

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

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

Client ID ██████████
Case ID ██████████
Request # 217942

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued ██████████ ██████████ (the “Appellant”) a notice of action (“NOA”) reducing the benefits under the Supplemental Nutrition Assistance Program (“SNAP”) effective ██████████ 2023.

On ██████████ 2023, the Appellant requested an Administrative Hearing to contest the calculation of the amount of benefits under the SNAP.

On ██████████ 2023, the Office of Legal Counsel, Regulations and Administrative Hearings (“OLCRAH”) issued the Appellant a notice scheduling the Administrative Hearing for ██████████ ██████████ 2023.

On ██████████ 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 telephonically.

The following individuals participated in the hearing by phone:

██████████ Appellant
Christopher Filek, Department Representative
Jessica Gulianello, Hearing Officer

The hearing record remained open until [REDACTED] 2023, to allow the Department time to submit additional information. Additional documents were received from the Department and the hearing record closed accordingly.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's calculation of the Appellant's amount of benefits under the SNAP is correct.

FINDINGS OF FACT

1. The Appellant (DOB [REDACTED]), her spouse, [REDACTED] (DOB: [REDACTED]), and their two children, [REDACTED] (DOB: [REDACTED]) and [REDACTED] (DOB: [REDACTED]) were determined to be eligible for benefits under the SNAP for the benefit period beginning [REDACTED] 2022, ending [REDACTED] 2023. (*Exhibit 6: Renewal Packet - [REDACTED] 2023, Department's Testimony*)
2. On [REDACTED] 2023, the Department issued the Appellant a Notice of Renewal of Eligibility ("W-1ERL") with a Renewal of Eligibility Form ("W-1ER") form enclosed. The W-1ERL requested that the Appellant returned the enclosed W-1ER renewal form by mail or complete the online equivalent by [REDACTED] 2023, to prevent a delay in the renewal process. The W-1ERL further informed the Appellant that the completed renewal form and all required proofs must be received by [REDACTED] 2023, or the benefits under the SNAP may stop. (*Exhibit 6: Renewal Packet - [REDACTED] 2023, Department's Testimony*)
3. On [REDACTED] 2023, at [REDACTED] ([REDACTED]), the Appellant submitted the completed renewal form online with an electronic signature. (*Exhibit 7: Online Renewal form – Submission: [REDACTED] 2023, [REDACTED]*)
4. On [REDACTED] 2023, the next business day, the Department marked the online renewal form as received. (*Exhibit 7: Online Renewal form – Received: [REDACTED] 2023, Exhibit 3: Case Notes: [REDACTED] 2023 & [REDACTED] 2023*)
5. The Appellant reported that the SNAP household remained comprised of four individuals: the Appellant, her spouse, and their two common children. (*Exhibit 7: Online Renewal Form, Hearing Record*)
6. The Appellant provided biweekly paystubs to verify her current wages with [REDACTED] as follows:

Pay Date:	Gross Wages	Hours Worked
██████/2023	\$709.03	41.27
██████/2023	\$704.92	41.03

(Exhibit 10: Paystubs dated ██████ 2023 & ██████ 2023)

