

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

April 20, 2023
Signature Confirmation

Client ID [REDACTED]
Request #213133

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED], 2023, the Department of Social Services (the "Department") issued a Notice of Action ("NOA") to [REDACTED] (the "Appellant") informing her that her household was approved for monthly benefits from the Supplemental Nutrition Assistance Program ("SNAP") in the amount of \$337.00 for February 2023, and in the same amount ongoing beginning [REDACTED] 2023.

On [REDACTED] 2023, the Appellant requested an administrative hearing to appeal the Department's determination of her household's monthly SNAP benefit amount.

On [REDACTED] 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for [REDACTED], 2023. At the Appellant's request, the hearing was scheduled to be conducted by telephone.

On [REDACTED] 2023, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals were present at the hearing:

[REDACTED] Appellant
Shannon Shlash, Hearing Liaison for the Department
James Hinckley, Hearing Officer

STATEMENT OF THE ISSUE

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

FINDINGS OF FACT

1. The Appellant was previously approved by the Department for SNAP benefits for herself and three minor children for a benefit period that ended [REDACTED] 2023. (Hearing Record)
2. On [REDACTED] 2023, the Appellant filed a form online to renew her household's SNAP benefits. (Exhibit 1: Online Renewal form)
3. The Appellant provided verification with her renewal that she paid a mortgage of \$1,182.52 per month. (Exhibit 2: Mortgage Statement)
4. The Appellant provided verification with her renewal that she received direct child support of \$474.00 bi-weekly. (Exhibit 10: Statement of Child Support)
5. The Appellant is employed by [REDACTED] and provided one bi-weekly paystub with her renewal. The pay she verified was from [REDACTED] 2022, and was in the gross amount of \$1,162.83. (Hearing Record, Exhibit 3: Paystub #1)
6. On [REDACTED] 2023, the Appellant provided a second bi-weekly paystub from [REDACTED]. The pay she verified was from [REDACTED] 2022, and was in the gross amount of \$935.18. (Hearing Record, Exhibit 4: Paystub #2)
7. The average of the Appellant's two bi-weekly pays was \$1,049.01. (Hearing Record)
8. On [REDACTED] 2023, the Department processed the renewal and issued an NOA to the Appellant informing her that her household was approved to receive a monthly SNAP benefit of \$337.00 for a benefit period that ended on [REDACTED] 2024. (Exhibit 5: NOA)
9. The Appellant is employed on a per diem basis and her paycheck amounts fluctuate somewhat. (Appellant's testimony)

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”) Sec. 273.9(a) provides, in relevant part, as follows:
 - i. 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. **The Appellant’s household did not contain a disabled member. The household was, therefore, required to meet the gross income eligibility standard.**
4. “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....” 7 CFR § 273.9(b)(2)
5. “Earned income shall include: (i) All wages and salaries of an employee....” 7 CFR § 273.9(b)(1)
6. **The Appellant’s countable income for SNAP included earned income from employment and unearned income from child support.**
7. “For the purpose of determining the household’s eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period....” 7 CFR § 273.10(c)(1)(i)

8. "Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period.... If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income...." 7 CFR § 273.10(c)(1)(ii)
9. "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...." 7 CFR § 273.10(c)(2)
10. **The Appellant's bi-weekly child support of \$474.00 had to be converted to a monthly amount by multiplying by 2.15. The monthly amount was \$1,019.10.**
11. **The Appellant's bi-weekly average pay of \$1,049.01 had to be converted to a monthly amount by multiplying by 2.15. The monthly amount was \$2,255.37.**
12. **The Appellant testified at the hearing that her earnings fluctuate somewhat [fact #9]. At the time of her renewal the Appellant submitted two bi-weekly pay stubs which verified her earnings from the prior 30 days [facts #5,6]. If both parties now agree that averaging earnings over a longer period of past time will result in a better estimate of anticipated income it is acceptable under SNAP rules to use this method. However, the average calculated by the Department for the renewal was correct because it was based on the standard methodology which uses income from the prior 30-day period, and because it was based on the only information the Department had available at the time.**
13. **In the SNAP determination of eligibility, the total gross monthly income figure is first used to determine if the household is categorically eligible and thus excluded from the net income test pursuant to 273.9(a).**
14. States may, at their option, extend categorical eligibility to households "in which all members receive or are authorized to receive non-cash or in-kind services" from a program that is funded in part with State money counted for MOE purposes under Title IV-A, if the program was designed to further either purposes one and two, or three and four, of the TANF block grant. FNS must be informed of, or must approve, the TANF services that a State determines to confer categorical eligibility. 7 CFR § 273.2(j)(2)(ii)
15. **Households in Connecticut with incomes below 185% of the federal poverty level ("FPL") qualify for the State's "Help for People in Need" program which is funded with money counted for TANF MOE purposes and meets the requirements in 7 CFR § 273.2(j)(2)(ii). As such, the Department extends**

broad-based categorical eligibility for SNAP to all households that qualify for “Help for People in Need”.

