

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

[REDACTED] 2023
Signature confirmation

Case: [REDACTED]
Client: [REDACTED]
Request: 211948

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received the hearing request of [REDACTED] (the “Appellant”). The Appellant disputed the Department of Social Services’ (the “Department”) computation of his Supplemental Nutrition Assistance Program (“SNAP”) benefit.

On [REDACTED] 2023, the OLCRAH scheduled the administrative hearing for [REDACTED] 2023.

On [REDACTED], 2023, in accordance with Sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, and Section 273.15 of Title 7 of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held an administrative hearing by telephone conferencing. The following individuals participated:

[REDACTED], Appellant
Rosalie Bertolini, Department representative
Eva Tar, Hearing Officer

The close of the hearing record was extended to [REDACTED] 2023 to permit the Appellant the opportunity to submit verification of his 2023 real estate taxes, his reverse mortgage contract, his homeowner’s insurance premium, and his [REDACTED] 2023 out-of-pocket uncovered medical expenses. The Appellant did not submit the documents for the hearing record.

The hearing record closed [REDACTED], 2023.

STATEMENT OF ISSUE

The issue is whether the Department correctly determined the amount of SNAP benefits the Appellant was eligible to receive for the [REDACTED] 2023 service month.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old. (Appellant Testimony)
2. The Appellant receives \$23.00 per month in SNAP benefits. (Dept. Exhibit 2) (Department Representative Testimony)
3. The Appellant lives alone in his home. (Appellant Testimony)
4. In 2023, the Appellant receives \$1,879.00 per month in Social Security Disability. (Dept. Exhibit 4)
5. From [REDACTED] 2022 through [REDACTED] 2023, the Appellant had not provided verification to the Department of his real estate taxes and homeowners insurance. (Dept. Exhibit 1) (Hearing record)
6. At the [REDACTED], 2023 hearing, the Appellant claimed shelter expenses and out-of-pocket medical expenses. (Hearing record)
7. In 2023, the standard deduction equaled \$193.00 per month. (Dept. Exhibit 4)
8. In 2023, the maximum allotment amount for Federal SNAP equaled \$281.00 per month for an individual. (Dept. Exhibit 4)
9. In 2023, the standard utility allowance (“SUA”) in Connecticut equaled \$921.00 per month. (Dept. Exhibit 4)
10. The Appellant’s testimony regarding the amount of his shelter obligation as to the payments he was required to make as related to the reverse mortgage, the amount of his annual real estate taxes for which he was liable, his real estate insurance premiums, and monthly out-of-pocket medical expenses was not supported by the hearing record. His unsupported testimony used approximations of the overall expenses, lacked specificity, was self-serving, and was not reliable or credible.
11. Title 7, Section 273.15 (c)(1) of the Code of Federal Regulations (“C.F.R.”) provides that “[w]ithin 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 are notified of the decision....” The OLCRAH received the Appellant’s hearing request on [REDACTED] 2023, which required the hearing decision to be issued by [REDACTED] 2023. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes in part designates the Department of Social Services as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

“The commissioner shall make periodic investigations to determine eligibility and may, at any time, modify, suspend or discontinue an award previously made when such action is necessary to carry out the provisions of the ... supplemental nutrition assistance program....” Conn. Gen. Stat. § 17b-80 (a).

The Department has the authority to modify the Appellant’s SNAP benefit when necessary to carry out the provisions of the SNAP.

2. Title 7, Code of Federal Regulations (“C.F.R.”), Section 273.1 (a)(1) provides: “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;”

The Appellant is a SNAP household of one.

3. “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).

“Unearned income shall include, but not be limited to: 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;” 7 C.F.R. § 273.9 (b)(2)(ii).

For the purposes of the SNAP, the Appellant’s Social Security disability income is counted unearned income.

4. Title 7 of the Code of Federal Regulations, Section § 273.9 (d)(1)(i) provides for a standard deduction for the 48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands.

The Appellant is eligible for the \$193.00 per month SNAP standard deduction.

5. Title 7, Section 273.10 (e) of the Code of Federal Regulations provides for calculating net income and benefit levels. Subsection (e)(1)(i) provides:

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...

(B) ...

(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) ...
- (F) ...
- (G) ...
- (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)(1)(i).

Title 7, Code of Federal Regulations, Section 273.9 (d)(3) addresses the excess medical deduction. This section provides in part that the excess medical deduction is “[t]hat 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....](#)”

- 6. Title 7, Code of Federal Regulations, Section 273.2(f)(3)(ii) provides in part:
If a State agency opts to verify a deductible expense and obtaining the verification may delay the household's certification, the State agency shall advise the household that its eligibility and benefit level may be determined without providing a deduction for the claimed but unverified expense. This provision also applies to the allowance of medical expenses as specified in [paragraph \(f\)\(1\)\(iv\)](#) of this section. Shelter costs would be computed without including the unverified components. The standard utility allowance shall be used if the household is entitled to claim it and has not verified higher actual costs....

