

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

██████████, 2023
Signature Confirmation

████████████████████
████████████████████
Request #: 214389

NOTICE OF DECISION

PARTY

████████████████████
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PROCEDURAL BACKGROUND

On ██████████ 2023, ██████████ (the “Appellant”) requested an administrative hearing to contest the amount of her Supplemental Nutritional Assistance Program (“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 4-184 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing.

The following individuals participated in the hearing:

████████████████████, Appellant
Kostoula Karachristos, Department’s Representative
Amy MacDonough, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly calculated the Appellant’s SNAP benefit amount.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old [Date of Birth: [REDACTED]] and is deemed disabled by the Social Security Administration (“SSA”). The Appellant does not receive Social Security Disability Income (“SSDI”), however is active on Medicare. (*Appellant’s Testimony; Exhibit 7: SOLQ-I Results Details*)
2. The Appellant has the Medicare Savings Program (“MSP”), Qualified Medicare Beneficiaries through the Department, which pays the Appellant’s Medicare premium. (*Appellant’s Testimony; Exhibit 1: Notice of Action, [REDACTED]/2023*)
3. The Appellant lives with her [REDACTED]-year-old son, and receives a SNAP benefit separately, as a household of one. (*Appellant’s Testimony*)
4. On [REDACTED] 2023, the Appellant began receiving gross weekly income of \$477.00 from unemployment compensation benefits (“UCB”). (*Appellant’s Testimony; Department’s Testimony; Exhibit 6: Unemployment Compensation Benefit Details*)
5. The Appellant receives \$50.00 weekly in alimony income from [REDACTED]. (*Appellant’s Testimony; Department’s Testimony; Exhibit 5: CCSES Disbursement Search*)
6. The Appellant pays rent of \$1,250.00 monthly and pays for heating separate from her rent. (*Appellant’s Testimony; Exhibit 9: Lease; Exhibit A: Supporting Documents, Electric Bill*)
7. The Appellant reports paying a \$25.00 copay at the oncologist as well as receiving a bill for \$200.00 from blood work. (*Appellant’s Testimony*)
8. [REDACTED] 2023, the Department issued a NOA to the Appellant stating her SNAP benefit decreased to \$23.00 monthly effective [REDACTED] 2023. (*Department’s Testimony; Exhibit 1*)
9. On [REDACTED] 2023, the Appellant reported to the Department that as of [REDACTED] 2022, she received her last payment of \$1,591.00 from SSDI. Ongoing payments are being held due to an overpayment. (*Appellant’s Testimony; Department’s Testimony; Exhibit 4: Case Notes; Exhibit D: Appellant’s self-attested letter; Exhibit 7*)
10. On [REDACTED] 2023, the Department received a letter from the SSA stating the Appellant is not receiving any type of Social Security payments, and the SSDI income was removed. (*Exhibit 4*)
11. On [REDACTED] 2023, the Department issued a NOA to the Appellant stating her SNAP benefits of \$23.00 monthly will continue for the period of [REDACTED] 2023, through [REDACTED] 2025. (*Department’s Testimony; Exhibit 2: Notice of Action, [REDACTED]/2023*)

12. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations (“C.F.R.”) § 273.15(c)(1) which provides that within 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 is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2023; therefore, this decision is due no later than [REDACTED] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes, provides 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.

The Department has the authority to review the Appellant’s SNAP eligibility and determine benefit amounts.

2. 7 C.F.R. § 273.1 provides for household concepts and states a household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others.

The Department correctly determined the Appellant as a household size of one.

3. 7 C.F.R. § 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 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 that 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 levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

7 C.F.R. § 271.2(11) provides for definitions and states in part that an elderly or disabled person is a recipient of interim assistance benefits pending the receipt of Supplemented Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State general assistance benefits *provided* that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the State agency which are at least as stringent as those used under title XVI of the Social Security Act

(as set forth at 20 CFR part 16, subpart I, Determining Disability and Blindness as defined in Title XVI).

The Department correctly determined that the Appellant meets the definition of disabled for the purposes of SNAP eligibility and therefore is subject to the SNAP net income standard.

4. 7 C.F.R. § 273.9(b)(2)(ii) provides for income and states 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; 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.

7 C.F.R. § 273.9(b)(2)(iii) provides for income and states unearned income shall include, but not be limited to support or alimony payments made directly to the household from nonhousehold members.

