

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

██████████ 2023  
SIGNATURE CONFIRMATION

CASE ID # ██████████ 0  
CLIENT ID # ██████████  
REQUEST # 212124

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2023, the Department of Social Services (the "Department") sent ██████████ (the "Appellant") a Notice of Action ("NOA") denying her application for Supplemental Nutritional Assistance Program ("SNAP") benefits due to excess income.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department's decision to deny the SNAP.

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

On ██████████ 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. The following individuals participated.

██████████ Appellant  
Shannon Shlash, Department's Representative  
Joseph Alexander, Administrative Hearing Officer

## **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department correctly denied the Appellant's application for the SNAP benefits due to excess income.

## **FINDINGS OF FACT**

1. On [REDACTED] 2023, the Department received an Online Application ("ONAP") requesting SNAP benefits for a household consisting of three individuals; the Appellant (D.O.B. [REDACTED]/74), her spouse [REDACTED] (D.O.B. [REDACTED]/77) and their child [REDACTED] (D.O.B. [REDACTED]/11). (Exhibit 1: ONAP received [REDACTED]/23)
2. None of the household members are elderly or disabled. (Exhibit 1: ONAP received [REDACTED]/23, Hearing Record)
3. On [REDACTED], 2023, the Department interviewed the Appellant. During the interview the Appellant reported (1) a monthly rental obligation of \$2,400.00, (2) paying utilities such as heating and cooling separately from the rent, (3) both her and [REDACTED] were each collecting \$700.00 of Unemployment Compensation Benefits per month ("UCB"). (Hearing Record)
4. On [REDACTED] 2023, the Department sent a W-1348 Proofs We Need letter to the Appellant requesting proof of United States citizenship for all household members and proof of school attendance for [REDACTED]. The requested proofs were due to be returned to the Department by [REDACTED] 2023. (Hearing Record)
5. On [REDACTED] 2023, the Department sent a NOA denying the SNAP application for the following reasons. (1) The monthly gross income of the household is more than the limit for the SNAP program, (2) the household does not meet the program requirements, (3) proof of citizenship status was not provided. (Exhibit 2: NOA dated [REDACTED]/23)
6. On [REDACTED] 2023, the Appellant requested an administrative hearing to dispute the Department's decision to deny the application for SNAP. (Exhibit 3: Hearing Request dated [REDACTED]/23)
7. On [REDACTED] 2023, the Department issued a second NOA detailing the reasons for denial as (1) the monthly gross income of the household is more than the limit for the SNAP program and (2) the household does not meet the program requirements. (Exhibit 5: NOA dated [REDACTED] 2023)
8. On [REDACTED] 2023, the OLCRAH received confirmation of the Appellant's withdrawal of her hearing request. (Hearing Record)
9. On [REDACTED] 2023, the Appellant requested a second administrative hearing. (Exhibit 7: Hearing Request dated [REDACTED] 2023)

10. On [REDACTED] 2023, the OLCRAH issued a notice scheduling an administrative hearing for [REDACTED] 2023. (Exhibit 8: Notice of Administrative Hearing dated [REDACTED] 2023)
11. Between [REDACTED], 2023, and [REDACTED] 2023, the Department contacted the Appellant to review the denial of the SNAP benefits. The Department informed the Appellant her household's gross monthly income totaling \$5,680.30 exceeded the SNAP gross income limit (for household of three) of \$3,839.00 as the Department of Labor ("DOL") confirmed the Appellant had been receiving gross weekly UCB payments of \$618.00 effective [REDACTED] 2023, and her [REDACTED] had been receiving gross weekly UCB payments of \$703.00 effective [REDACTED] 2023. The Department used the following calculations to determine the household's gross monthly income:
- [REDACTED] UCB \$618.00 x 4.3 weeks (paid weekly) = \$2,657.40 gross monthly UCB
- [REDACTED] UCB \$703.00 x 4.3 weeks (paid weekly) = \$3,022.90 gross monthly UCB
- \$2,657.40 + \$3,022.90 = \$5,680.30 gross monthly income for household.  
(Exhibit 10: UCB Details, Exhibit 14: Unearned Income Details, Hearing Record)
12. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a) 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, making this decision is due no later than [REDACTED] 2023. (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."
2. Title 7 of the Code of Federal Regulations ("C.F.R") § 273.2(c)(1)(iv) provides for the following: *Recording of 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 correctly determined January 17, 2023, was the application filing date.**

3. 7 C.F.R § 273.9(a) provides for the following: *Participation*. 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).”
  
