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# 210202

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) discontinuing food benefits under the Supplemental Nutritional Assistance Program (“SNAP”).

On ██████████ 2023, the Appellant requested an Administrative Hearing to appeal the Department’s decision to discontinue the benefits under the SNAP.

On ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the Administrative Hearing for ██████████ ██████████ 2023.

On ██████████ 2023, the Appellant contacted the OLCRAH and requested for the Administrative Hearing to be rescheduled.

On ██████████ 2023, the OLCRAH issued a notice rescheduling the Administrative Hearing for ██████████ 2023.

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

The following individuals participated in the hearing by phone:

[REDACTED] Appellant
Javier Rivera, Department's Representative
Jessica Gulianello, Hearing Officer

The closing of the hearing record was extended to allow the Appellant and the Department time to submit additional information. Additional documents were received from both parties and on [REDACTED] 2023, the hearing record closed accordingly.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's [REDACTED] 2023, action to discontinue the Appellant's benefits under the SNAP effective [REDACTED] 2023, due to excess income was correct.

FINDINGS OF FACT

1. The Appellant (DOB: [REDACTED]) and [REDACTED] (the "Spouse") (DOB: [REDACTED]) were determined to be eligible for benefits under the SNAP as a household of two individuals for a twelve-month certification period beginning [REDACTED] 2022, through [REDACTED] 2023. (*Exhibit 8: Notice of Renewal of Eligibility, [REDACTED] 2022, Department's Testimony*)
2. On [REDACTED] 2022, the Department mailed the Appellant a Notice of Renewal of Eligibility ("W-1ERL") with a Renewal Notice ("W-1ER") form enclosed requesting completion due by [REDACTED] 2023, to prevent a delay in the renewal process under the SNAP. (*Exhibit 8: Renewal Packet, [REDACTED] 2022*)
3. On [REDACTED] 2023, the Department received a completed online renewal form ("ONRE") with the Appellant's electronic signature requesting continued benefits under the SNAP for a household comprised of two individuals. (*Exhibit 2: ONRE, [REDACTED] 2023, Hearing Summary, Department's Testimony*)
4. On [REDACTED] 2023, the Department reviewed the ONRE and placed two phone calls to the Appellant in unsuccessful attempts to conduct the telephone interview ("TI"). The Department initiated the renewal of benefits under the SNAP and left the renewal in a pending status awaiting completion of the TI as well as a copy of the Appellant's lease. (*Exhibit 1: Case Notes, [REDACTED] /2023*)
5. On [REDACTED] 2023, the Department received a copy of the Appellant's current lease. (*Exhibit 1: Case Notes, [REDACTED] /2022, Exhibit 9: ImpaCT Document Search*)

6. On [REDACTED] 2023, the Appellant contacted the Department's Benefits Center and completed the required TI for the SNAP. (*Exhibit 1: Case Note, [REDACTED] 2023, Hearing Summary, Department's Testimony*)
7. The [REDACTED] determined the Appellant's Spouse to be [REDACTED] with a [REDACTED] onset date of [REDACTED] 2014. (*Exhibit 4: SOLQ-I Interface Results*)
8. On [REDACTED] [REDACTED] 2023, the Department verified via the auto electronic interface/database with the SSA known as ("SOLQ-I") that the Spouse's gross benefits under the [REDACTED] increased from \$2,498.00 to \$2,715.00 per month. (*Exhibit 1: Case Notes [REDACTED] 2023, Exhibit 4: SOLQ-I Interface Results, Hearing Summary, Department's Testimony*)
9. The SSA determined the Appellant [REDACTED] with a [REDACTED] onset date of [REDACTED] 2020. The Appellant was also determined eligible for retroactive payments from the SSA; however, she did not begin receiving the [REDACTED] benefits until 2023. (*Exhibit 4: SOLQ-I Interface Results, Appellant's Testimony*)
10. On [REDACTED] 2023, the Department verified via the SOLQ-I Interface that the Appellant's gross benefits under the [REDACTED] are currently being issued in the amount of \$1,346.90 per month. The Appellant's [REDACTED] benefits were auto updated in the Department's online eligibility management system known as ("ImpaCT") on the unearned income page. (*Exhibit 1: Case Notes [REDACTED] 2023, Exhibit 5: SOLQ-I Interface Results, Department's Testimony*)
11. On [REDACTED] 2023, during the TI for the SNAP the Appellant reported receipt of financial assistance from [REDACTED], [REDACTED] in the amount of \$800.00 per month to help pay the rent. (*Exhibit 1: Case Notes [REDACTED]/2023, Hearing Summary, Department's Testimony*)
12. The Appellant reported a [REDACTED] obligation of \$1,045.00 per month, [REDACTED] insurance of \$114.00 per month, and utility expenses paid separately. (*Exhibit 2: ONRE, [REDACTED] 2023, Appellant's Testimony*)
13. The Appellant and her Spouse are both active / recipients of the [REDACTED] [REDACTED] program administered by the Department. (*Exhibit 10: [REDACTED] Recipient Information*)
14. The Appellant did not report out-of-pocket medical expenses on the ONRE. (*Exhibit 2: ONRE, [REDACTED] 2023, Appellant's Testimony*)
15. The Department removed an allowable medical expense in the amount of \$170.10 per month that had been countable for the Appellant effective [REDACTED] 2023.

