

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

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

████████████████████
████████████████████
████████████████████

NOTICE OF DECISION

PARTY

████████████████████
████████████████████
████████████████████

PROCEDURAL BACKGROUND

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

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department’s decision to reduce her 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, the Department did not show for the administrative hearing.

On ██████████ 2023, the OLCRAH issued a notice rescheduling the administrative hearing for ██████████ 2023.

On ██████████, 2023, the Department did not show for the administrative hearing.

On ██████████, 2023, the OLCRAH issued a notice rescheduling the administrative hearing for ██████████ 2023.

On ██████████ 2023, the Appellant had technical difficulties calling into the hearing.

On [REDACTED], 2023, the OLCRAH issued a notice rescheduling the administrative hearing for [REDACTED], 2023.

On [REDACTED], 2023, in accordance with sections 17b-60, 17-61 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:

[REDACTED], Appellant
Brad Wheeler, Department's Representative
Amy MacDonough, Hearing Officer

The hearing record remained open for the submission of additional evidence by the Department. On [REDACTED] 2023, the hearing record was closed.

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 a recipient of SNAP benefits for a household of one member, herself. (*Appellant's Testimony; Exhibit 6: NOA, [REDACTED]; Exhibit 7: NOA, [REDACTED]*)
2. The Appellant's SNAP period of eligibility is from [REDACTED] 2022 through [REDACTED], 2025. (*Department's Testimony; Exhibit 6; Exhibit 7*)
3. At the time of her application in [REDACTED] 2022, the Appellant was responsible for paying her own utilities. (*Appellant's Testimony*)
4. On [REDACTED] 2023, the Appellant reported a new address and stated she has no monthly rental expenses and pays for her telephone only; however, at the time of application the Appellant paid rent and utilities. (*Appellant's Testimony; Department's Testimony; Exhibit 5; Exhibit 6*)
5. On [REDACTED] 2023, the Appellant reported new employment with [REDACTED]. The Appellant reported working 25 hours per week at \$17.50 per hour. (*Appellant's Testimony; Department's Testimony; Exhibit 1: Case Notes*)

6. On ██████ 2023, the Department issued a NOA to the Appellant stating her SNAP benefits would be \$23.00 based on her reported income, beginning ██████ 2023. (*Department Testimony; Exhibit 1; Exhibit 6*)

7. On ██████ 2023, the Department received the following three (3) weekly paystubs:

Pay Date	Gross income	Hours
██████	\$350.00	20.00
██████	\$385.00	22.00
██████	\$525.00	30.00

(*Exhibit 2: Paystubs*)

8. On ██████, 2023, the Department updated the Appellant's earned income using the paystubs provided. The Department determined the missing paystubs from ██████/2023 to be \$564.37 and ██████ 2023 to be \$564.38. (*Department's Testimony; Exhibit 1; Exhibit 3: Earned Income Information*)

9. The Department used the four (4) most recent paystubs to calculate the Appellant's gross income of \$2,191.66 monthly. (*Department's Testimony; Exhibit 1*)

10. The Appellant receives no other sources of income. (*Appellant's Testimony*)

11. On ██████, 2023, the Department issued a NOA to the Appellant stating her SNAP benefits would be \$23.00 monthly, effective ██████ 2023. (*Department's Testimony; Exhibit 7*)

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(a) provides for household concept and states that a household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone.

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

3. 7 C.F.R. § 273.2 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, XIV, or XVI of the Social Security Act.

The Department correctly determined the Appellant meets the criteria of elderly for the purposes of SNAP eligibility.

4. 7 C.F.R. § 273.9(b) provides for income and deductions and states the definition of income. Household income shall mean all income from whatever source excluding only specified in paragraph (c) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee.

The Department correctly determined that the Appellant's wages from [REDACTED] [REDACTED] are considered earned income and counted in the calculation of the SNAP benefits.

5. 7 C.F.R. § 273.10(c)(2)(i) provides for 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 incorrectly used \$2,177.98 monthly as the gross earned income to determine the Appellant's SNAP benefit.

The correct gross monthly income for the Appellant is \$2,191.66 ([REDACTED]/2023 \$564.37+ [REDACTED]/2023 \$564.38+ [REDACTED]/2023 \$385.00+ [REDACTED]/2023 \$525.00= \$2,038.75/ 4= \$509.69 x 4.3= \$2,191.66).

6. 7 C.F.R. § 273.2(j)(2)(ii) provides that 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 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 deemed eligibility factors. When determining eligibility for a categorically eligible household, all SNAP requirements apply except the following: Gross and net income limits. 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 Federal Poverty Level (“FPL”) for a household of one person is \$2,265.00.

