

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

██████████  
██████████  
Request # 221170

NOTICE OF DECISION

PARTY

██████████  
██████████  
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued ██████████ (the “Appellant”) a notice of action (“NOA”) advising that she was approved for benefits under the Supplemental Nutrition Assistance Program (“SNAP”) effective ██████████ 2023, in the amount of \$0.00 for the benefit period of ██████████ 2023, through ██████████ 2023, and \$23.00 for benefit month of ██████████ 2023 and each ongoing month. The supplemental form, Notice of Consolidated Work Requirements (“W-3033”) accompanied the NOA and advised the Appellant of the basic work rules that she must follow to receive benefits under the SNAP.

On ██████████ 2023, the Appellant requested an Administrative Hearing to contest the calculation of the amount of benefits under the SNAP as well as her designation as an Able Bodied Adult without Dependents (“ABAWD”) who is subject to the work requirements/rules 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, telephonically.

On ██████████ 2023, the Appellant contacted the OLCRAH and requested for the Administrative Hearing to be rescheduled and held in person.

On ██████████ 2023, the OLCRAH issued a notice rescheduling the Administrative Hearing for ██████████ 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 in-person at the [REDACTED] Regional office connected via a TEAMS video conferencing.

The following individuals participated in the hearing:

[REDACTED] Appellant  
[REDACTED] Department Representative  
Jessica Gulianello, Hearing Officer

The hearing record was extended until [REDACTED] 2023, to allow both parties time to submit additional information. Additional documents were received from both parties 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.

The secondary issue to be decided is whether the Department correctly designated the Appellant as an ABAWD who is subject to the work requirements under the SNAP.

### **FINDINGS OF FACT**

1. On [REDACTED] 2023, the Appellant submitted an online application ("ONAP") requesting benefits under the SNAP. (*Exhibit 3: ONAP dated [REDACTED] 2023, Exhibit 5: Case Notes – Details dated [REDACTED] 2023, Hearing Summary, Department's Testimony, Appellant's Testimony*)
2. The Appellant reported the following individuals as members of the household: the Appellant (DOB: [REDACTED]), her daughter [REDACTED] (DOB: [REDACTED]), and her [REDACTED] (DOB: [REDACTED]). (*Exhibit 1: ONAP dated [REDACTED] 2023, Appellant's Testimony*)
3. The Appellant reported that she is [REDACTED] and unable to work. (*Exhibit 1: ONAP: dated [REDACTED] 2023, Appellant's Testimony*)
4. The Appellant reported that she receives income from the [REDACTED]. (*Exhibit 1: ONAP dated [REDACTED] 2023*)
5. The Appellant reported that her rent is \$283.00 per month plus heating, cooling, and telephone expenses paid separately. (*Exhibit 1: ONAP dated [REDACTED] 2023*)

6. The Appellant provided testimony declaring the total rent to be \$1,544.99 monthly shared with her daughter. The Appellant's portion of the total rent is \$650.00 monthly. *(Appellant's Testimony)*
7. On [REDACTED] 2023, the Department reviewed the ONAP and registered the Appellant's request for benefits under the SNAP. *(Exhibit 5: Case Notes – Details dated [REDACTED] 2023, Hearing Summary, Department's Testimony)*
8. On [REDACTED] 2023, the Department waived the SNAP interview. *(Exhibit 5: Case Notes – Details dated [REDACTED] 2023, Hearing Summary, Department's Testimony)*
9. On [REDACTED] 2023, the Department issued the Appellant a NOA advising that she was determined to be eligible for benefits under the SNAP as an eligibility determination group ("EDG") size comprised of one individual (herself only) for the certification cycle beginning [REDACTED] 2023, through [REDACTED] 2024, benefit amount of \$0.00 for the period of [REDACTED] 2023 through [REDACTED] 2023, and \$23.00 for the benefit month of [REDACTED] 2023, and each ongoing month. *(Exhibit 4: NOA dated [REDACTED] 2023, Hearing Summary, Department's Testimony)*
10. The above-noted NOA reflected that the Appellant receives [REDACTED] [REDACTED] in the amount of \$1,346.90 monthly as well as wages in the amount of \$250.00 biweekly. *(Exhibit 4: NOA dated [REDACTED] 2023)*
11. The above-noted NOA informed the Appellant that SNAP benefits were lower for [REDACTED] 2023 because she applied after the first day of the month and her first month's benefits are based on her application date. If the benefit amount is less than \$20.00, DSS does not issue SNAP benefits for that month. DSS did not add benefits to her EBT card for [REDACTED] 2023 because that month was determined to be less than \$20.00. *(Exhibit 4: NOA dated [REDACTED] 2023)*
12. The supplemental Notice of Consolidated Work Requirements form "W-3033" advised the Appellant that she was designated as an ABAWD and must meet the Basic Work Requirements/Rules to receive benefits under the SNAP. Form W-3033 further directed the Appellant to contact the Department at [REDACTED] if she thought that she may be eligible for an exemption as reflected on the document. *(Exhibit 4: NOA: dated [REDACTED] 2023/form # #3033: Document #: [REDACTED]).*
13. On [REDACTED] 2023, the OLCRAH received the Appellant's request for an Administrative Hearing. *(Exhibit A: Hearing Request, signed [REDACTED] 2023, Hearing Record)*
14. On or about [REDACTED] 2023, the Department contacted the Appellant to discuss her request for an administrative hearing. The Appellant declared that she was contesting receipt of the ABAWD notice form W-3033 mandating her to return to work. The Appellant declared that she has been determined to [REDACTED] and is

