

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

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

Case ID # ██████████
Client ID # ██████████
Request # 220902

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (“the Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) advising her that her benefits under the Supplemental Nutrition Assistance Program (“SNAP”) were decreasing from \$349.00 to \$225.00 per month, effective ██████████ 2023.

On ██████████ 2023, the Appellant requested an administrative hearing because she disagrees with the Department decreasing 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, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals participated in the hearing:

██████████, Appellant
Christine Faucher, Department’s Representative
Kristin Haggan, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly decreased the Appellant's SNAP benefit amount to \$225.00 per month, effective [REDACTED] 2023.

FINDINGS OF FACT

1. The Appellant is a recipient of SNAP benefits for a household of two members, herself and her [REDACTED] daughter. (*Appellant's Testimony, Exhibit 1: Online Renewal*)
2. The Appellant is [REDACTED] years old (DOB [REDACTED]). The Appellant's household does not contain any disabled members. (*Appellant's Testimony, Exhibit 1*)
3. On [REDACTED] 2023, the Department received the Appellant's Online SNAP Renewal ("ONRE"). The Department processed the Appellant's ONRE on [REDACTED] 2023. The Appellant reported that her household's only income is from her job at [REDACTED]. The Department updated the Appellant's earned income using her most recent four weeks of gross wages found on Theworknumber.com [REDACTED]/23 \$409.51, [REDACTED]/23 \$517.70, [REDACTED]/23 \$558.78, [REDACTED] 23 \$546.53). (*Department's Testimony, Exhibit 1, Exhibit 2: Theworknumber.com wage printout*)
4. The Appellant currently pays a monthly rent expense of \$442.00. (*Appellant's Testimony*)
5. The Appellant pays a heat expense that is separate from her rent. The Department applied the Standard Utility Allowance ("SUA") of \$921.00 when calculating the Appellant's monthly SNAP benefit. (*Appellant's Testimony, Department's Testimony, Exhibit 6: Federal SNAP Income Test, Exhibit 7: SNAP Computation Sheets*)
6. The Appellant does not pay child support. The Appellant pays a daycare expense of \$5.00 per week. She did not report her daycare expense to the Department prior to the hearing. (*Appellant's Testimony*)
7. On [REDACTED] 2023, the Department issued the Appellant an NOA advising that her SNAP benefits were decreasing to \$225 per month, effective [REDACTED] 2023. (*Exhibit 8: NOA*)
8. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R") § 273.15 (c) (1) which provides that the agency shall issue a decision within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2023; therefore, this decision is due no later than [REDACTED] 2023. (*Hearing Record*)

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 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(b)(1)(ii) provides for required household composition. The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.
 - ii. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

The Department correctly determined the Appellant's SNAP household consists of two members, herself and one child.

3. 7 C.F.R. § 273.2(j)(2)(i) provides the following households are categorically eligible for SNAP benefits unless the entire household is institutionalized as defined in §273.1(e) or disqualified for any reason from receiving SNAP benefits. (E) any household in which all members receive or are authorized to receive PA and/or SSI benefits in accordance with paragraphs (j)(2)(i)(A) through (j)(2)(i)(D) of this section.

7 C.F.R. § 273.9(a) provides that participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households, which contain an elderly or disabled member, shall meet the net income eligibility standards for the Food Stamp Program. Households, which do not contain an elderly or disabled member, shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households that are categorically eligible as defined in §273.2 (j) (2) or 273.2 (j) (4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

The Department correctly determined the Appellant's household does not contain an elderly or disabled member, is not categorically eligible for SNAP benefits, and that the household must meet both the net and gross income eligibility standards.

4. 7 C.F.R. § 273.9(b) states that "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)(1)(i) states that “Earned income shall include: (i) All wages and salaries of an employee.”

The Department correctly included the Appellant’s wages in the determination of eligibility for SNAP benefits.

5. 7 C.F.R. § 273.10(c)(2)(i) provides for converting income into monthly amounts. Income anticipated during the certification period shall be counted as income only in the month it is expected to be received unless the income is averaged. Whenever a full month’s income is anticipated but is received on a weekly or biweekly basis, the State agency shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15, use the State Agency’s PA conversion standard, or use the exact monthly figure if it can be anticipated for each month of the certification period. Nonrecurring lump sum payments shall be counted as a resource starting in the month received and shall not be counted as income.