7. The Department calculated the Appellant's average biweekly wages from her employment with ██████ as follows: $\$709.03 + \$704.92 = \$1,413.95 / 2 \text{ checks} = \706.98 biweekly. *(Exhibit 5: The Work Number/Equifax, Exhibit 8: NOA dated ██████ 2023, Exhibit 10: Paystubs dated ██████ 2023 & ██████ 2023)*
8. The Appellant's two children, ██████ and ██████ have both been determined ██████ the Social Security Administration. The children each receive ██████ in the amount of ██████ per month. *(Exhibit 2: SOLQ-I Results Details, Appellant's Testimony)*
9. The Appellant did not report and/or provide verification of recurring out-of-pocket medical expenses. *(Exhibit 1: Federal SNAP Income Tests ██████ 2023 ██████/2023, Exhibit 7: Online Renewal form, Appellant's Testimony)*
10. The Appellant is responsible for a rental obligation of \$1,300.00 per month as well as utility expenses paid separately. *(Exhibit 1: Federal SNAP Income Test(s), Exhibit 7: Online Renewal form, Appellant's Testimony)*
11. On ██████ 2023, the Department issued the Appellant benefits under the SNAP in the amount of \$535.00. *(Exhibit 9: Benefit Issuance Search, Department's Testimony)*
12. On ██████ 2023, the Department reviewed the previously noted online renewal form, waived the interview, updated the Appellant's case details, and completed the SNAP renewal. *(Exhibit 3: Case Notes dated ██████ 2023, Department's Testimony)*
13. On ██████ 2023, the Department issued the Appellant a NOA. The NOA informed the Appellant that the household's benefits under the SNAP were approved but reduced from \$443.00 to \$310.00 effective ██████ 2023 and ongoing. *(Exhibit 3: Case Notes dated ██████ 2023, Exhibit 8: NOA dated ██████ 2023)*
14. On ██████ 2023, the Appellant contacted the Department's Benefits Center concerning her son, ██████ benefit amount. The Department corrected his ██████ benefit amount from \$941.00 to \$914.00 per month. *(Exhibit 3: Case Notes dated ██████ 2023)*

15. On [REDACTED] 2023, the Department issued the Appellant an updated NOA. The NOA informed the Appellant that the household's benefits under the SNAP increased from \$310.00 to \$322.00 effective [REDACTED] 2023 and ongoing. (*Exhibit 8: NOA: dated [REDACTED] 2023*)
16. On [REDACTED] 2023, the Appellant conducted a telephone interview. (*Appellant's Testimony, Department's Testimony*)
17. On [REDACTED] 2023, the Appellant provided updated biweekly paystubs to verify her most recent wages from her continued employment with [REDACTED] as follows:

Pay Date:	Gross Wages	Hours Worked
[REDACTED]/2023	\$742.71	41.23
[REDACTED] 2023	\$792.71	46.14

(*Exhibit 3: Case Notes dated [REDACTED] 2023, Exhibit 10: Paystubs dated [REDACTED] 2023, [REDACTED] 2023*)

18. On [REDACTED] 2023, the Department recalculated the Appellant's average biweekly wages from her employment with [REDACTED] as follows: $\$742.71 + \$792.71 = \$1,535.42 / 2 = \767.71 biweekly $\times 2.15 = \$1,650.57$ per month. (*Exhibit 3: Case Notes dated [REDACTED] 2023, Exhibit 5: The Worker Number/Equifax, Exhibit 10: Paystubs dated [REDACTED]/2023 & [REDACTED]/2023*)
19. The Department did not issue an updated NOA to correspond with the previously noted income update/change. (*Department's Testimony*)
20. On [REDACTED] 2023, the OLCRAH received the Appellant's electronic request for an Administrative Hearing. (*Exhibit A: Hearing Request dated [REDACTED] 2023, Hearing Record*)
21. On [REDACTED] 2023, the Department issued the Appellant benefits under the SNAP in the amount of \$322.00. (*Exhibit 9: Benefit Issuance Search, Department's Testimony*)
22. On [REDACTED] 2023, the Department reviewed the Appellant's case and discovered that it had not been authorized on [REDACTED] [REDACTED] 2023. (*Hearing Summary, Department's Testimony*)
23. On [REDACTED] 2023, the Department authorized the Appellant's case and issued her an updated NOA. The NOA informed the Appellant that benefits under the SNAP further decreased from \$322.00 for [REDACTED] to \$275.00 effective [REDACTED] 2023 and

ongoing. (Exhibit 4: NOA dated █████ 2023, Hearing Summary, Department's Testimony)

24. On █████ 2023, the Appellant submitted a copy of her paystub dated █████ 2023, reflecting gross wages in the amount of \$715.56 for 37.65 hours worked. (Exhibit 3: Case Notes dated █████ 2023, Exhibit 10: Paystub dated █████ 2023)
25. On █████ 2023, the Department took an average of the gross wages that the Appellant had received in the last two biweekly paystubs to determine her anticipated wages for the future pay date of █████ 2023, as follows: █████ 2023: \$792.71 + █████ 2023: \$715.56 = \$1,508.27 / 2 checks = \$754.13.