(Exhibit 6: Federal SNAP Income Test [REDACTED] 2023 & Exhibit 7: Federal SNAP Income Test: [REDACTED] 2023, Comparison).

16. The Appellant submitted a handwritten / signed correspondence from [REDACTED] to the hearing record. The correspondence states, "While [REDACTED] was awaiting a [REDACTED] decision I was helping her with her housing expenses. I helped as followed:"; the correspondence goes on to list financial support provided over the period beginning [REDACTED] 2022 through [REDACTED] 2023. (Exhibit B: Correspondence)
17. The Department provided Document Searches from its electronic eligibility management system known as ImpaCT to confirm that the previously noted correspondence from [REDACTED] had not been received at the time of the renewal in question ([REDACTED] 2023). (Exhibit 9: ImpaCT Document Search results for the period beginning [REDACTED] 2022 through [REDACTED] 2023)
18. On [REDACTED] 2023, the Department determined the Appellant's household to be over the net income limit for the SNAP program and issued the Appellant a NOA. The NOA informed the Appellant that the benefits under the SNAP were closing effective [REDACTED] 2023, citing the following reasons: "The monthly net income of your household is more than the limit for this program" and "Does not meet program requirements". (Exhibit 3: NOA, [REDACTED] 2023, Hearing Summary, Department's Testimony)
19. The issuance of this decision is timely under section 17b-61(a) of Connecticut General Statutes, which requires that a decision be issued within 60 days of the request for an Administrative Hearing. The Appellant requested an Administrative Hearing on [REDACTED] 2023. This decision, therefore, was due no later than [REDACTED] 2023. The hearing, however, which was originally scheduled for [REDACTED] 2023, was rescheduled to [REDACTED] 2023, at the request of the Appellant, which caused a [REDACTED]-day delay. The decision, therefore, was due no later than [REDACTED] 2023. However, the hearing record, which had been anticipated to close on [REDACTED] 2023, did not close for the admission of evidence until [REDACTED] 2023, at the Appellant's request. Because this [REDACTED] day delay in the close of the record arose from the Appellant's request, this final decision is not due until [REDACTED] 2023, and is therefore timely. (Hearing Record)

CONCLUSIONS OF LAW

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

The Department has the authority to administer the SNAP.

2. Title 7 of the Code of Federal Regulations (“C.F.R”) § 273.10(f) provides the following: *Certification periods*. The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

The Department complied with the Federal Regulations and correctly determined the household to be eligible for a twelve (12) month SNAP certification period with a beginning date of [REDACTED] 2022, and an ending date of [REDACTED] 2023.

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

The Department complied with Federal Regulations and correctly issued the Appellant a NOE on [REDACTED] 2022, for the SNAP certification cycle that expired on [REDACTED] 2023.

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

The Department received the completed renewal form electronically signed by the Appellant on [REDACTED] 2023.