7 C.F.R. § 273.2 (f)(3)(ii)

“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....” 7 C.F.R. § 273.9 (d)(6)(iii)(A).

For the [REDACTED] 2023 SNAP service month, the Appellant's adjusted monthly gross income equaled \$1,686.00. [\$1,879.00 (gross Social Security disability benefit) minus \$193.00 (standard deduction for an individual) minus \$0.00 (no deduction given for claimed but not verified out-of-pocket uncovered medical expenses in excess of \$35.00 per month)]

For the purposes of the SNAP, the Appellant's monthly shelter costs equal \$921.00, or the amount of the SUA, as the Appellant failed to verify his claimed shelter expenses for the hearing record.

For the purposes of the SNAP, the Appellant's shelter hardship equals \$78.00. [\$921.00 (SUA) minus \$843.00 (50% of adjusted gross income)]

7. Title 7, Section 273.10 (e)(4) of the Code of Federal Regulations addresses the Thrifty Food Plan and maximum SNAP allotments.

The Thrifty Food Plan for a qualified individual in Connecticut with no applied income equals \$281.00 per month, or the maximum SNAP allotment for a household of one without applied income, effective October 1, 2022.

Title 7, Section 273.10 (e)(2)(ii)(A) of the Code of Federal Regulations provides:

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.

7 C.F.R. § 273.10 (e)(2)(ii)(A).

“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.” 7 C.F.R. § 273.10 (e)(2)(ii)(C).

The Appellant's SNAP benefits for the [REDACTED] 2023 service month are computed as follows:

<u>SNAP BENEFIT CALCULATION</u>	
██████████ 2023	
<u>INCOME</u>	
Unearned Income	+ \$1,879.00
Less out-of-pocket uncovered medical expenses exceeding \$35.00/month	-0.00 (unverified, so no deduction given)
Less standard deduction	- 193.00
Adjusted gross income -	\$1,686.00
<u>SHELTER COSTS</u>	
Real Estate taxes	\$0.00 (unverified, so no credit given)
Plus Payments toward Reverse Mortgage	+ 0.00 (unverified, so no credit given)
Plus Homeowner's insurance premium	+ 0.00 (unverified, so no credit given)
Plus Standard Utility Allowance (SUA)	+ 921.00
Total shelter costs -	\$921.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$921.00
Less 50% of adjusted gross income	- 843.00
Total shelter hardship -	\$78.00
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$1,686.00
Less shelter hardship	- 78.00
Net Adjusted Income (NAI) -	\$1,608.00
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for one <i>(maximum monthly benefit for SNAP household without income)</i>	\$281.00
Less 30% of NAI <i>(rounded to nearest dollar)</i>	- 482.00
SNAP BENEFIT - <i>*(minimum SNAP benefit = \$23.00)</i>	<i>= negative number*</i>

Eight percent of the maximum SNAP allotment for one, rounded to the nearest whole dollar, is \$23.00.

The Appellant was eligible to receive \$23.00 (total) in SNAP benefits for the [REDACTED] 2023 service month.

The Department correctly determined the amount of SNAP benefits the Appellant was eligible to receive for the [REDACTED] 2023 service month.

DISCUSSION

At the [REDACTED] 2023 administrative hearing, the Appellant claimed several hundred dollars' worth of monthly shelter expenses as well as approximately \$100.00 per month in out-of-pocket uncovered medical expenses. The Appellant's statements regarding the amounts of these expenses was vague and approximate, lacked specificity, and self-serving; the hearing officer was unable to rely on their accuracy.

The Appellant's further assertions that he was making payments on a reverse mortgage as part of paperwork he had co-signed with his (now-deceased) parent appeared atypical, as reverse mortgages in general provide income to the contractee(s). The hearing officer requested—and the Appellant agreed to submit—a copy of the reverse mortgage contract for the hearing record to verify that the Appellant was required to make monthly payments to remain in his home.

The hearing officer extended the close of the record through [REDACTED] 2023 to permit the Appellant to submit documentation supporting his testimony as to the reverse mortgage liability, the real estate tax liability, the homeowner's insurance premium (unrelated to his vehicle insurance, which may have been bundled with it) and his out-of-pocket uncovered medical expenses. The Appellant did not submit these documents for the hearing record.

The hearing officer's calculation of the SNAP benefit in this Decision therefore does not incorporate the unsupported testimony as to the amounts of the Appellant's claimed shelter and medical expenses.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Rosalie Bertolini, DSS-Danbury
Jill Sweeney, DSS-Danbury

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.