In █████ 2023, the Appellant’s gross income of \$2,191.77 per month is less than 200% of the FPL. The Appellant is eligible for SNAP as an expanded categorical eligibility 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 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. § 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 income deductions and states deductions shall be allowed only for the following household expenses: Standard deduction- **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 deducted the \$193.00 standard deduction from the Appellant's income.

9. 7 C.F.R. § 273.9(d)(2) provides for earned income deduction and states twenty percent of gross earned income as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in paragraph (c)(17) of this section.

The Department correctly deducted twenty (20) percent of the Appellant's earned income.

- 10.7 C.F.R. § 273.9(d)(6)(ii) provides in part for shelter costs and 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.

The Department correctly determined the Appellant's rental credit of \$0.00. The Appellant is not paying rent.

11.7 C.F.R. § 273.9(d)(6)(iii) provides in part for standard utility allowances and states (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 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. (D) 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.

When the Appellant began her certification period, she was responsible for paying her utilities. Because the Appellant is within her recertification period, she remained entitled to the Standard Utility Allowance ("SUA"); therefore, the

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

12.7 C.F.R. § 273.9(a)(3) provides for income eligibility standards and 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.

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 from October 1, 2022, through September 30, 2023, is \$281.00.

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 SNAP period beginning [REDACTED], 2023:

	Department Calculations	Corrected calculations
Total Wages	\$2,177.98	\$2,191.77
Minus (-) 20% deduction for earned income	<u>(-) \$435.59</u>	<u>(-) \$438.35</u>
Adjusted Earned Income	\$1,742.39	\$1,753.42
Total Unearned Income	<u>(+) \$0.00</u>	<u>(+) \$0.00</u>
Gross Monthly Income	\$1,742.39	\$1,753.42
Minus (-) Standard Deduction (household of one)	<u>(-) \$193.00</u>	<u>(-) \$193.00</u>
Total Adjusted Gross Monthly Income	\$1,549.39	\$1,560.42
Total multiplied by (x) .5 (50% Adjusted Gross Income)	\$774.70 (rounded up)	\$780.21
Shelter Cost		
Rent or Mortgage	\$0.00	\$0.00
Utility Allowance	<u>(+) \$921.00 (SUA)</u>	<u>(+) \$921.00</u>
Total Shelter Costs	\$921.00	\$921.00

Minus (-) 50% Adjusted Gross Income	<u>(-) \$774.70</u>	<u>(-) \$780.21</u>
Excess Shelter Costs	\$146.30	\$140.79
Total Shelter Deduction	\$146.30	\$140.79
Adjusted Gross Monthly Income	\$1,549.39	\$1,560.42
Minus (-) Total Shelter Deduction	<u>(-) \$146.30</u>	<u>(-) \$140.79</u>
Total Net Monthly Income	\$1,403.09	\$1,419.63
Total Net Monthly Income multiplied by (x) .30	\$420.926	\$425.889
Thrifty Food Plan (household of one)	\$281.00	\$281.00
Minus (-) 30% Net Monthly Income	<u>(-) \$421.00</u> (rounded up)	<u>(-) \$426.00</u> (rounded up)
SNAP Allotment for household	-\$140.00	-\$145.00
SNAP Benefit	\$0.00	\$0.00

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 Department used an incorrect amount for the Appellant's earned income; however, when calculating the benefits correctly, the Appellant remains eligible for the minimum benefit amount due to being categorically eligible for SNAP.

The maximum SNAP allotment (TFP) for a household of one is \$281.00 effective [REDACTED] 2022. \$23.00 equals 8 percent of \$281.00 (rounded up from \$22.48). The Department correctly determined the Appellant's household is eligible for the minimum 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 to the Appellant on [REDACTED], 2023, informing her of the reduction in SNAP benefits to \$23.00 monthly, effective [REDACTED], 2023.

DISCUSSION

At the time of the NOA on [REDACTED] 2023, the Department correctly calculated the Appellant's SNAP benefits of \$23.00 monthly using the paystubs provided. During the hearing, the Appellant reported that her income had changed since her request for the hearing, and she is no longer working. The Department verbally explained the Appellant what information was needed to update her case going forward and how to provide this information to the Department. It would be in the best interest of the Appellant to report any changes to the Department timely and provide the verifications necessary to make these updates going forward.

DECISION

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



Amy MacDonough
Fair Hearing Officer

CC: Jessica Carroll, Operations Manager, DSS, Norwich Regional Office
Brad Wheeler, Hearing Liaison, DSS, Norwich 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.