

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# 211223

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████, 2023, the Department of Social Services (the "Department") sent ██████████ (the "Appellant"), a Notice of Action ("NOA") stating that he is eligible for \$23.00 in Supplemental Nutrition Assistance Program ("SNAP") benefits effective ██████████ 2023.

On ██████████, 2023, the Appellant requested an administrative hearing to contest the amount of his SNAP benefits.

On ██████████, 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████, 2023.

On ██████████ 2023, 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
Selime Bozan, Department's Representative
Melissa Prisavage, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly calculated the Appellant's SNAP benefit.

FINDINGS OF FACT

1. The Appellant receives SNAP benefits as a household of one person. He is ■- years-old [DOB ■■■■■■■■■■]. (Appellant's Testimony)
2. The Appellant is not disabled. (Appellant's Testimony)
3. The Appellant receives income for living expenses as a refund from his scholarships. For the ■■■■■ 2023 semester, he received one payment of \$8,010.00 and was expected to receive an additional payment of \$3,903.00. (Exhibit 3: School Letter, Appellant's Testimony)
4. The Department calculated the Appellant's monthly income using the biannual scholarship refund amount received for the ■■■■■ 2023 semester (\$8,010.00 + \$3,903.00 = \$11,913.00) and dividing it by 6 months to obtain the monthly average (\$11,913.00/ 6 months) of \$1,985.50. (Hearing Record)
5. The Appellant's monthly rent is \$825.00. (Hearing Record, Appellant's Testimony)
6. The Appellant pays for heating and cooling. The Department used the standard utility allowance ("SUA") in its calculation of the Appellant's SNAP benefits. (Exhibit 9: Income Test, Exhibit 10: W-1216 SNAP Computation Sheet, Appellant's Testimony)
7. On ■■■■■, 2023, the Department notified the Appellant that he is eligible for \$23.00 in SNAP effective ■■■■■ 2023. (Exhibit 5: NOA dated ■■■■■, 2023)
8. 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 ■■■■■, 2023. Therefore, this decision is due no later than ■■■■■ 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 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 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)).
3. 7 C.F.R. § 271.2 defines an elderly or disabled member as 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.

The Department correctly determined that the Appellant is not elderly or disabled.

4. 7 C.F.R. § 273.9(b)(2)(iv) states that unearned income shall include, but not be limited to scholarships, educational grants, deferred payment loans for education, veteran’s educational benefits and the like, other than educational assistance with a work requirement, in excess of amounts excluded under § 273.9(c).

The Department correctly included the Appellant’s income from scholarships in its calculation of eligibility for the SNAP benefit.

5. 7 CFR § 273.9(c)(3)(ii)(C)(9) states that normal living expenses which are room and board are not excludable.
6. 7 CFR § 273.10(c)(3)(iii) states that earned and unearned educational income, after allowable exclusions, shall be averaged over the period which it is intended to cover. Income shall be counted either in the month it is received, or in the month the household anticipates receiving it or receiving the first installment payment, although it is still prorated over the period it is intended to cover.

The Department correctly calculated the Appellant's income refunded from scholarships as \$1,985.50 monthly (Refund \$8,010.00 + Refund \$3,903.00 = \$11,913.00 divided by 6 months = \$1,985.50).

7. Title 7 C.F.R. § 273.9(d)(1)(i) provides for the standard deduction. 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.
8. 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 tables provide the monthly maximum allotment and allowable deductions for FY 2023 (effective October 1, 2022, through September 30, 2023).”

Standard Deductions

| Household Size | Standard Deduction Amount |
|----------------|---------------------------|
| 1 | \$193 |
| 2 | \$193 |
| 3 | \$193 |
| 4 | \$193 |
| 5 | \$225 |
| 6+ | \$258 |

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

9. Title 7 C.F.R. § 273.9(d)(6)(ii) provides for 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 correctly allowed the Appellant a rental expense of \$825.00 per month.

10. Title 7 C.F.R. § 273.9(d)(6)(iii) provides for the 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...
- (B) The State agency must review the standards annually and make adjustments to reflect changes in costs, rounded to the nearest whole dollar. State agencies must provide the amounts of standards to FNS when they are

changed and submit methodologies used in developing and updating standards to FNS for approval when the methodologies are developed or changed.