16. The standards used in the SNAP are adjusted each year on the first day of October. The Federal Poverty Standards applicable to the SNAP calculations in this decision are published in the Federal Register, Vol. 87, No. 14 / January 12, 2022, pp. 3315-3316.
17. **185% of the FPL for a household of four persons was \$4,279.00 monthly. The Appellant’s household’s total income of \$3,274.47 was less than 185% of the FPL. Her household was, therefore, eligible for “Help for People in Need” and, therefore, categorically eligible for SNAP under the provisions of 7 CFR § 273.2(j)(2)(ii).**
18. Pursuant to 7 CFR § 273.9(a), because the Appellant’s household was categorically eligible it was not required to meet either the gross income standard in § 273.9(a)(1) or the net income eligibility standard in § 273.9(a)(2).
19. In the benefit determination, the household’s income and deductions are calculated pursuant to 7 CFR § 273.9. Net income and SNAP benefit levels are then calculated pursuant to 7 CFR § 273.10(e). The calculations for the Appellant’s household at the time of her renewal are as follows:

Only certain income deductions are allowed to be used in the calculation of SNAP benefits. The household expenses which may be used as deductions are described in paragraphs (d)(1) to (d)(6) of 7 CFR § 273.9.

The *standard deduction* for a household size of one to six persons is equal to 8.31 percent of the monthly net income standard for each household size established under § 273.9(a)(2) rounded up to the nearest whole dollar. 7 CFR § 273.9(d)(1)

The Appellant’s household qualified for the *standard deduction* for a household of four persons. At the time of the Appellant’s renewal the *standard deduction* that applied to her household was \$193.00.

The *earned income deduction* is equal to “[t]wenty percent of gross earned income as defined in paragraph (c) of this section....” 7 CFR § 273.9(d)(2)

The Appellant qualified for an *earned income deduction* of twenty percent of her gross monthly earnings of \$2,255.37, which was equal to \$451.07.

The Appellant did not qualify for any of the other three remaining deductions provided for in paragraphs (d)(1) to (d)(5) of 7 CFR § 273.9, the *excess medical deduction*, *dependent care deduction*, or *child support deduction*, because none of the deductions applied to her circumstances. The figure equaling the total deductions allowable under (d)(1) to (d)(5) is applicable to the next step in the calculation.

The Appellant’s total monthly income was \$3,274.47 (\$2,255.37 earnings, plus \$1,019.10 child support)

7 CFR § 273.9(d)(6)(ii) provides for the *excess shelter deduction*. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) to (d)(5) of 7 CFR § 273.9 have been allowed, are allowed as an excess shelter deduction.

The Appellant's household qualified for two of the deductions in paragraphs (d)(1) to (d)(5) of 7 CFR § 273.9, the *standard deduction* and *earned income deduction*. After deducting the \$193.00 *standard deduction* and the \$451.07 *earned income deduction* from the Appellant's household's total gross income, the remaining income was \$2,630.40 (\$3,274.47 total income - \$193.00 *standard deduction* - \$451.07 *earned income deduction* = \$2,630.40).

50% of \$2,630.40 is \$1,315.20, and is the figure defined 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.

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 obligated for the costs of all utilities, thus her household qualified to have the SUA used in place of her actual costs in the calculation of the *excess shelter deduction*.

The Appellant's shelter expenses were \$2,103.52 (\$1,182.52 mortgage + \$921.00 SUA).

"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...." 7 CFR § 273.9(d)(6)(ii)

7 CFR § 271.2 defines *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", or who is approved for certain other government payments for blindness or disability.

Because the Appellant's household did not contain any member who was considered disabled under SNAP regulation, her household's shelter deduction was capped at the maximum limit of \$624.00.

\$2,103.52 shelter expenses - \$1,315.20 [50% of income remaining after subtracting deductions allowed under 7 CFR § 273.9(d)(1) to (d)(5)] = \$788.82. Because \$788.82 exceeded the maximum deduction, the Appellant's allowable *excess shelter deduction* was \$624.00.

The Appellant's *net income* after all deductions was \$2,006.40 (\$3,274.47 total gross income, minus \$451.07 *earned income* deduction, minus \$193.00 *standard deduction*, minus \$624.00 *excess shelter deduction*).

"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...." 7 CFR § 273.10(e)(2)(ii)(A)

30% of the Appellant's household's net monthly income (\$2,006.40 multiplied by .3) was \$601.92; the figure was rounded up to \$602.00 pursuant to 273.10(e)(2)(ii)(A)(1).

The maximum food stamp allotment (known as the "thrifty food plan") for a household of four persons was \$939.00.

The Appellant's household qualified for a monthly SNAP allotment of \$337.00 (\$939.00 - \$602.00 = \$337.00).

20. The Department correctly determined the Appellant's monthly allotment of SNAP benefits when it processed her renewal on February 4, 2023.

DISCUSSION

If the Appellant believes that the four weeks of earnings that she submitted to the Department is not representative of her future income, she may verify her income over a longer period, such as 13 weeks, and the Department will recalculate her benefit based on the new estimate.

DECISION

The Appellant's appeal is DENIED.

James Hinckley
James Hinckley
Hearing Officer

cc: Shannon Shlash
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.