The Department recalculated the Appellant's average monthly income as follows:

Pay Date:	Gross Wages	Hours Worked
█████/2023	\$742.71	41.23
█████/2023	\$792.71	46.14
█████/2023	\$715.56	44.65
█████/2023	\$754.13	43.90

$\$742.71 + \$792.71 + \$715.56 + \$754.13 = \$3,005.11 / 4 \text{ checks} = \751.28
biweekly x 2.15 = \$1,615.25 monthly.

(Exhibit 1: Federal SNAP Income Test – █████/2023, Exhibit 8: NOA dated █████ 2023, Exhibit 10: Paystubs)

26. On █████ 2023, the Department updated the Appellant's wages from her continued employment with █████ as noted above and issued her an updated NOA that advised SNAP effective █████ 2023 and ongoing had increased from \$275.00 to \$288.00 per month. (Exhibit 3: Case Notes dated █████ 2023, Exhibit 8: NOA dated █████ 2023, Department's Testimony)
27. The Appellant is disputing the SNAP amount / the reduction in benefits effective █████ 2023. (Appellant's Testimony)
28. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an Administrative Hearing on █████ 2023. This decision is due no later than █████, 2023, and therefore timely. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes (“Conn. Gen. Stats.”) provides the following: “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 administer the SNAP.

2. Title 7 of the Code of Federal Regulations (“C.F.R.”) Section 273.1(a) provides the following: *General household definition*. 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; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

The Department complied with the Federal Regulation and correctly determined the SNAP household is comprised of four individuals.

3. 7 C.F.R. § 271.2 provides the following: *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;
 3. Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act;
 4. Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66;
 5. Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.
 6. Is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code;
 7. Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under title 38 of the United States Code;
 8. Is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States Code;

9. Is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under title 38 of the United States Code *and* has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; or
10. Receives an annuity payment under: section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 *and* is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act.
11. 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 416, subpart I, Determining Disability and Blindness as defined in Title XVI).

The Department complied with the Federal Regulation and correctly determined that the household contains two individuals [REDACTED] [REDACTED] the Social Security Administration as the Appellant's children both receive [REDACTED].

4. 7 C.F.R. § 273.9(b) provides the following: *Definition of income*. 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)(2) provides the following: Unearned income shall include, but not be limited to:

(i) Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in § 271.2); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt from consideration as countable income under the provisions of paragraph (c)(1) of this section. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.

(ii) Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in § 272.12; old-age, survivors, or social security benefits; 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 complied with the Federal Regulations and correctly determined the gross amount of the ■■■ benefits that the Appellant's children receive to be countable income under the SNAP.

1. 7 C.F.R § 273.10(c)(1)(i) provides the following: *Determining income - Anticipating income.* (i) 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) (ii) provides the following: 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 the following: *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)(3)(i) provides the following: *Income averaging*. Income may be averaged in accordance with methods established by the State agency to be applied Statewide for categories of households. When averaging income, the State agency shall use the household's anticipation of monthly income fluctuations over the certification period. An average must be recalculated at recertification and in response to changes in income, in accordance with § 273.12(c), and the State agency shall inform the household of the amount of income used to calculate the allotment. Conversion of income received weekly or biweekly in accordance with paragraph (c)(2) of this section does not constitute averaging.

The Department complied with the Federal Regulations and correctly used the Appellant's past wages to anticipate her future available income.

The Department correctly averaged the Appellant's gross biweekly wages and converted the biweekly income into monthly amount(s).

The Appellant subsequently submitted updated paystubs to the Department.

The Department correctly recalculated the Appellant's earned income following the receipt of her updated paystubs.

5. 7 C.F.R § 273.9(d)(6)(ii) provides the following: *Excess shelter deduction*. 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.