therefore unable to work. The Appellant further argued that she did not have earnings from [REDACTED] and that her rent was incorrect. (*Exhibit 5: Case Notes – Details dated [REDACTED] 2023*)

15. On or about [REDACTED] 2023, the Department reviewed the Appellant's case and discovered that the [REDACTED] Screen in the eligibility management system known as ("ImpaCT") had not been updated which caused the enormous generation of the W-3033 form. (*Exhibit 5: Case Notes – Details dated [REDACTED] 2023, Hearing Summary, Hearing Summary, Department's Testimony*)
16. On or about [REDACTED] 2023, the Department contacted the Appellant again to further discuss her case; however, the Appellant requested to pursue the administrative hearing. (*Hearing Summary, Department's Testimony*)
17. On or about [REDACTED] 2023, the Department updated the Disability Summary screen in ImpaCT to reflect that the Appellant [REDACTED] with a circumstance start/change date ("CSCD") of [REDACTED] 2023. (*Exhibit 5: Case Notes – Details dated [REDACTED] 2023, Exhibit 6: ImpaCT: [REDACTED] – Summary screen, Hearing Summary, Department's Testimony*)
18. The Appellant is exempt from the Basic Work Requirements/Rules under the SNAP. (*Department's Testimony*)
19. The Department terminated the Earned Income record in ImpaCT that reflected the Appellant had been employed as a babysitter since 2022 effective [REDACTED] 2023. (*Exhibit 11: ImpaCT Earned Income – Details*)
20. On [REDACTED] 2023, after the hearing proceedings the Department updated the Appellant's rental expense from \$283.00 monthly to \$650 monthly ongoing. The Department issued the Appellant an updated NOA advising that benefits under the SNAP increased from \$23.00 for [REDACTED] 2023 to \$242.00 effective [REDACTED] 2023. (*Exhibit 9: NOA dated [REDACTED] 2023, Email Correspondence dated [REDACTED] 2023*)
21. The Department determined the Appellant to be eligible for benefits under the SNAP as follows:

Benefit Period	SNAP Amount
[REDACTED] 2023-	\$0.00
[REDACTED] 2023	(Prorated)
[REDACTED] 2023	\$23.00
[REDACTED] 2023	\$23.00

██████████ 2023	\$23.00
██████████ 2023	\$242.00

(Exhibit 10: ImpaCT Federal SNAP Income Tests: ██████████ 2023-██████████ 2023)

22. 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, therefore, was due no later than ██████████ 2023. The hearing, however, which was originally scheduled for ██████████ 2023, was rescheduled to ██████████ 2023, at the request of the Appellant, which caused a █-day delay. This decision, therefore, was due no later than ██████████ 2023. However, the hearing record which had been anticipated to close on ██████████ 2023, did not close for the admission of evidence until ██████████ 2023, at the Appellant's request. Because this █-day delay arose from the Appellant's request, this final decision was not due until ██████████ 2023, and is 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. 7 C.F.R § 273.2(c)(1)(iv) provides as follows: *Recording the filing date.* The date of application is the date the application is received by the State agency. State agencies must document the application date on the application. If the application is received outside normal business hours the State agency will consider the date of application the next business day. For online applications, the date of application is the date the application is submitted, or the next business day if it is submitted after business hours. For telephonic applications, the date of application is the date on which the household member provides verbal assent.

