

On [REDACTED] [REDACTED] 2023, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing via teleconference at the Appellant's request.

The following individuals called in for the hearing:

[REDACTED] [REDACTED] Appellant
Garfield White, Department's Representative
Lisa Nyren, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly calculated the Appellant's monthly SNAP benefits as \$23.00 beginning [REDACTED] [REDACTED] 2023.

FINDINGS OF FACT

1. The Appellant receives SNAP benefits for herself. (Hearing Record)
2. The Appellant is [REDACTED] years old and not disabled. (Appellant Testimony)
3. The Appellant receives gross unemployment compensation benefits ("UCB") of \$369.00 per week. (Stipulated)
4. The Department determined the Appellant's monthly gross UCB income as \$1,586.70. The Department converts weekly income into monthly income by multiplying the weekly income by 4.3, this accounts for months where there may be 5 weekly pays rather than 4 weekly pays. $\$369.00 \text{ UCB/week} \times 4.3 = \$1,586.70$ gross monthly UCB. (Department Representative's Testimony , Exhibit 2: Federal SNAP – Income Test, and Exhibit 3: Notice of Action)
5. The Appellant resides at [REDACTED] ("shelter"), a homeless shelter. The shelter does not charge residents during their stay. However, the Appellant incurs laundry costs of \$14.00 per week while at the shelter. The Appellant incurs \$10.00 per week transportation costs, specifically bus fares, associated with her search for permanent housing. The Appellant pays \$59.00 per month for her cell phone under the [REDACTED] [REDACTED] (Appellant's Testimony)
6. The Appellant received the standard telephone utility allowance of \$34.00 as her shelter expense under the SNAP because she incurs a telephone expense. (Department Representative Testimony and Exhibit 2: Federal SNAP – Income Test)
7. The Department determined the Appellant's shelter disregard as \$00.00. (Exhibit 2: Federal SNAP – Income Test)

8. The Appellant received the standard disregard of \$193.00 under the SNAP. (Exhibit 2: Federal SNAP – Income Test)
9. The Department determined the Appellant categorically eligible, under expanded categorical eligibility (“ECE”) because her gross household income of \$1,586.70 is below the ECE SNAP income limit of \$2,265.00 for a household of one. (Department Representative Testimony)
10. The Department determined the Appellant eligible for \$23.00 per month, the minimum monthly allotment, under the SNAP effective [REDACTED] 2023. (Hearing Record)
11. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, 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. However, the Appellant requested the hearing be rescheduled twice resulting in a [REDACTED]-day delay. Therefore, this decision is due no later than [REDACTED] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes (“Conn. Gen. Stats.”) provides that 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 Section 271.2 of the Code of Federal Regulation (“C.F.R.”) defines *homeless individual* as an individual who lacks a fixed and regular nighttime residence or an individual whose primary residence is:
 1. A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
 2. A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
 3. A temporary accommodation for not more than 90 days in the residence of another individual; or
 4. A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).

Federal regulation provides as follows:

Residents of an institution, with some exceptions. Individuals must be considered residents of an institution when the institution provides them with the majority of their meals (over 50 percent of three meals daily) as part of the institution's normal

services. Exceptions to this requirement include only the individuals listed in [paragraphs \(b\)\(7\)\(vii\)\(A\) through \(b\)\(7\)\(vii\)\(E\)](#) of this section. The individuals listed in paragraphs (b)(7)(vii)(A) through (b)(7)(vii)(E) can participate in the Program and must be treated as separate households from the others with whom they reside, subject to the mandatory household combination requirements of [paragraph \(b\)\(1\)](#) of this section, unless otherwise stated: Individuals who are residents of public or private nonprofit shelters for homeless persons.

7 C.F.R. § 273.1(b)(7)(vi)

Federal regulation provides as follows:

A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: an individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others.

7 C.F.R. § 273.1(a)(2)

The Department correctly identified the Appellant as homeless residing in a shelter and qualified to participate under the SNAP as a household of one.

3. "Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section." 7 C.F.R. § 273.9(b)

Federal regulation provides as follows:

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)(ii)

The Department determined the Appellant's UCB as household income that is counted under the SNAP.

