

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

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

Client ID ██████████
Case ID ██████████
Request # 222651

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ █ 2023, the Department of Social Services (the “Department”) issued a notice of action to ██████████ ██████████ (the “Appellant”) closing his benefits under the Supplemental Nutritional Assistance Program (“SNAP”) effective ██████████ █ 2023.

On ██████████ █ 2023, the Appellant requested an administrative hearing to contest the Department’s decision to close his SNAP benefits effective ██████████ █ 2023.

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

On ██████████ █ 2023, the Appellant agreed to reschedule the administrative hearing so that the OLCRAH may obtain an interpreter for the administrative hearing proceedings.

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

On [REDACTED] [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 for the hearing:

[REDACTED], Appellant

[REDACTED], Spouse

Inna Rayz, Interpreter, Interpreters and Translators, Inc. Participated by teleconference.

Meri Young, Department Representative

Quashondra Thomas, Department Representative, Observation Only

Lisa Nyren, Fair Hearing Officer

The hearing record remained open for the submission of additional evidence by the Spouse. On [REDACTED] [REDACTED] 2023, the Spouse submitted additional evidence which was forwarded to the Department on [REDACTED] [REDACTED] 2023. On [REDACTED] [REDACTED] 2023, the Department reviewed the new evidence and submitted their response to OLCRAH which was forwarded to the Appellant. On [REDACTED] [REDACTED] 2023, the hearing record closed.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's [REDACTED] [REDACTED] 2023 decision to close the Appellant's benefits under the SNAP effective [REDACTED] [REDACTED] 2023 is correct.

FINDINGS OF FACT

1. The Appellant is married to [REDACTED] [REDACTED] ("Spouse"). (Exhibit 1: Renewal Application)
2. The Appellant is age [REDACTED]-[REDACTED] ([REDACTED] born on [REDACTED] and not disabled. (Exhibit 1: Renewal Application)
3. The Spouse is age [REDACTED] born on [REDACTED] and not disabled. (Exhibit 1: Renewal Application)
4. The Appellant receives benefits under the SNAP for a household of two: Appellant and Spouse. (Hearing Record)
5. On [REDACTED] [REDACTED] 2023, the Department received an application for renewal from the Appellant requesting continued benefits under the SNAP for himself and Spouse. The Appellant reported part-time employment with

██████████ (“Leasing Company”) earning \$14.00 per hour working 24-hours per week. The Appellant reported self-employment income for the Spouse. The Spouse is self employed as a ██████████ earning \$600.00 per month working 7-hours per week. The Appellant listed the Spouse incurs work-related expenses of \$100.00 per month that includes tools, materials, and special clothing. Rent reported as \$916.25 monthly. The Appellant pays for electric heat and water. The Appellant received energy assistance last year and intends to reapply for the upcoming heating season. (Exhibit 1: Renewal Application, Appellant Testimony, and Spouse Testimony)

6. The Spouse works part time for ██████████ (the “University”) as a ██████████ during the summer months earning \$18.00 per hour biweekly. This is an annual 2-month contract position with the University. The current contract began ██████████ 2023 and ended on ██████████ 2023. The University employment is separate from the Spouse’s self-employment. (Exhibit 8: Work Number, Exhibit A: University Contract, Spouse Testimony, and Appellant Testimony)

Pay Period End	Pay Date	Hours	Gross Earnings
██/██/23	██/██/23	6.6	\$118.80
██/██/23	██/██/23	22.0	\$396.00
██/██/23	██/██/23	24.0	\$432.00
██/██/23	██/██/23	28.0	\$633.60
2023 Total			\$1,580.40
██/██/22	██/██/22	5.1	\$86.70
██/██/22	██/██/22	16.6	\$282.20
██/██/22	██/██/22	21.3	\$362.10
██/██/22	██/██/22	16.4	\$278.80
██/██/22	██/██/22	11.1	\$188.70
2022 Total			\$1,198.50
██/██/21	██/██/21	6.0	\$102.00
██/██/21	██/██/21	23.0	\$391.00
██/██/21	██/██/21	17.0	\$289.00
██/██/21	██/██/21	24.0	\$408.00
██/██/21	██/██/21	9.0	\$153.00
2021 Total			\$1,343.00

7. The Department determined the Appellant’s monthly gross wages from the Leasing Company as 1,548.00. Refer to chart below. \$1,440.00 monthly gross / 4 weeks = \$360.00 per week x 4.3 weeks = \$1,548.00 monthly gross wages. (Exhibit 4: Federal SNAP – Income Test, Exhibit 7: Paystubs, and Department Representative Testimony)