#### **The Department complied the Federal Regulation and correctly determined the application date to be ██████████ 2023.**

3. 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 Appellant listed three individuals on the ONAP.**

**The Department determined the SNAP household comprised of one individual, the Appellant only.**

**The hearing record is void of evidence to substantiate that the Department complied with the Federal Regulation and verified the household composition and the eating arrangement at the time of application.**

**The Appellant testified during the proceedings that she is responsible to purchase and prepare her own food separately from her daughter and grandson. As such, I find that the Department's determination of a household comprised of one individual under the SNAP to be valid.**

4. 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 did not comply with the Federal Regulations and failed to document the Appellant's [REDACTED] in the eligibility management system, ImpaCT when it registered her application for benefits under the SNAP. The error resulted in the Appellant being designated as an ABAWD and issued the Work Requirement/Rules form W-3033.**

**The Department acknowledged that the Appellant is exempt from the ABAWD Work Requirements/Rules and testified to its initial documentation error.**

**The Department incorrectly entered a disability status CSCD of [REDACTED] 2023, as the Appellant had been determined to be [REDACTED] prior to her [REDACTED] 2023, application for benefits under the SNAP.**

5. 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.
6. 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 Appellant's gross [REDACTED] benefits in the amount of \$1,346.90 monthly to be countable income under the SNAP.**

7. 7 C.F.R § 273.2(c)(5) provides the following: Notice of Required Verification. The State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d)(1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in § 272.4(b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.

**The Appellant's case record in the ImpaCT reflected that she had been employed as a [REDACTED] in 2022 with earnings in the amount of \$250.00 biweekly.**

**The Appellant did not report earned income on her application for benefits under the SNAP.**

**The Department failed to update and/or verify the status of the Appellant's employment/earnings prior to authorizing her application for benefits under the SNAP.**

8. 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 did not comply with the Federal Regulations and incorrectly determined the Appellant to be subject to the shelter hardship cap at the time of the initial application processing.**

**The Appellant reported a rental obligation of \$283.00 per month on the ONAP. However, the Appellant provided testimony declaring the total rental obligation to be \$1,544.99 monthly (shared with her daughter) and her share to be \$650.00 monthly.**

**The Department did not confirm the Appellant's shelter expenses at the time of application processing as an interview was not conducted.**

9. 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.**

- 10.7 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 does not incur out-of-pocket medical expenses of more than \$35 per month.**

- 11.7 C.F.R § 273.2(e)(1) provides as follows: Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification

period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

12.7 C.F.R § 273.2(e)(2) provides as follows: The State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

13. U.S. Code Title 7 § 2026(a)(1) provides that: The Secretary may enter into contracts with or make grants to public or private organizations or agencies under this section to undertake research that will help improve the administration and effectiveness of the supplemental nutrition assistance program in delivery nutrition-related benefits. The waiver authority of the Secretary under section(b) shall extend to contracts and grants under this section.
14. U.S. Code Title 7 § 2026(b)(1)(A) provides that: The Secretary may conduct on a trial basis, in one or more areas of the United States, pilot or experimental projects designed to test program changes that might increase the efficiency of the supplemental nutrition assistance program and improve the delivery of supplemental nutrition assistance benefits to eligible households, and may waive any requirement of this chapter to extent necessary for the project to be conducted.

The Department requested authorization and received federal approval to implement an Elderly Simplified Application Project (“ESAP”) waiver. A household is eligible for ESAP if it does not receive countable earned income and where all adult members are: age 60 or older and have a disability.

15. The Department’s internal Program Oversight and Grant Administration (“POGA”) Communication dated March 31, 2023, provides that, the Federal Public Health Emergency (“PHE”) announced under President Biden includes interview waivers under the SNAP approved by Food and Nutrition Services (“FNS”). The Department is not required to interview at initial application provided all of the following conditions are met: identity has been verified, the SNAP [application] is complete and not questionable and all information to establish eligibility is provided, mandatory verifications are provided complete and not questionable, the household will be approved for [eligibility] and the household does not request an interview.

**The Appellant’s case record reflected that she had earned income from employment as a [REDACTED].**

**The Appellant; however, did not report earned income on the ONAP.**

**The Department incorrectly waived the required interview under the SNAP as the Appellant was not eligible for the ESAP and/or the PHE waiver.**

16. 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](http://www.fns.usda.gov/fsp).

17.7 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 made prospective changes to the Appellant's case that resulted in an increase in her allotment of benefits under the SNAP effective [REDACTED] 2023.**

**The Department failed to evaluate the Appellant's eligibility for benefits under the SNAP back to the application date of [REDACTED] 2023.**

**DECISION**

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

**ORDER**

- 1). The Department shall conduct a SNAP interview with the Appellant.**
- 2). The Department shall update the Appellant's comprehensive case details as of [REDACTED] 2023, including but not limited to her [REDACTED] status, earned income, and shelter expenses.**
- 3). The Department shall issue the Appellant an updated NOA to advise of the applicable changes to the calculation of the amount of benefits under the SNAP as well as her exemption from the ABAWD Work Requirements/Rules.**
- 4). Compliance with this order is due to the undersigned no later than [REDACTED] days from the date of this decision or no later than [REDACTED] 2023.**

*Jessica Gulianello*

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Jessica Gulianello  
Hearing Officer

CC: Jessica Burgos – ESW, DSS DO [REDACTED]  
Tim Latifi, Ralph Filek, and Sarah Chmielecki, SSOM's, DSS DO [REDACTED]

### **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.