(B) Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

(C) 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.

(D) The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.

(E) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

The Department complied with the Federal Regulations and correctly determined that the Appellant is eligible for a shelter expense deduction absent of a shelter hardship cap as the SNAP household contains members who have been determined [REDACTED].

6. 7 C.F.R § 273.9(d)(6)(iii) provides 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 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 complied with the Federal Regulation and correctly determined the Appellant is eligible for the SUA shelter expense deduction.

7. 7 C.F.R. § 273.9(d)(3) provides the following: *Excess medical deduction*. That portion of medical expenses in excess of \$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.

The Department complied with the Federal Regulation and correctly determined that the Appellant did not disclose and/or verify recurring out-of-pocket medical expenses in excess of \$35 per month applicable to the members of the SNAP household that have been determined to be disabled.

8. 7 C.F.R § 273.12(c) provides the following: State agency action on changes. The State agency shall take prompt action on all changes to determine if the change affects the household's eligibility or allotment. However, the State agency has the option to disregard a reported change to an established deduction in accordance with paragraph (c)(4) of this section. If a household reports a change in income, and the new circumstance is expected to continue for at least one month beyond the month in which the change is reported, the State agency may act on the change in accordance with paragraphs (c)(1) and (c)(2) of this section. The time frames in paragraphs (c)(1) and (c)(2) of this section apply to these actions. During the certification period, the State agency shall not act on changes in the medical expenses of households eligible for the medical expense deduction which it learns of from a source other than the household and which, in order to take action, require the State agency to contact the household for verification. The State agency shall only act on those changes in medical expenses that it learns about from a source other than the household if those changes are verified upon receipt and do not necessitate contact with the household. Even if there is no change in the allotment, the State agency shall document the reported change in the casefile, provide

another change report form to the household, and notify the household of the receipt of the change report. If the reported change affects the household's eligibility or level of benefits, the adjustment shall also be reported to the household. The State agency shall also advise the household of additional verification requirements, if any, and state that failure to provide verification shall result in increased benefits reverting to the original allotment. The State agency shall document the date a change is reported, which shall be the date the State agency receives a report form or is advised of the change over the telephone or by a personal visit. Restoration of lost benefits shall be provided to any household if the State agency fails to take action on a change which increases benefits within the time limits specified in paragraph (c)(1) of this section.

The Department correctly issued the Appellant NOA's that notified her of the income changes that impacted her eligibility and the level of benefits that the household is entitled to under the SNAP.

9. 7 C.F.R. § 273.10(e)(1)(i) provides the following: Calculating net income and benefit levels-(1) Net monthly income. To determine a household's net monthly income, the State agency shall:
 - A. Add the 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 under § 273.9(d)(4) for each dependent.
 - F. If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with § 273.9(d)(5), subtract allowable monthly 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 cost. 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 cost 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)(ii) (A) provides the following: “In calculating net monthly income, the State agency shall use one of the following two procedures: “Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents.”

7 C.F.R § 273.10(e)(2) (i) (A) Households which contain an elderly or disabled member as defined in § 271.2, shall have their net income, as calculated in paragraph (e)(1) of this section (except for households considered destitute in accordance with paragraph (e)(3) of this section), compared to the monthly income eligibility standards defined in § 273.9(a)(2) for the appropriate household size to determine eligibility for the month.

7 C.F.R.§ 273.10(e)(2)(ii)(A) provides the following: 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: (1) “The State agency shall round the 30 percent of net income up to the nearest higher dollar”.

7 C.F.R.§ 273.10(e)(4) provides the following: Thrifty Food Plan (TFP) and Maximum SNAP Allotments. (i) 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.