The Department correctly determined that UCB and alimony are considered unearned income and counted in the calculation of the Appellant's SNAP benefit.

5. 7 C.F.R. § 273.9(b)(5)(i) provides that income shall not include the following: moneys withheld from an assistance payment, earned income, or other income source, or moneys received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source, provided that the overpayment was not excludable under paragraph (c) of this section. However, moneys withheld from assistance from another program, as specified in § 273.11(k), shall be included as income.

The Appellant's SSDI income is deferred to recover an overpayment.

6. 7 C.F.R. § 273.10(c)(1)(ii) provides for anticipating income and states 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. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. 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. Similarly, if the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income. The State agency shall exercise particular caution in using income from a

past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the State agency automatically attribute to the household the amounts of any past income. The State agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

7 C.F.R. § 273.10(c)(2)(i) provides for income only in month received and states 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 determined UCB income of \$2,051.10 gross monthly when calculating eligibility for the SNAP benefit (\$477.00 gross UCB weekly x 4.3= \$2,051.10).

The Department initially included the Appellant's monthly SSDI income of \$1,591.00 and monthly SSDI income of \$1,729.00, beginning [REDACTED] 2023, when calculating eligibility for the SNAP benefit, and has since removed this income from the calculation.

The Department incorrectly calculated the Appellant's alimony income of \$216.66 monthly when calculating eligibility for the SNAP benefit. The correct alimony amount is \$200.00 monthly (\$200.00 [REDACTED] 2023 + \$200.00 [REDACTED] 2023 + \$200.00 [REDACTED] 2023=\$600.00/3=\$200.00).

The Department incorrectly determined the Appellant's countable gross income, as of [REDACTED] 2023, to be \$2,267.77 (\$216.67 Alimony + \$2,051.10 UCB = \$2,267.77). The correct countable gross income, as of [REDACTED] 2023, is \$2,251.10 (\$200.00 Alimony + \$2,051.10 UCB = \$2,251.10).

7. 7 C.F.R. § 273.9(a)(3) states the income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii. (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 households 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 as necessary. For households greater than

eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.

7 C.F.R § 273.9(a)(4) states 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

The Department correctly determined the SNAP net income limit for a household of one as \$1,133.00.

The Department correctly determined that the Appellant's net income is below the SNAP net income limit using the UCB and alimony income.

8. 7 C.F.R § 273.9(d)(1)(i) provides for standard deduction and states **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.

7 C.F.R. § 273.9(d)(1)(iii) provides for minimum deduction levels and states 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.

The Department correctly subtracted the \$193.00 standard deduction from the Appellant's income.

9. 7 C.F.R. § 273.9(d)(6)(ii) provides in part for excess shelter deduction and states 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. (C) provides for excess shelter deduction and states 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.

The Department correctly determined the Appellant's rental obligation of \$1,250.00 monthly.

The Department correctly determined the Appellant is eligible for an uncapped shelter deduction based on disability.

10.7 C.F.R. § 273.9(d)(6)(iii) provides for standard utility allowances and states 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 Appellant's household was eligible for the Standard Utility Allowance ("SUA") of \$921.00.

11.7 C.F.R. § 273.9 (d) (3) provides for the excess medical deduction. That portion of medical expenses more than \$35 per month, excluding special diets, incurred by any

household member who is elderly or disabled as defined in § 271.2. Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. Allowable medical costs are:

(i) Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by State law or other qualified health professional.

(ii) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the State.

(iii) Prescription drugs, when prescribed by a licensed practitioner authorized under State law, and other over-the-counter medication (including insulin), when approved by a licensed practitioner or other qualified health professional.

(A) Medical supplies and equipment. Costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible;

(B) Exclusions. The cost of any Schedule I controlled substance under The Controlled Substances Act, 21 U.S.C. 801 *et seq.*, and any expenses associated with its use, are not deductible.

