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

[redacted] 2023
Signature Confirmation

Case # [redacted]
Client ID # [redacted]
Request # 218246

NOTICE OF DECISION
PARTY

[redacted]

PROCEDURAL BACKGROUND

On [redacted] 2023, the Department of Social Services (the "Department") sent [redacted] (the "Appellant") a Notice of Action ("NOA) decreasing her Supplemental Nutritional Assistance Program ("SNAP") benefits effective [redacted] 2023.

On [redacted] 2023, the Appellant requested an administrative hearing to contest the amount of her SNAP benefits.

On [redacted] 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for [redacted] 2023.

On [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.

The following individuals were present at the hearing:

[redacted], Appellant
Javier Rivera, Department's Representative
Alisha Richardson, Fair Hearing Officer

The Hearing remained open to allow the Appellant and the Department to submit additional documentation. Additional documentation was received from the Department on [redacted] 2023. The hearing record closed on [redacted], 2023

STATEMENT OF THE ISSUE

The issue to be decided is whether the Departments correctly calculated the Appellant's monthly SNAP benefits beginning[redacted], 2023.

FINDINGS OF FACT

1. The Appellant is [redacted] [DOB [redacted] lives alone and is disabled. (Hearing Record and Exhibit 14: W1E)

2. On [redacted] 2023, the Department sent the Appellant a Notice of Action ("NOA") informing her that her SNAP benefit for [redacted] 2023 was $281.00. (Hearing Record and Exhibit 1: NOA [redacted]/2023)

3. The Appellant receives $389.00 monthly in Widows Survivor Benefits ("WSB") and $1,702.90 monthly in Social Security Disability Benefits ("SSDI"). (Hearing Record and Appellant's Testimony)

4. The Appellant's expenses include rent of $962.50 monthly, and heating and cooling expenses. (Appellant's Testimony)

5. The Department used the standard utility allowance ("SUA") in its calculation of the Appellant's SNAP benefits. (Department's Testimony and Exhibit 5: [redacted] SNAP Income Test)

6. The Appellant received $23.00 monthly in SNAP benefits in [redacted] and [redacted] of 2023. (Exhibit:13 Benefit History)

7. The Appellant received $281.00 monthly in SNAP benefits in [redacted] and [redacted] of 2023. (Exhibit 7: Benefit History)

8. On [redacted] 2023, the Department sent the Appellant an NOA informing her that her SNAP benefit for [redacted] 2023 was $23.00 monthly. (Exhibit 2: NOA [redacted] 2023)

9. On [redacted] 2023, the Appellant contacted the Department to inquire about the decrease in her SNAP benefit. The Department stated the SNAP amount as of [redacted] 2023 is correct and the higher amount, she received in the previous months was due to an agency error. (Exhibit 10: Case Note [redacted]/2023)

10. An automatic system update in [redacted] 2023 removed the Appellant's SSDI income of $1,702.90 as of [redacted] 2023 from the SNAP benefit calculation and this action caused the SNAP benefit to increase from $23.00 monthly

in [redacted] 2023 to $281.00 monthly as of [redacted] 2023. (Department's Testimony)

11. 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 [redacted] 2023. The record remained open until [redacted], 2023, to allow the Appellant and the Department to submit additional information. This decision is due no later than [redacted] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides that the Department of Social Services is designated as the state agency for administering the Supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

2. Title 7 of the Code of Federal Regulations ("C.F.R.") section 273.9(a) provides 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 eligiblity 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))

3. 7 C.F.R. § 271.2 provides that an elderly or disabled member means a member of a household who is 60 years of age or older; 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 Appellant is elderly and disabled and must meet the net income eligibility standard.

4. 7 C.F.R. § 273.1(a)(1) provides 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’s household size of one person.

5. 7 C.F.R. § 273.9(b)(2)(ii) provides in part that unearned income shall include, but not 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 included the Appellant’s widow’s benefits and disability income in its calculation of the SNAP benefit.

6. 7 C.F.R. § 273.10(c)(1)(i) provides for 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. 7 C.F.R. § 273.10(c)(1)(ii) provides 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.

8. 7 C.F.R. § 273.10(c)(2)(i) provides for 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.

The Department correctly calculated that the Appellant's gross unearned income equals $2,091.90 ($389.00 WSB + $1,702.90 SSDI).

9. 7 C.F.R. § 273.9(d)(1)(i) provides for the standard deduction. 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.

10. The United States Department of Agriculture Food and Nutrition Services issued guidance pertaining to the changes to the Standard deductions. See www.fns.usda.gov/snap/allotment/COLA.

Effective [redacted] 2022, the Standard Deduction for a household of one is $193.00.

The Department correctly determined that the standard deduction for a household of one is $193.00.

5. 7 C.F.R. § 273.9(d)(3) provides for excess medical deductions. 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 correctly determined the Appellant did not report any medical deductions.

The Department correctly determined the Appellant's adjusted gross ("AGI") income equals $1,898.90 ($389.00 WSB + $1,702.90 SSDI-$193.00 standard deduction)

6. 7 C.F.R. § 273.9(d)(6)(ii) provides for 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.