SNAP CALCULATION EFFECTIVE [REDACTED] 2023

COUNTABLE INCOME	
Earned Income:	\$1,650.58
[REDACTED] 2023: \$742.71 +	
[REDACTED] 2023: \$792.71=	
\$1,535.42 / 2 checks =	
\$767.71 x 2.15= \$1,650.58 per month	
Minus 20% earned income deduction:	- \$330.12
(\$1,650.58 x .2= \$330.12)	= \$1,320.45
Unearned Income:	\$1,828.00
[REDACTED] \$914 +	
[REDACTED] \$914= \$1828.00 per month	
Total Income	\$3,148.45
Minus standard deduction	-\$193.00
(For a household of 4)	
Minus child support expenses	\$0.00
Minus medical expenses in excess of	\$0.00
\$35 (only if age 60 and older or disabled)	
Adjusted Gross Income	= \$2,955.45
<u>SHELTER COSTS</u>	
Rent	\$1,300.00
SUA	\$921.00
Total shelter costs	\$2,221.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,221.00
Less 50% of adjusted gross income	\$1,477.73
(\$2,955.45 x .5= \$1,477.73)	

Total shelter hardship	\$743.27
	(Cannot exceed \$569 unless elderly or disabled)
NET ADJUSTED INCOME	
Adjusted gross income	\$2,955.45
Less shelter hardship	\$743.27
Net Adjusted Income ("NAI")	\$2,212.18
BENEFIT CALCULATION	
Thrifty Food Plan Amount for Four SNAP Members	\$939.00
Less 30% of NAI (rounded up) (\$2,212.18 x .3= \$663.54) Rounded up to \$664.00	- \$664.00
SNAP award Calculation: Thrifty Food Plan: - 30% NAI= SNAP Amount	= \$275.00 SNAP Award

SNAP RECALCULATION EFFECTIVE AUGUST 2023

COUNTABLE INCOME	
Earned Income:	\$1,615.25
■ 2023: \$742.71 + ■ 2023: \$792.71 + ■ 2023: \$715.56 + ■ 2023: \$754.13 (anticipated)= \$3,005.11 / 4 checks = \$751.28 biweekly x 2.15 = \$1,615.25 per month	
Minus 20% earned income deduction:	- \$323.05
(\$1,615.25 x .2= \$323.05)	= \$1,292.20
Unearned Income:	\$1,828.00
■ \$914 + ■ \$914= \$1828.00 per month	

Total Income	\$3,120.20
Minus standard deduction (For a household of 4)	-\$193.00
Minus child support expenses	\$0.00
Minus medical expenses in excess of \$35 (only if age 60 and older or disabled)	\$0.00
Adjusted Gross Income	= \$2,927.20
<u>SHELTER COSTS</u>	
Rent	\$1,300.00
SUA	\$921.00
Total shelter costs	\$2,221.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,221.00
Less 50% of adjusted gross income (\$2,927.20 x .5= \$1,463.60)	\$1,463.60
Total shelter hardship	\$757.40 (Cannot exceed \$569 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$2,927.20
Less shelter hardship	\$757.40
Net Adjusted Income ("NAI")	\$2,169.80
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan Amount for Four SNAP Members	\$939.00
Less 30% of NAI (rounded up) (\$2,169.80 x .3= \$650.94) Rounded up to \$651.00	- \$651.00
SNAP award Calculation: Thrifty Food Plan: - 30% NAI= SNAP Amount	= \$288.00 SNAP Award

DICUSSION

The above-noted SNAP calculation for █████ 2023 confirms that the Appellant's household was entitled to SNAP benefits in the amount of \$275.00 for the respective month; however, the hearing record confirms that the Appellant was issued SNAP in the amount of \$322.00 on █████ 2023, as the Department did not authorize the income change until █████ 2023. I find that the Appellant was not negatively impacted by the processing delay and she *may* have received a higher SNAP benefit than her household was entitled to.

The above-noted SNAP recalculation for █████ 2023 confirms the Department correctly determined the Appellant's household to be eligible for SNAP benefits in the amount of \$288.00 effective █████ 2023.

DECISION

The Appellant's appeal is DENIED.

Jessica Gulianello

Jessica Gulianello
Hearing Officer

CC: Christopher Filek, ESS & Brian Sexton, SSOM, DSS DO █████

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.