6. 7 C.F.R § 273.2(e)(1) provides the following: Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

7 CFR § 273.2(e)(2) provides the following: The State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household,

and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

The Department complied with the Federal Regulations and completed an on-demand interview with the Appellant on [REDACTED] 2023.

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

The Department complied with the Federal Regulation and correctly determined the SNAP household was comprised of two individuals.

1. 7 C.F.R. § 271.2 provides the following: *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;
 3. Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act;
 4. Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66;
 5. Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.
 6. Is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code;
 7. Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under title 38 of the United States Code;

8. Is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States Code;
9. Is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under title 38 of the United States Code *and* has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; or
10. Receives an annuity payment under: section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 *and* is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act.
11. Is a recipient of interim assistance benefits pending the receipt of Supplemented Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State general assistance benefits *provided* that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the State agency which are at least as stringent as those used under title XVI of the Social Security Act (as set forth at 20 CFR part 416, subpart I, Determining Disability and Blindness as defined in Title XVI).

The Department complied with the Federal Regulation and correctly determined the Appellant and her spouse [REDACTED] members under the SNAP as they both receive [REDACTED] benefits from the SSA.

8. 7 C.F.R § 273.9(b) provides the following: *Definition of income*. Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.

7 C.F.R § 273.9(b)(2) provides the following: Unearned income shall include, but not be limited to:

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

7 C.F.R § 273.9(b)(2)(v) provides the following: Payments from Government-sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit.

The Department complied with the Federal Regulations and correctly determined the gross [REDACTED] benefit amounts that the Appellant and the Spouse receive from the SSA to be countable income under the SNAP.

The Department correctly determined the direct money payment to also be countable income under the SNAP.

9. 7 C.F.R § 273.9(d)(6)(ii) provides the following: *Excess shelter deduction*. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in § 271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

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

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

(C) The cost of fuel for heating; cooling (i.e., the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.

(D) The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment

caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.

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

The Department complied with the Federal Regulations and correctly determined that the SNAP household is eligible for a shelter expense deduction absent of a shelter hardship because the SNAP household contains members who [REDACTED].

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

The Department complied with the Federal Regulations and correctly determined the SNAP household is eligible for a shelter expense deduction and the Standard Utility Allowance (“SUA”) deduction.

11.7 C.F.R 273.9(d)(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. Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction.

The evidence reflects that the Appellant did not report out-of-pocket medical expenses at the time of the renewal of benefits under the SNAP.

12.7 C.F.R § 273.10(e) provides the following: *Calculating net income and benefit levels* - (1) *Net monthly income*. (i) To determine a household's net monthly income, the State agency shall: (A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with § 273.11(a)(2)(iii). (B) Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with § 273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income. (C) Subtract the standard deduction. (D) If the household is entitled to an excess medical deduction as provided in § 273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35. (E) Subtract allowable monthly dependent care expenses, if any, as specified under § 273.9(d)(4) for each dependent. (F) If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with § 273.9(d)(5), subtract allowable monthly child support payments in accordance with § 273.9(d)(5). (G) Subtract the homeless shelter deduction, if any, up to the maximum of \$143. (H) Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section. (I) Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined. (ii) In calculating net monthly income, the State agency shall use one of the following two procedures: (A) Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents; or (B) Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction

amount. Likewise, the State agency may elect to include the cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.

7 C.F.R § 273.10(e)(2) provides the following: (i) (A) Households which contain an elderly or disabled member as defined in § 271.2, shall have their net income, as calculated in paragraph (e)(1) of this section (except for households considered destitute in accordance with paragraph (e)(3) of this section), compared to the monthly income eligibility standards defined in § 273.9(a)(2) for the appropriate household size to determine eligibility for the month. (B) In addition to meeting the net income eligibility standards, households which do not contain an elderly or disabled member shall have their gross income, as calculated in accordance with paragraph (e)(1)(i)(A) of this section, compared to the gross monthly income standards defined in § 273.9(a)(1) for the appropriate household size to determine eligibility for the month.

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

- (1) The State agency shall round the 30 percent of net income up to the nearest higher dollar; or
 - (2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar.
- (B) If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month. (C) Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.