4. Federal regulation provides as follows:

Determining Income-Anticipating income. 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. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by §273.12.

7 C.F.R. § 273.10(c)(1)(i)

Federal regulation provides as follows:

Income only in month received. 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.

7 C.F.R. § 273.10(c)(2)(i)

The Department correctly determined the Appellant gross monthly UCB as \$1,586.70. ($\$369.00 \times 4.3 = \$1,586.70$)

The Department correctly determined the Appellant's gross household income as \$1,586.70.

5. Federal regulation provides as follows:

Income eligibility standards. 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 established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))

7 C.F.R. § 273.9(a)

Federal regulation provides as follows:

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 of 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.

7 C.F.R. § 273.2(j)(2)(ii)

“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.” 7 C.F.R. § 273.2(j)(2)(iii)

The Department of Health and Human Services lists the annual 2022 Poverty Guideline for the 48 Contiguous States and the District of Columbia as \$13,590.00 for a household of one. [Federal Register, Vol. 87, No, 14, January 21, 2022/Notices pp3316]

Under expanded categorical eligibility, the gross income limit for a household of one equals \$2,265.00 per month. \$13,590.00 Federal Poverty Level (FPL) annually x 200% = \$27,180.00 annually. \$27,180.00 annual FPL / 12 months = \$2,265.00 monthly FPL

The Department correctly determined the SNAP household as categorically eligible under expanded categorical eligibility because the household gross monthly income of \$1,586.70 is below the ECE SNAP income limit of \$2,265.00 and therefore not subject to the gross income or net income tests.

6. "Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs as described in § 273.9." 7 C.F.R. § 273.10(d)
7. Federal regulation provides as follows:

Deductions shall be allowed only for the following household expenses: *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.

7 C.F.R. § 273.9(d)(1)(i)

Effective October 1, 2022 through September 30, 2023 the standard deduction for the 48 States & District of Columbia for a household of 1 is \$193.00. (United States Department of Agriculture, Food and Nutrition Service, Memorandum SNAP – Fiscal Year 2023 Cost-of-Living Adjustments, August 9, 2022)

The Department correctly determined the standard disregard as \$193.00. Refer to Conclusions of Law ("COL") # 11.

8. Federal regulation provides as follows

Homeless shelter deduction. A State agency may provide a standard homeless shelter deduction of \$143 a month to households in which all members are homeless individuals but are not receiving free shelter throughout the month. The deduction must be subtracted from net income in determining eligibility and allotments for the households. The State agency may make a household with extremely low shelter costs ineligible for the deduction. A household receiving the homeless shelter deduction cannot have its shelter expenses considered under [paragraphs \(d\)\(6\)\(ii\)](#) or [\(d\)\(6\)\(iii\)](#) of this section. However, a homeless household may choose to claim actual costs under [paragraph \(d\)\(6\)\(ii\)](#) of this section instead of the homeless shelter deduction if actual costs are higher and verified. A State

agency that chooses to provide a homeless household shelter deduction must specify in its State plan of operation that it has selected this option.¹

7 C.F.R. § 273.9(d)(6)(i)

Effective October 1, 2022 through September 30, 2023, the maximum homeless shelter deduction for the 48 states and DC equals \$166.81. (United States Department of Agriculture, Food and Nutrition Services, Memorandum SNAP – Fiscal Year 2023 Cost-of-Living Adjustments, August 9, 2022)

Federal regulation provides as follows:

At initial certification, recertification, and when a household moves, the household may choose between a standard or verified actual utility costs for any allowable expense identified in [paragraph \(d\)\(6\)\(ii\)\(C\)](#) of this section (except the telephone standard), unless the State agency has opted, with FNS approval, to mandate use of a standard. The State agency may require use of the telephone standard for the cost of basic telephone service even if actual costs are higher. Households certified for 24 months may also choose to switch between a standard and actual costs at the time of the mandatory interim contact required by [§ 273.10\(f\)\(1\)\(i\)](#), if the State agency has not mandated use of the standard.