(iv) Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump sum settlements for death or dismemberment or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible;

(v) Medicare premiums related to coverage under Title XVIII of the Social Security Act; any cost-sharing or spend down expenses incurred by Medicaid recipients;

(vi) Dentures, hearing aids, and prosthetics;

(vii) Securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills;

(viii) Eyeglasses prescribed by a physician skilled in eye disease or by an optometrist;

(ix) Reasonable cost of transportation and lodging to obtain medical treatment or services;

(x) Maintaining an attendant, homemaker, home health aide, or childcare services, housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one-person benefit allotment shall be deducted if the household furnishes most of the attendant's meals. The allotment for this meal-related deduction shall be that in effect at the time of initial certification. The State agency is only required to update the allotment amount at the next scheduled recertification; however, at their option, the State agency may do so earlier. If a household incurs attendant care costs that could qualify under both the medical deduction of § 273.9(d)(3)(x) and the dependent care deduction of § 273.9(d)(4), the costs may be deducted as a medical expense or a dependent care expense, but not both.

The Department had not received verification of medical expenses more than \$35.00 per month to include as an additional deduction from the Appellant's gross income at the time of the benefit determination.

12.7 C.F.R. § 273.10(e)(4)(i) provides for Thrifty Food Plan (TFP) and maximum SNAP Allotments and states 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.

The TFP for a household of one is \$281.00, effective October 1, 2022.

13.7 C.F.R. § 273.10(e)(1)(i)(A)-(I) provides for calculating net income and benefit levels.

The calculations are as follows for the period of ■■■ 2023 and ongoing using the UCB and alimony income:

Total Wages	n/a
Total Unearned Income	\$2,251.10
Gross Monthly Income	\$2,251.10
Minus (-) Standard Deduction (household of one) [7 C.F.R § 273.9(d)(1)(i)]	\$193.00
Total Adjusted Gross Monthly Income	\$2,058.10
Total multiplied (x) by .5 (50% Adjusted Gross Income)	\$1,029.05
Shelter Cost	
Rent or Mortgage	\$1,250.00
Plus (+) Standard Utility Allowance (SUA) [7 C.F.R. § 273.9(d)(6)(iii)]	\$921.00
Total Shelter Costs	\$2,171.00
Minus (-) 50% Adjusted Gross Income	\$1,029.05
Excess Shelter Costs	\$1,141.95
Total Shelter Deduction (shelter hardship cannot exceed \$624.00 unless AU has member 60 or older, or disabled)	\$1,141.95
Adjusted Gross Monthly Income	\$2,058.10

Minus (-) Total Shelter Deduction	\$1,141.95
Total Net Monthly Income	\$916.15
Total Net Monthly Income multiplied (x) by .30	\$274.85 (rounded up)
Thrifty Food Plan (household of one) [7 C.F.R. § 273.10(e)(4)(i)]	\$281.00
Minus (-) 30% Net Monthly Income	\$274.85
SNAP Allotment for Household (maximum amount \$281.00 / minimum amount \$23.00) [7 C.F.R. § 273.10(e)(2)(ii)(C)]	\$6.15

The Department incorrectly calculated the total net monthly income due to using the improper alimony amount; however, when calculating the benefits correctly, the Appellant remains eligible for the minimum SNAP benefit of \$23.00 under the net income limit calculation.

14. 7 C.F.R. § 273.10(e)(2)(ii)(C) provides for eligibility and benefits and states 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 SNAP allotment (TFP) for a household of one is \$281.00 effective October 1, 2022. \$23.00 equals 8 percent of \$281.00 (rounded up from \$22.48). The Department determined the Appellant's monthly SNAP benefit of \$23.00 as of [REDACTED] 2023.

15. 7 C.F.R. § 273.13(a) provides for notice of adverse action and states prior to any action to reduce or terminate a household's benefits within the certification period, the State agency shall, except as provided in paragraph (b) of this section, provide the household timely and adequate advance notice before the adverse action is taken. (1) The notice of adverse action shall be considered timely if the advance notice period conforms to that period of time defined by the State agency as an adequate notice period for its public assistance caseload, provided that the period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective. Also, if the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday, the State agency shall consider the request timely received.

The Department correctly issued a NOA on [REDACTED] 2023, informing the Appellant of the reduction in SNAP benefits effective [REDACTED] 2023. Although the Department used incorrect income at the time of the NOA, the SNAP benefit amount is correct.

The Department correctly reduced the Appellants SNAP benefit effective [REDACTED] 2023, to the minimum SNAP benefit amount of \$23.00 based on income from UCB and alimony.

DECISION

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

Amy MacDonough
Amy MacDonough
Fair Hearing Officer

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