4. 7 C.F.R § 273.2(j)(1)-(5) provides for the following: *Regular Categorical Eligibility (“RCE”)*. The following households are categorically eligible for SNAP benefits unless the entire household is institutionalized as defined in § 273.1(e) or disqualified for any reason from receiving SNAP benefits. (A) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive cash through a PA program funded in full or in part with Federal money under Title IV-A or with State money counted for maintenance of effort (MOE) purposes under Title IV-A; (B) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind benefits or services from a program that is more than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to forward purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. (C) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind benefits or services from a program that is more than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes three and four of the TANF block grant, as set forth in Section 401 of P.L. 104-193, and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level. (D) Any household in which all members receive or are authorized to receive SSI benefits, except that residents of public institutions who apply jointly for SSI and SNAP benefits prior to their release from the institution in accordance with § 273.11(i), are not categorically eligible upon a finding by SSA of potential SSI eligibility prior to such release. The State agency must consider the individuals categorically eligible at such time as SSA makes a final SSI eligibility and the institution has

released the individual. (E) Any household in which all members receive or are authorized to receive PA and/or SSI benefits in accordance with paragraphs (j)(2)(i)(A) through (j)(2)(i)(D) of this section.

5. 7 C.F.R § 273.2(j)(2)(ii)(A)-(B) and (iii) provide for the following: *Expanded Categorical Eligibility (“ECE”)*. The State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purposes of the Food and Nutrition Act of 2008: (A) Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determining to confer categorical eligibility. (B) Subject to FNS approval, any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes three and four of the TANF block grant, as set forth in Section 401 of P.L 104-193, and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level. (iii) Any household in which one member receives or is authorized to receive benefits according to paragraphs (j)(2)(i)(B), (j)(2)(i)(C), (j)(2)(ii)(A) and (j)(2)(ii)(B), of this section and the State agency determines that the whole household benefits.

**The Department correctly determined that the Appellant’s household does not meet the RCE or ECE criteria. Therefore, the Appellant’s household is subject to both the gross income and net income eligibility tests.**

6. 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.
7. 7 C.F.R. § 273.1(b)(1)(ii) provides the following: *General household definition*. 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. 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 requested benefits under the SNAP for a household comprised of three individuals.**

8. 7 C.F.R § 273.2(a)(2) provides for the following: *Application processing*. The application process includes filing and completing an application form, being interviewed, and having certain information verified. The State agency must act promptly on all applications and provide SNAP benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. States must meet application processing timelines, regardless of whether a State agency implements a photo EBT card policy. The State agency must make expedited service available to households in immediate need. Specific responsibilities of households and State agencies in the application process are detailed below.

**The Department correctly conducted an interview with the Appellant.**

9. 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. (2) Unearned income shall include, but not be limited to: (ii) 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.

**The Department correctly determined both the Appellant's and her spouses UCB payments should be considered as countable income under the SNAP.**

- 10.7 C.F. R § 273.10(c)(2)(i) provides the following: *Determining Income*. 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.

**The Department correctly converted both the Appellant's and her spouses weekly UCB payments to monthly amounts using the appropriate conversion standard.**

11.7 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 correctly granted maximum shelter deduction of \$577.35 (\$2400.00, rental obligation + \$921.00, Standard Utility allowance= \$3321.00 – \$2743.65, 50 percent of the household's income)**

12.7 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 correctly determined the household was eligible for the Standard Utility Allowance (“SUA”) deduction.**



13.7 C.F.R 273.9(d)(1)(i)-(iii) provides for the following: *Standard Deduction*. (i) 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. (ii) Guam. Effective October 1, 2002, in Guam, the standard deduction for household sizes one through six shall be equal to 8.31 percent of double the monthly net income eligibility standard for each household size for the 48 States and the District of Columbia 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. (iii) Minimum deduction levels. Notwithstanding paragraphs (d)(1)(i) and (d)(1)(ii) of this section, the standard deduction for FY 2009 for each household in the 48 States and the District of Columbia, Alaska, Hawaii, Guam and the U.S. Virgin Islands shall not be less than \$144, \$246, \$203, \$289, and \$127, respectively. Beginning FY 2010 and each fiscal year thereafter, the amount of the minimum standard deduction is equal to the unrounded amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food. ." 7 C.F.R. § 273.9 (d)(1)(i)-(iii)

14. The United States Department of Agriculture (“USDA”) Food and Nutrition Services (“FNS”) issues general guidance to the changes to the Standard Deductions (see [www.fns.usda.gov/snap/allotment/COLA](http://www.fns.usda.gov/snap/allotment/COLA)):

The following table provides the monthly allowable Standard Deduction amount for fiscal year 2023 (effective October 1, 2022, through September 30, 2023).