7 C.F.R. § 273.9(d)(6)(iii)(D)

The Department incorrectly determined the Appellant’s monthly shelter costs as \$34.00, applying only the standard telephone utility allowance (“TUA”) rather than applying the homeless shelter deduction of \$166.81. The Department failed to consider shelter expenses outside of the norm for homeless households as outlined under the CT SNAP Policy Manual. Although the shelter does not charge residents to stay, the Appellant is entitled to the homeless shelter deduction because she incurs shelter expenses associated with homelessness rather than the standard telephone utility allowance. Refer to COL #11.

Expense Type	Expense Amount	Monthly
Cell Phone		\$59.00
Laundry	\$14.00/wk x 4.3	\$60.20
Transportation	\$10.00/wk x 4.3	\$43.00
Total shelter costs		\$162.20

9. Federal regulation provides as follows:

Calculating net income and benefit levels-Net monthly income. To determine a household’s net monthly income, the State agency shall:

¹ The SNAP Policy Manual, Connecticut’s State Plan of Operation, includes the homeless shelter deduction as cited under 7 CF.R. § 273.9(d)(6)(i). United States Department of Agriculture, Food and Nutrition Service, March 12, 2019 SNAP Provisions of the Agriculture Improvement Act of 2018-Section 4004-Information Memorandum.

- A. Add 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 in § 273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated 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 costs. 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 costs up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

7 C.F.R. § 273.10(e)(1)(i)

The Department incorrectly determined the household's net applied income as \$1,393.70. The correct net applied income equals \$1,226.70. Refer to COL # 11.

10. Federal regulation provides as follows:

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: The State agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

The Department incorrectly determined 30% of the net adjusted income as \$419.00. The correct net adjusted income equals \$368.00. (\$1,226.70 x 30% = \$368.01) Refer to COL # 11.

11. Federal regulation provides as follows:

Thrifty Food Plan (TFP) and Maximum SNAP Allotments. Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the Thrifty Food Plan (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.

7 C.F.R. § 273.10(e)(4)(i)

The United States Department of Agriculture Food and Nutrition Services provides as follows:

Effective October 1, 2022 through September 30, 2023 the maximum SNAP allotment for the 48 states and District of Columbia for a household of one is \$281.00 and the minimum SNAP allotment for a household of 1 or 2 is \$23.00. (United States Department of Agriculture, Food and Nutrition Services, Memorandum SNAP – Fiscal Year 2023 Cost-of-Living Adjustments, August 9, 2022)

“Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.” 7 C.F.R. § 273.10(e)(2)(ii)(C)

The Department correctly determined the Appellant eligible for the minimum monthly allotment of \$23.00 under the SNAP effective [REDACTED] 2023. Although the Department applied the TUA as the only shelter expense rather than the homeless shelter deduction, there is no impact on the SNAP allotment beginning [REDACTED] 2023 as calculated below.

SNAP BENEFIT CALCULATION

INCOME	
Earned Income	\$00.00

Less 20%	<u>-\$00.00</u>
Total	<u>00.00</u>
UCB	<u>+1,586.70</u>
Gross Income	\$1,586.70
Less standard deduction	<u>-\$193.00</u>
Adjusted gross income	\$1,393.70
<u>SHELTER COSTS</u>	
Laundry \$14 x 4.3	\$60.20
Transportation \$10 x 4.3	\$43.00
Cell Phone	<u>\$59.00</u>
Total shelter costs	\$162.20
<u>SHELTER HARDSHIP</u>	
Homeless shelter deduction cannot exceed \$167	\$167.00
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$1,393.70
Less shelter hardship	<u>-\$167.00</u>
Net Adjusted Income (NAI)	\$1,226.70
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for # Person/s	\$281.00
Less 30% of NAI	<u>-\$368.00</u>
	\$00.00
SNAP award	\$23.00

DECISION

The Appellant's appeal is denied.

Lisa A. Nyren
Fair Hearing Officer

CC: Josephine Savastra, SSOM DSS RO 10
Lindsey Collins, SSOM DSS RO 10
Mathew Kalarickal, SSOM DSS RO 10
Davide Mazzone, SSOM DSS RO 10
Garfield While, FHL DSS RO 10

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.