13. 7 C.F.R. § 273.9(d)(6)(iii) provides for 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.

(B) The State agency must review the standards annually and make adjustments to reflect changes in costs, rounded to the nearest whole dollar. State agencies must provide the amounts of standards to FNS when they are changed and submit methodologies used in developing and updating standards to FNS for approval when the methodologies are developed or changed.

(C) A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

(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.

(E) A State agency may mandate use of standard utility allowances for all households with qualifying expenses if the State has developed one or more standards that include the costs of heating and cooling and one or more standards that do not include the costs of heating and cooling, the standards will not result in increased program costs, and FNS approves the standard. The prohibition on increasing Program costs does not apply to necessary increases to standards resulting from utility cost increases. If the State agency chooses to mandate use of standard utility allowances, it must provide a standard utility allowance that includes heating or cooling costs to residents of public housing units which have central utility meters and which charge the households only for excess heating or cooling costs. The State agency also must not prorate a standard utility allowance that includes heating or cooling costs provided to a household that lives and shares heating or cooling expenses with others. In determining whether the standard utility allowances increase program costs, the State agency shall not consider any increase in costs that results from providing a standard utility allowance that includes heating or cooling costs to residents of public housing units which have central utility meters and which charge the households only for excess heating or cooling costs. The State agency shall also not consider any increase in costs that results from providing a full (i.e., not prorated) standard utility allowance that includes heating or cooling costs to a household that lives and shares heating or cooling expenses with others. Under this option households entitled to the standard may not claim actual expenses, even if the expenses are higher than the standard. Households not entitled to the standard may claim actual allowable expenses. Requests to use an LUA should include the approximate number of SNAP households that would be entitled to the nonheating and noncooling standard, the average utility costs prior to use of the mandatory standard, the proposed standards, and an explanation of how the standards were computed.

(L) If a household lives with and shares heating or cooling expenses with another individual, another household, or both, the State agency shall not prorate the standard for such households if the State agency mandates use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. The State agency may not prorate the SUA if all the individuals who share utility expenses but are not in the SNAP household are excluded from the household only because they are ineligible.

The Department correctly determined the Standard Utility Allowance ("SUA") equals $921.00 effective [redacted] 2022.

The Department correctly determined the Appellant's shelter costs equal $1,883.50 ($962.50.00 rent + $921.00 SUA) per month.

14. 7 C.F.R. § 273.9(d)(6)(ii) provides in relevant part for the maximum 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.

The Appellant is elderly and disabled. The Department correctly determined the Appellant's shelter hardship is $934.05 ($1,883.50 shelter expense - $949.45 (.50 x $1,898.90))

15. 7 C.F.R. § 273.10(e)(1)(i) provides for calculating net monthly income.

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.

16. 7 C.F.R. § 273.10(e)(1)(ii) provides in calculating net monthly income, the State agency shall use one of the following two procedures:

A. 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; or

B. Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program. If the State

TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.

The Department correctly calculated the Appellant's net adjusted income ("NAI") as $964.85 ($1,898.90 AGI - $934.05 shelter hardship)

17. 7 C.F.R. § 273.10(e)(2)(ii)(A) provides 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; or

    (2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar.

    The Department calculated 30% of the Appellant's NAI of $964.85 rounded up as $965.00 x .30 = $290.00.

18. The United States Department of Agriculture Food and Nutrition Services issued guidance pertaining to the changes to the Maximum and Minimum SNAP Allotments. See www.fns.usda.gov/snap/allotment/COLA.

    Effective [redacted] [redacted] 2022, the maximum SNAP allotment for a household of one is $281.00 and the minimum SNAP allotment for a household of one is $23.00.

19. The Appellant's SNAP Benefits are computed as follows:

Department's [redacted] 2023 SNAP Benefit Calculation

INCOME	
Earned Income	$0.00
Minus 20%	-$0.00
Total	$0.00
Plus Unearned Income	$2,091.90

Total	$2,091.90
Less Standard Deduction	-$193.00
Adjusted Gross Income	$1,898.90
SHELTER COSTS	
Rent	$962.50
Plus SUA	$921.00
Total Shelter Cost	$1,883.50
SHELTER HARDSHIP	
Shelter Costs	$1,883.50
Less 50% of adjusted gross income AGI	-$949.45
= **Total Shelter hardship** (max $624 if not disabled or elderly) ADJUSTED NET INCOME	$934.05
Adjusted gross income	$1,898.90
Less Shelter hardship	-$934.05
Net Adjusted Income (NAI)	$964.85
BENEFIT CALCULATION	
Thrifty Food Plan for one person	$281.00
Less 30% of NAI (rounded to nearest whole dollar)	$290.00
SNAP Award	$23.00

The Department correctly determined that the Appellant is eligible for a SNAP allotment of $23.00 monthly in [redacted] 2023.

DECISION

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

ALisha Richardson
Alisha Richardson
Fair Hearing Officer

CC: Angelica Branfalt, SSOM, Manchester Regional Office
Nawaz Shaikh, Supervisor, Manchester Regional Office
Javier Rivera, Department's Representative

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.