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

**The Department correctly determined the household was eligible for the \$193.00 Standard Deduction.**

15.7 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.

16.7 C.F.R § 273.10(e)(2)(i) provides the following: *Eligibility and benefits*.

(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.

(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.

17.7 C.F.R § 273.10(e)(2)(ii) provides for the following: *Eligibility and benefits*. 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

(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.

18.7 C.F.R § 273.10(e)(2)(iii) provides for the following: *Eligibility and benefits*. For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements of paragraph (a)(1) and the provision precluding issuances of less than \$10 in an initial month of paragraph (e)(2)(ii)(B)) of this section: (A) The State agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued.

19.7 C.F.R § 273.9(a)(1)(i)- (iii) provides for the following: *Income eligibility standards*. (1) The gross income eligibility standards for SNAP shall be as follows: (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam, and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia. (ii) The income eligibility standards for Alaska shall be 130 percent of the Federal poverty levels of Alaska. (iii) The income eligibility standards for Hawaii shall be 130 percent of the Federal income poverty levels for Hawaii.

**The Department incorrectly determined 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia was \$3,839.00 in February 2023; This figure represents 200 percent of the Federal income poverty levels and came into effect on March 1, 2023.**

**Effective February 2023, 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia was \$2,495.00.**

**The Department correctly determined the household's gross monthly income of \$5,680.30 exceeded 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.**

20.7 C.F.R § 273.9(a)(2)(i)-(iii) provides for the following: *Income eligibility standards*. (1) The net income eligibility standards for SNAP shall be as follows: (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam, and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia. (ii) The income eligibility standards for Alaska shall be the Federal income poverty levels of Alaska. (iii) The income eligibility standard for Hawaii shall be the Federal income poverty levels for Hawaii.

Effective February 2023, 100 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia was \$1,920.00.

The Department correctly determined the household's net income of \$4,909.95 (see manual calculation below) exceeded 100 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

**February 2023 Manual SNAP Calculation**

<b><u>Income</u></b>	
Gross Earned Income	\$0.00
-20% Earned Income Disregard	\$0.00
Adjusted Earned Income	\$0.00
+ Gross Unearned Income	\$5,680.30
Total Household Income	\$5,680.30
-Standard Deduction (HH of 3)	-\$193.00
<b><u>Adjusted Gross Income</u></b>	<b><u>\$5,487.30</u></b>
<b><u>Shelter Costs</u></b>	
Rent	\$2,400.00
+ Standard Utility Allowance (SUA)	\$921.00
<b><u>Total Shelter Costs</u></b>	<b><u>\$3,321.00</u></b>
<b><u>Shelter Hardship</u></b>	
Total Shelter Costs	\$3,321.00
-50% of Adjusted Gross Income	\$2,743.65
<b><u>Total Shelter Hardship</u></b>	<b><u>\$577.35 (Cannot exceed \$624.00 unless elderly or disabled)</u></b>
<b><u>Net Adjusted Income</u></b>	
Adjusted Gross Income	\$5,487.30
-Total Shelter Hardship	\$577.35
<b><u>Net Adjusted Income (NAI)</u></b>	<b><u>\$4,909.95</u></b>
<b><u>Benefit Calculation</u></b>	
Maximum SNAP Amount for 3 Household Members	\$740.00
-30% of NAI (rounded up)	\$1,473.00 (\$4,909.95 x .30 = \$1,472.98 Rounded up to nearest dollar amount)
<b><u>Total SNAP Award</u></b>	<b><u>\$0.00</u></b>

21.7 C.F.R § 273.9(a)(3)(i)(ii) provides for the following: *Income eligibility standards.* (i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For household's greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary. (ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward if necessary. For household's greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the result is rounded upward is necessary.

22.21.7 C.F.R § 273.9(a)(4) provides for the following: *Income eligibility standards.* The monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap).

**The Department correctly determined the SNAP household comprised of three potentially eligible individuals to be subject to the gross income test followed by the net income test.**

**The Department correctly determined the household is ineligible for SNAP as they fail both the gross and net income tests.**

**The Department correctly denied benefits under the SNAP effective [REDACTED], 2023.**

**DECISION**

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

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**Joseph Alexander**  
**Administrative Hearing Officer**

CC: Sarah Chmielecki, Operations Manager, DSS, New Haven Regional Office  
Tim Latifi, Operations Manager, DSS, New Haven Regional Office  
Ralph Filek, Field Operations, DSS, New Haven Regional Office  
Shannon Shlash, Hearing Liaison, DSS, 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 §4-1181a (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.