Pay Date	Rate	Hours	Gross Wages
██/██/23	\$15.00	24.0	\$360.00
██/██/23	\$15.00	24.0	\$360.00

■/■/23	\$15.00	24.0	\$360.00
■/■/23	\$15.00	24.0	\$360.00
Month Total			\$1,440.00

8. The Department calculated the Spouse's gross monthly wages from the University as \$1,145.52. ■/■/23 \$633.60 + ■/■/23 \$432.00 = \$1,065.60 / 2 biweekly = \$532.80 x 2.15 = \$1,145.52 per month. (Exhibit 4: Federal SNAP – Income Test, Exhibit 8: Work Number, and Department Representative Testimony)
9. The Department calculated the Spouse's monthly self-employment income as \$574.58 per month. \$6,895.00 2022 Annual Self Employment Income / 12 months = \$574.58333. No self-employment expenses were claimed by the Spouse on Schedule C Profit or Loss From Business 2022 Form 1040. (Exhibit 4: Federal SNAP – Income Test, Exhibit 9: 1040 Tax Return, And Department Representative Testimony)
10. The Department calculated the household's gross earnings as \$3,268.10. \$1,548.00 Leasing Company + \$1,145.52 University + \$574.58 Self-Employment = \$3,268.10. (Exhibit 4 and Exhibit 5: Federal SNAP – Income Test)
11. The Department applied an earned income deduction equal to \$653.62. \$3,268.10 x 20% = \$653.62. (Exhibit 4: Federal SNAP – Income Test)
12. The Department determined the standard deduction as \$193.00 per month for a household of two under the SNAP. (Exhibit 4: Federal SNAP – Income Test)
13. The Appellant received the standard utility allowance (“SUA”) of \$921.00. (Exhibit 4: Federal SNAP – Income Test and Department Representative Testimony)
14. The Department determined the Appellant's total shelter costs as \$1,837.25 and the SNAP shelter deduction as \$626.51. \$916.25 rent + \$921.00 SUA = \$1,837.25 total shelter costs. (Exhibit 1: Renewal Application and Exhibit 4: Federal SNAP - Income Test)
15. On ■■■■■ ■■ 2023, the Department determined the household ineligible for continued benefits under the SNAP because the household's net applied income of \$1,794.97 exceeds the SNAP net income limit of \$1,526.00. (Exhibit 4: Federal SNAP – Income Test and Exhibit 3: Notice of Action)
16. On ■■■■■ ■■ 2023, the Department issued the Appellant a Notice of Action closing his benefits under the SNAP effective ■■■■■ ■■ 2023 for

the reason: the monthly net income of your household is more than the limit for this program. (Exhibit 3: Notice of Action)

17. On [REDACTED] [REDACTED] 2023, the Department recalculated SNAP eligibility for the household after receiving proof of the Spouse's contract employment with the University. Per documentation submitted by the Department, SNAP benefits remain closed for [REDACTED] 2023 and [REDACTED] 2023 noting net income of \$1,794.97 exceeds net income limit of \$1,526.00. (Exhibit 10: Email and Federal SNAP – Income Test Updates)
18. The issuance of this decision is timely under Connecticut General Statutes § 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2023. However the hearing which was originally scheduled for [REDACTED] [REDACTED] 2023 was rescheduled to [REDACTED] [REDACTED] 2024 resulting in a [REDACTED]-day delay. The close of the hearing record was extended an additional [REDACTED]-days to allow the Spouse to submit additional evidence. Therefore, this decision is not due until [REDACTED] [REDACTED] 2023.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statute 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.
2. Title 7 Section 273.1(b)(1)(i) of the Code of Federal Regulations ("C.F.R.") provides as follows:

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. Spouses.

The Department correctly determined a household of two, the Appellant and Spouse.

3. Federal regulation provides as follows:

No household may participate beyond the expiration of the certification period assigned in accordance with § 273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the

expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14(a)

Federal regulation provides as follows:

Eligibility for recertification shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. The level of benefits for recertifications shall be based on the same anticipated circumstances, except for retrospectively budgeted households which shall be recertified in accordance with § 273.21(f)(2). If a household, other than a migrant or seasonal farmworker household, submits an application after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with paragraph (a)(1)(ii) of this section. If a household's failure to timely apply for recertification was due to an error of the State agency and therefore there was a break in participation, the State agency shall follow the procedures in § 273.14(e). In addition, if the household submits an application for recertification prior to the end of its certification period but is found ineligible for the first month following the end of the certification period, then the first month of any subsequent participation shall be considered an initial month. Conversely, if the household submits an application for recertification prior to the end of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month.

7 C.F.R. § 273.10(a)(2)

The Department correctly determined the Appellant filed an application for recertification of his benefits under the SNAP on [REDACTED] 2023.