SNAP BENEFIT CALCULATION:

COUNTABLE GROSS UNEARNED INCOME	
Gross Unearned Income:	██████ \$1,346.90
	██████ \$2,715.00
	\$800.00
	████████████████████

Total Income	\$4,861.90
Minus standard deduction (For a household of 2)	\$193.00
Minus medical expenses in excess of \$35 (only if age 60 and older or disabled)	\$0.00 Medical Expenses were reported and/or verified
Adjusted Gross Income	=\$4,668.90
<u>SHELTER COSTS</u>	
Rent	\$1,045.00
Property Insurance	\$114.00
Standard Utility Allowance (SUA)	\$921.00
Total Shelter Costs	\$2,080.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,080.00
Less 50% of adjusted gross income	\$2,334.45
Total shelter hardship	-\$254.45 (NEGATIVE) = \$0.00 (Cannot exceed \$569 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	

Adjusted gross income	\$4,668.90
Less shelter hardship	\$0.00
Net Adjusted Income ("NAI")	\$4,668.90
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan Amount for 2 SNAP Members	\$459.00
Less 30% of NAI (rounded up)	(\$4,668.90 x .3)= \$1,400.67 rounded up to \$1,401.00
SNAP award Calculation: Thrifty Food Plan: - 30% NAI= SNAP Amount	\$459.00 - \$1,401.00= - \$941 = (NEGATIVE)= \$0 SNAP Award

The calculation confirms that the Department complied with the Federal Regulations and correctly discontinued the Appellant's benefits under the SNAP as the household's net adjusted income exceeds the level at which benefits are issued.

DISCUSSION:

The Appellant provided testimony during the proceedings asserting that [REDACTED] stopped providing her with financial assistance in [REDACTED] 2023. Furthermore, the Appellant submitted a handwritten and signed correspondence (absent of a date) from [REDACTED] to the hearing record. The correspondence states, "While [REDACTED] was awaiting a [REDACTED] decision, I was helping her with her housing expenses". The correspondence goes on to list financial support provided over the period beginning [REDACTED] 2022 through [REDACTED] 2023. The electronic Document Search records from ImpaCT as provided by the Department validate that said letter was not received at the time of the renewal of the SNAP.

SNAP BENEFIT RE-CALCULATION:

(Absent of the Other Countable Income in the amount of \$800.00)

<u>COUNTABLE GROSS UNEARNED INCOME</u>	
Gross Unearned Income:	██████ \$1,346.90
	+
	██████ \$2,715.00
Total Income	\$4,061.90
Minus standard deduction (For a household of 2)	\$193.00
Minus medical expenses in excess of \$35 (only if age 60 and older or disabled)	\$0.00 Medical Expenses were reported and/or verified
Adjusted Gross Income	= \$3,868.90
<u>SHELTER COSTS</u>	
Rent	\$1,045.00
Property Insurance	\$114.00
Standard Utility Allowance (SUA)	\$921.00
Total Shelter Costs	\$2,080.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,080.00
Less 50% of adjusted gross income	\$1,934.45

Total shelter hardship	145.55 (Cannot exceed \$569 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$3,868.90
Less shelter hardship	\$145.55
Net Adjusted Income ("NAI")	\$3,723.35
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan Amount for 2 SNAP Members	\$459.00
Less 30% of NAI (rounded up)	(\$3,723.35 x .3)= \$1,117.00
SNAP award Calculation: Thrifty Food Plan: - 30% NAI= SNAP Amount	\$459.00 - \$1,177.00= - \$718.00 = (NEGATIVE)= \$0 SNAP Award

The above calculation confirms that even if the Appellant is no longer receiving direct money payments, the household's net adjusted income still exceeds the level at which benefits under the SNAP are issued.

The Department correctly discontinued food benefits under the SNAP effective [REDACTED] 2023, due to excess income.

DECISION:

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

Jessica Gulianello

**Jessica Gulianello
Hearing Officer**

CC: Javier Rivera, ESW, DSS (RO: 11)
Angelica Branfalt, SSOM, DSS (RO: 11)

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.