

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

Client ID ██████████
Request #213092

NOTICE OF DECISION

PARTY

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██████████
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PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) informing him that his household was approved for monthly benefits from the Supplemental Nutrition Assistance Program (“SNAP”) in the amount of \$135.00 beginning ██████████ 2023.

On ██████████, 2023, the Appellant requested an administrative hearing to appeal the Department’s determination of his monthly SNAP benefit amount.

On ██████████, 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a Notice scheduling the administrative hearing for ██████████ 2023. At the Appellant’s request, the hearing was scheduled to be conducted by telephone.

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 were present at the hearing:

██████████, Appellant
Kostoula Karachristos, Hearing Liaison for the Department
James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

1. The issue is whether, when the Department determined the Appellant's SNAP eligibility on [REDACTED], 2023, it correctly determined the monthly benefit he was entitled to under SNAP rules.

FINDINGS OF FACT

1. The Appellant is a [REDACTED]-year-old man. (Hearing Record)
2. The Appellant was approved to receive SNAP benefits for himself only for a certification period that began on [REDACTED], 2020 and ended on [REDACTED], 2023. (Exhibit 2: [REDACTED], 2022 NOA)
3. On [REDACTED], 2023, the Appellant completed a W-1ER renewal form to renew his eligibility for SNAP for a new certification period; the completed form was received by the Department on [REDACTED], 2023. (Exhibit 3: W-1ER Renewal Form, Exhibit 4: Case Notes)
4. The Appellant qualified to have his required interview waived at the time of his SNAP renewal because he was an elderly or disabled household with no earned income. (Exhibit 4, Exhibit 12: Interview Waiver Requirements)
5. At the time of his renewal the Appellant had sole income of \$1,382.00 per month from Social Security; the same circumstances exist currently. (Exhibit 8: SOLQ-1 screen, Appellant's testimony)
6. At the time of his renewal the Appellant's rent was \$376.00 monthly, and he was separately responsible to pay for gas and electric utilities; the same circumstances exist currently. (Exhibit 3, Exhibit 4, Appellant's testimony)
7. The Appellant reported on the W-1ER renewal form that he had certain out-of-pocket medical expenses. (Exhibit 3)
8. The Appellant submitted several receipts with his W-1ER renewal form; the receipts were from [REDACTED] and [REDACTED] and primarily documented food purchases. (Exhibit 7: Various store receipts)
9. None of the receipts submitted by the Appellant with his renewal form pertained to his reported medical expenses. (Hearing Record)
10. On [REDACTED], 2023, the Department processed the renewal and issued an NOA to the Appellant informing him that his SNAP benefits were approved for a new period that began on [REDACTED] 2023, and ended on [REDACTED] 2026, and

that his household qualified for a benefit of \$135.00 per month beginning [REDACTED] 2023. (Exhibit 4: Case Note, Exhibit. 1: [REDACTED] 2023 NOA)

11. On [REDACTED] 2023, the eligibility worker that processed the Appellant's SNAP renewal noted in the file that the Appellant did not provide any proof of the medical expenses he reported; on the same date the worker sent the Appellant a written request to provide receipts documenting the expenses. (Exhibit 4, Exhibit 10: W-3016 Notification from Department of Social Services)
12. On [REDACTED] 2023, another eligibility worker that reviewed the case determined that it was correct to process the renewal without proof of medical expenses because they were optional verifications; on the same date the worker sent the Appellant a second written request asking for verification of the expenses. (Exhibit 5: Case Note, Exhibit 11: W-1348M Worker Generated Request for Proofs)

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 in accordance with federal law.
2. Title 7 of the Code Of Federal Regulations ("CFR") Section 273.9 (a) provides, in relevant part, as follows:
 - a. Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households 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 established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).
3. "Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. The level of benefits for recertifications shall be based on the same anticipated circumstances..." 7 CFR § 273.10(a)(2)

4. "At certification and recertification, the household shall report and verify all medical expenses. The household's monthly medical deduction for the certification period shall be based on the information reported and verified by the household, and any anticipated changes in the household's medical expenses that can be reasonably expected to occur during the certification period...If the household voluntarily reports a change in its medical expenses, the State agency shall verify the change...if the change would increase the household's allotment..." 7 CFR § 273.10(a)(4)
5. "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...." 7 CFR § 273.2(f)(3)(ii)
6. "Previously unreported medical expenses...shall also be verified at recertification...." 7 CFR § 273.2(f)(8)(i)
7. **Because the Appellant reported but did not verify his medical expenses at the time of his SNAP recertification, the Department was required to not delay his household's certification, but rather recertify his eligibility for benefits without consideration of the deduction and pursue verification of the expenses separately.**
8. **The calculation of eligibility for SNAP for the Appellant follows:**

Paragraph (d) of 7 CFR § 273.9 provides for the only household expenses which are allowed as income deductions for the SNAP.

