

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

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

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████████████████████
Request #: 216432

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) sent ██████████ ██████████ (the “Appellant”) a Notice of Action (“NOA”) reducing his Supplemental Nutritional Assistance Program (“SNAP”) benefits to \$23.00 monthly, effective ██████████, 2023.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department’s decision to reduce his 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 an administrative hearing.

The following individuals participated in the hearing:

████████████████████, Appellant
████████████████████, Appellant’s Spouse
Jennifer Miller, 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, effective [REDACTED] 2023.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old [Date of Birth: [REDACTED]] and a recipient of SNAP benefits for a household of two members; himself and his [REDACTED]-year-old spouse [Date of Birth: [REDACTED]]. (*Appellant's Testimony; Department's Testimony; Exhibit 1: Notice of Action*)
2. The Appellant's SNAP period of eligibility is from [REDACTED] 2022, through [REDACTED] 2025. (*Department's Testimony; Exhibit 1*)
3. The Appellant receives gross monthly income from Social Security Retirement Benefits ("SSA") of \$1,638.00. The Appellant's Spouse receives gross monthly income from SSA of \$1,039.00. (*Appellant's Testimony; Department's Testimony; Exhibit 2: Federal SNAP Income Test*)
4. The Appellant and his spouse have no other sources of income. (*Appellant's Testimony*)
5. The Appellant pays rent of \$1,150.00 monthly. The Appellant pays for electric heat separately from his rent. (*Appellant's Testimony; Department's Testimony*)
6. The Appellant reported out of pocket medical expenses of \$20.00 every two months. The Appellant has not provided verification of this expense to the Department. (*Appellant's Testimony; Department's Testimony*)
7. On [REDACTED] 2023, the Department issued a NOA to the Appellant stating his SNAP benefit would decrease to \$23.00 monthly, effective [REDACTED] 2023. (*Department's Testimony; Exhibit 1*)
8. 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 the 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: (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

7 C.F.R. § 273.1(b) provides for required household combinations and states 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 (i) Spouses.

The Department correctly determined the Appellant and his spouse as a household size of two.

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)).
4. 7 C.F.R. § 271.2 states for elderly or disabled member means 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.

The Department correctly determined that the Appellant and his spouse meet the definition of elderly for the purposes of SNAP eligibility.

5. 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.

The Department correctly determined that SSA benefits are considered unearned income and counted in the calculation of the SNAP benefits.

6. 7 C.F.R § 273.2(j)(2)(ii) states the State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purpose 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.

7 C.F.R. § 273.2(j)(4)(iii)(B) provides for gross and net income limits and states none of the provisions in § 273.9(a) relating to income eligibility standards apply to categorically eligible households, except the fourth sentence pertaining to categorical eligibility. The provisions in §§ 273.10(a)(1)(i) and 273.10(c) relating to the income eligibility determination also do not apply to categorically eligible households.

200% of the FPL for a household of two people is \$3,052.00.

The Department determined the Appellant's gross income of \$2,677.00 per month is less than 200% of the Federal Poverty Level. The Appellant's household is eligible for SNAP as an expanded categorically eligible household.

7. 7 C.F.R. § 273.9(a) provides for income eligibility standards and states 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)(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 that the Appellant's household was categorically eligible for SNAP benefit and was not subject to the gross or net income limits.

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 determined the household as eligible for the \$193.00 standard deduction from the Appellant's household 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 \$1,150.00 monthly.

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

- 10.7 C.F.R. § 273.9(d)(6)(iii) provides in relevant part 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 and cooling costs (HCSUA).

The Department correctly determined the Appellant's household to be eligible for the SUA of \$921.00.

11.7 C.F.R. § 273.9(d)(3) provides in relevant part 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 by persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction.

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 two is \$516.00, effective October 1, 2022.

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

Total Wages	n/a
Total Unearned Income	\$2,677.00 (\$1,039.00 + \$1,638.00)
Gross Monthly Income	\$2,677.00
Minus (-) Standard Deduction (household of two) [7 C.F.R. § 273.9(d)(1)(i)]	\$193.00
Total Adjusted Gross Monthly Income	\$2,484.00
Total multiplied (x) by .5 (50% Adjusted Gross Income)	\$1,242.00
Shelter Cost	
Rent or Mortgage	\$1,150.00

Plus (+) Standard Utility Allowance (SUA) [7 C.F.R. § 273.9(d)(6)(iii)]	\$921.00
Total Shelter Costs	\$2,071.00
Minus (-) 50% Adjusted Gross Income	\$1,242.00
Excess Shelter Costs	\$829.00
Total Shelter Deduction (shelter hardship cannot exceed \$624.00 unless AU has member 60 or older, or disabled)	\$829.00
Adjusted Gross Monthly Income	\$2,484.00
Minus (-) Total Shelter Deduction	\$829.00
Total Net Monthly Income	\$1,655.00
Total Net Monthly Income multiplied (x) by .30	\$496.50 (\$497.00 rounded up)
Thrifty Food Plan (household of two) [7 C.F.R. § 273.10(e)(4)(i)]	\$516.00
Minus (-) 30% Net Monthly Income	\$497.00
SNAP Allotment for Household (maximum amount \$516.00 / minimum amount \$23.00) [7 C.F.R. § 273.10(e)(2)(ii)(C)]	\$19.00

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 correctly determined the Appellant's household monthly SNAP benefit of \$23.00 as of [REDACTED] 2023.

14. 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 to \$23.00 monthly, effective [REDACTED] 2023.

DECISION

The Appellant's appeal is **DENIED**


Amy MacDonough
Fair Hearing Officer

CC: Katarzyna Olechowska, Operations Manager, DSS, Waterbury Regional Office
Randalynn Muzzio, Operations Manager, DSS, Waterbury Regional Office
Alex Sirios, Operations Manager, DSS, Waterbury Regional Office
Jennifer Miller, Hearing Liaison, DSS, Waterbury 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.