- (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.
- (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...

Effective October 2022, the 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 \$1,746.00 (\$825.00 rent + \$921.00 SUA = \$1,746.00) per month.

11. Title 7 C.F.R. § 273.9(d)(6)(ii) provides in relevant part for the maximum 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.
12. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes of the Maximum Shelter Deductions (see: www.fns.usda.gov/snap/allotment/COLA):

“The following tables provide the monthly maximum allotment and allowable deductions for FY 2023 (effective October 1, 2022, through September 30, 2023).”

Maximum Shelter Deductions

| State/Territory | Amount |
|----------------------------------|--------|
| 48 States & District of Columbia | \$624 |

The Department correctly determined the Appellant’s shelter hardship is \$624.00 [Shelter expenses \$1,746.00 – half of the adjusted gross income \$896.25 (\$1,792.50 x .50) = shelter hardship \$849.75], as the Appellant was limited to the maximum shelter deduction since he is neither elderly nor disabled.

13.7 C.F.R. § 273.10 (e)(4)(i) provides for the 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.”

14. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes to the Cost-of-Living Adjustment (COLA) Information (see: www.fns.usda.gov/snap/allotment/COLA):

“The following tables provide the monthly maximum allotment and allowable deductions for FY 2023 (effective October 1, 2022, through September 30, 2023).”

Maximum SNAP Allotment

| Household Size | Allotment |
|------------------------|-----------|
| 1 | \$281 |
| 2 | \$516 |
| 3 | \$740 |
| 4 | \$939 |
| 5 | \$1116 |
| 6 | \$1339 |
| 7 | \$1480 |
| 8 | \$1691 |
| Each Additional Person | \$211 |

15. Title 7 C.F.R. § 273.10(e) provides for the monthly SNAP benefit calculation. 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.

16. Effective [REDACTED] 2023, 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 | \$1,985.50 |
| = Total income | \$1,985.50 |
| - Standard deduction | -\$193.00 |
| - Medical expenses | -\$0.00 |
| -Dependent care expenses | 0.00 |
| =Adjusted gross income | \$1,792.50 |
| SHELTER COSTS | |
| Rent | \$825.00 |
| + SUA | \$921.00 |
| Total shelter costs | \$1,746.00 |
| SHELTER HARDSHIP | |
| Shelter costs | \$1,746.00 |
| Less 50% of adjusted gross income | -\$896.25 |
| = Total shelter hardship (max \$624 if not disabled or elderly) | \$849.75 |
| ADJUSTED NET INCOME | |
| Adjusted gross income | \$1,792.50 |
| Less shelter hardship | -\$624.00 |
| Net Adjusted Income (NAI) | 1,168.50 |
| BENEFIT CALCULATION | |
| Thrifty Food Plan for one person | \$281.00 |
| Less 30% of NAI (rounded up to nearest whole dollar) | -\$351.00 |
| SNAP award | \$0.00 |

17. Title 7 C.F.R. 273.10(e)(2)(ii)(C) provides that except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.

The maximum allotment for a household of one equals \$281.00. The Department correctly determined the Appellant eligible for \$23.00 ($\$281.00 \times .08 = \23.00 rounded to the nearest whole dollar).

DISCUSSION

Even though the Appellant has to pay taxes on his income from scholarships, the gross income is still counted for SNAP. There is no provision in CFR allowing for the deduction of taxes paid on educational scholarships.

On [REDACTED], 2023, the Department correctly determined the Appellant eligible for a \$23.00 SNAP benefit.

DECISION

The Appellant's appeal is DENIED.



Melissa Prisavage
Fair Hearing Officer

CC: Sarah Chmielecki, Ralph Filek, Tim Latifi, DSS Operations Manager, New Haven Regional Office

Selime Bozan, DSS Liaison, New Haven Regional Office

RIGHT TO REQUEST RECONSIDERATION

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

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

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue Hartford, CT 06105.

RIGHT TO APPEAL

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

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

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