7 CFR § 273.9(d)(1) provides for the *standard deduction*.

All SNAP households qualify for the standard deduction. The deduction that applied to the Appellant at the time of his recertification was \$193.00 for a household of one person.

7 CFR § 273.9(d)(3) provides for an *excess medical deduction* equal to "[t]hat portion of medical expenses in excess of \$35 per month...incurred by any household member who is elderly or disabled..."

The Appellant did not qualify for an *excess medical deduction* at the time of his recertification because he did not verify the expenses at the time. For the reasons outlined above the Department was correct when it approved benefits for the Appellant without regard to the deduction.

The Appellant did not qualify for the *earned income deduction*, *dependent care deduction* or *child support deduction*, which are the remaining deductions allowed under paragraphs (d)(1) to (d)(5) of 7 CFR § 273.9, because none of the deductions were applicable to his circumstances. The

figure representing the total deductions that the household qualifies for under (d)(1) to (d)(5) of 273.9 is applicable to the next step in the calculation.

7 CFR § 273.9(d)(6)(ii) provides for the *excess shelter deduction* and provides that the deduction equals the 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 7 CFR § 273.9 have been allowed.

The Appellant's household qualified for *one* of the deductions in paragraphs (d)(1) through (d)(5) of 7 CFR § 273.9, the *standard deduction*. After deducting the \$193.00 *standard deduction* from his household's countable gross income, the remaining income was \$1,189.00 (\$1,382.00 Social Security - \$193.00 *standard deduction* = \$1,189.00).

50% of \$1,189.00 is \$594.50, and is the figure referenced in 7 CFR § 273.9(d)(6)(ii) that is used in the calculation of the *excess shelter deduction*.

7 CFR § 273.9(d)(6) discusses shelter costs and provides that only certain expenses are allowable as shelter expenses, including rent, mortgage, property taxes, insurance on the structure, condo and association fees, and the actual costs of utilities.

The rental expense applicable to the calculation of the Appellant's shelter expenses for his recertification was \$376.00.

7 CFR § 273.9(d)(6)(iii) provides for a *standard utility allowance* which may, at State option, be used in place of the actual cost of utilities in determining a household's *excess shelter deduction* and which may be made available both to households that incur actual utility expenses and to those that receive assistance under the LIHEAA (Low Income Home Energy Assistance Act).

The Department allows a standard utility allowance (SUA), currently \$921.00, in place of the actual cost of utilities for qualifying households. The Appellant was responsible to pay for gas and electric utilities, thus his household qualified to have the SUA used in place of his actual utility costs in the calculation of the *excess shelter deduction*.

The Appellant's total shelter expenses were \$1,297.00 (\$376.00 rent + \$921.00 SUA).

The Appellant's *excess shelter deduction* was \$702.50 (\$1,297.00 shelter expenses - \$594.50 [50% of income net of allowable deductions provided for in 7 CFR § 273.9(d)(1) through (d)(5)]).

The Appellant's *net income* after all deductions was \$486.50 (\$1,382.00 total gross income, minus \$193.00 *standard deduction*, minus \$702.50 *excess shelter deduction*).

9. 7 CFR § 273.10(e)(2)(ii)(A) provides in relevant part that, “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....”

30% of the Appellant’s household’s net monthly income was \$146.00 (\$486.50 multiplied by .3 [product is rounded up])

The maximum food stamp allotment for a household of one person (known as the “thrifty food plan”) in effect at the time of the Appellant’s recertification was \$281.00.

The thrifty food plan for the Appellant’s household size (\$281), reduced by 30% of the Appellant’s household’s net monthly income (\$146), equaled \$135.

The Appellant’s household qualified for a monthly SNAP allotment of \$135.00 at the time of his recertification.

The Department determined the Appellant’s monthly allotment of SNAP benefits correctly at the time of his recertification. It was prohibited from applying a medical deduction for the Appellant that was not verified, and was required to not delay approval of his benefits pending verification of the reported expenses.

DISCUSSION

The Appellant may still document his out-of-pocket medical expenses to the Department. The expenses will be considered for use as a SNAP income deduction after the verification is provided.

Only the factors provided for in SNAP regulation, as outlined in the above Conclusions of Law, may be considered in calculating the benefit. The Appellant testified to other matters that concerned him such as food he purchased that was spoiled. The calculation done by the Department, and that above, take into account all the circumstances that may be considered under law.

DECISION

The Appellant’s appeal is **DENIED**.

James Hinckley
James Hinckley
Hearing Officer

cc: Kostoula Karachristos
Sarah Chmielecki
Tim Latifi
Ralph Filek

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 06105-3725.

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, 55 Elm Street, 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.