7 C.F.R. § 273.10(c)(2)(ii) provides in relevant part that 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.

The Department correctly calculated the Appellant’s gross monthly income average from her job at [REDACTED] as \$2184.96 ($\frac{\text{[REDACTED]}}{23} \$409.51 + \frac{\text{[REDACTED]}}{23} \$517.70 + \frac{\text{[REDACTED]}}{23} \$558.78 + \frac{\text{[REDACTED]}}{23} \$546.53 = \$2032.52 / 4 = \$508.13 \times 4.3 = \$2184.96$) using her four most recent weekly wages obtained from Theworknumber.com.

6. 7 C.F.R. § 273.9(d)(1)(i) provides for the 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.

The Department correctly determined the Appellant eligible for the \$193.00 standard deduction for a household of two people.

7. 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.

7 C.F.R. §273.9(d)(6)(iii) provides in relevant part for 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);

The Department correctly calculated the Appellant's shelter expenses as \$442.00 per month (rent) based on the information reported at the time of recertification.

The Department correctly applied the SUA of \$921.00 when calculating the Appellant's SNAP benefit.

The Department correctly calculated the Appellant's total shelter costs are \$1363.00 (\$442 rent + \$921 SUA = \$1363), based on the information reported at the time of recertification.

The Department correctly determined that the Appellant is subject to the shelter hardship cap of \$624.00 because there are no elderly or disabled members in the home.

8. 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.

The Department correctly determined that the Appellant's monthly adjusted gross income is \$1554.97 (\$2184.96 – 20% of gross wages \$436.99 - standard deduction \$193 = \$1554.97), effective [REDACTED] 2023.

The Department correctly determined that the Appellant's monthly excess shelter costs are \$585.51 (total shelter costs of \$1363 – 50% of the adjusted gross income of \$777.48), effective [REDACTED] 2023.

The Department correctly determined the Appellant's monthly net adjusted income is \$969.46 (\$1554.97 - \$585.51), effective [REDACTED] 2023.

9. 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".

The Department correctly determined that 30% of the Appellant's household's net adjusted income, rounded up is \$291.00 (\$969.46 x 30%) effective [REDACTED] 2023.

10. 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.

The TFP for a household of two from October 1, 2022, through September 30, 2023, is \$516.00.

11. The Appellant's SNAP benefit for the month of [REDACTED] 2023 is calculated as follows:

SNAP BENEFIT CALCULATION

<u>INCOME</u>	
Earned Income	\$2184.96
Less 20%	<u>-\$436.99</u>
= Adjusted earned income	\$1747.97
+ Unearned income	<u>\$0</u>
= Total income	\$1747.97
- Standard deduction	-\$193.00
- Medical expenses	\$0.00
-Dependent care expenses	<u>\$0.00</u>
=Adjusted gross income	\$1554.97
<u>SHELTER COSTS</u>	
Rent	\$442.00
+ SUA	<u>\$921.00</u>
=Total shelter costs	\$1363.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1363.00
Less 50% of adjusted gross income	<u>-\$777.48</u>
= Total shelter hardship (max \$569.00 if not disabled or elderly)	\$585.51
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$1554.97
Less shelter hardship	<u>-\$585.51</u>
Net Adjusted Income (NAI)	\$969.46
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for two persons	\$516.00
Less 30% of NAI (rounded up to nearest whole dollar)	<u>\$291.00</u>
SNAP AWARD	\$225.00

The Department correctly determined that the Appellant is entitled to a monthly SNAP benefit of \$225.00 effective [REDACTED] 2023.

DISCUSSION

The Appellant reported during the hearing that she is now working fewer hours than she was at the time her SNAP renewal was processed. She stated that she had not reported this change to the Department prior to the hearing.

The Appellant reported during the hearing that she is now paying a weekly childcare expense of \$5.00. She stated that she had not reported this expense to the Department prior to the hearing.

The undersigned encourages the Department to follow up with the Appellant regarding the recent changes to her income and expenses to determine her SNAP benefit amount for future months.

The Appellant confirmed at the hearing that the gross wage amounts that the Department used when it processed her SNAP renewal on [REDACTED] 2023, are correct.

On [REDACTED] 2023, the Department correctly calculated the Appellant's SNAP benefit amount of \$225.00 effective [REDACTED] 2023, based on the most current information it had at that time.

DECISION

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



Kristin Haggan
Fair Hearing Officer

CC: Angela Branfalt, SSOM, Manchester Regional Office
Nawaz Shaikh, Fair Hearings Supervisor, Manchester Regional Office
Christine Faucher, Department's Representative, Manchester 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, law, and 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 the Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to the 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 if 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 her designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and 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.