4. "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)

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

Federal regulation provides as follows:

The gross income from a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the costs of doing business as provided in paragraph

(c) of this section. Ownership of rental property shall be considered a self-employment enterprise; however, income derived from the rental property shall be considered earned income only if a member of the household is actively engaged in the management of the property at least an average of 20 hours a week. Payments from a roomer or boarder, except foster care boarders, shall also be considered self-employment income.

7 C.F.R. § 273.9(b)(1)(ii)

The Department correctly determined the Appellant's wages from the Leasing Company as countable household income under SNAP.

The Department correctly determined the Spouse's wages from the University as countable household income under SNAP.

The Department correctly determined the Spouse's self-employment income as countable household income under SNAP.

5. Federal regulation provides as follows:

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)(i)

The Department correctly determined the Appellant's monthly gross wages as \$1,548.00. $\$360.00 / \text{week} \times 4.3 = \$1,548.00$ Refer to Finding of Fact ("FOF") # 7.

Federal regulation provides as follows:

Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer

period of past time if it will provide a more accurate indication of anticipated fluctuations in future income. Similarly, if the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income. The State agency shall exercise particular caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the State agency automatically attribute to the household the amounts of any past income. The State agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

7 C.F.R. § 273.10(c)(1)(ii)

Federal regulation provides as follows:

Households which by contract or self-employment, derive their annual income in a period of time shorter than 1 year shall have that income averaged over a 12-month period, provided the income from the contract is not received on an hourly or piecework basis. These households may include school employees, sharecroppers, farmers, and other self-employed households. However, these provisions do not apply to migrant or seasonal farmworkers. The procedures for averaging self-employed income are described in § 273.11. Contract income which is not the household's annual income and is not paid on an hourly or piecework basis shall be prorated over the period the income is intended to cover.

7 C.F.R. § 273.10(c)(3)(ii)

The Department incorrectly calculated the Spouse's University income as \$1,145.52 per month. Federal regulation states "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." Additionally, federal regulation states contract income that is not hourly is prorated over the period the income is intended to cover. The University income is contract income paid hourly and shall not be prorated, but only applied in the months of receipt. Therefore the correct monthly countable wage from the University equals \$514.80 for ██████████ 2023 and \$00.00 for ██████████ 2023. Pay Date █/█/23 \$396.00 + Pay Date █/█/23 \$118.00 = \$514.80. As the contract with the University ended ██████████ 2023 with the last pay received by the Spouse on ██████████ ██████████ 2023, University income should not be included as anticipated beginning

██████████ ■ 2023 but only applied for ██████████ 2023, the application month.

Federal regulation provides as follows:

The State agency must calculate a household's self-employment income as follows: Self-employment income must be averaged over the period the income is intended to cover, even if the household receives income from other sources. If the averaged amount does not accurately reflect the household's actual circumstances because the household has experienced a substantial increase or decrease in business, the State agency must calculate the self-employment income on the basis of anticipated, not prior, earnings.

7 C.F.R. § 273.11(a)(1)(i)

Federal regulation provides as follows:

For the period of time over which self-employment income is determined, the State agency must add all gross self-employment income (either actual or anticipated, as provided in paragraph (a)(1)(i) of this section) and capital gains (according to paragraph (a)(3) of this section), exclude the costs of producing the self-employment income (as determined in paragraph (a)(4) of this section), and divide the remaining amount of self-employment income by the number of months over which the income will be averaged. This amount is the monthly net self-employment income. The monthly net self-employment income must be added to any other earned income received by the household to determine total monthly earned income.

7 C.F.R. § 273.11(a)(2)(i)

Federal regulation provides as follows:

Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor; stock; raw material; seed and fertilizer; payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods; interest paid to purchase income-producing property; insurance premiums; and taxes paid on income-producing property.

7 C.F.R. § 273.11(b)(1)

The Department correctly calculated the spouse's monthly gross self-employment income as \$574.58 per month. \$6,895.00 2022 Annual Self-employment income - \$00.00 2022 Self-employment

expenses = \$6,895.00 net self-employment / 12 months = \$ 574.58 counted self-employment income.

6. "Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs as described in § 273.9." 7 C.F.R. § 273.10(d)

Federal regulation provides as follows:

Deductions shall be allowed only for the following household expenses:

Notwithstanding paragraphs (d)(1)(i) and (d)(1)(ii) of this section, the standard deduction for FY 2009 for each household in the 48 States and the District of Columbia, Alaska, Hawaii, Guam and the U.S. Virgin Islands shall not be less than \$144, \$246, \$203, \$289, and \$127, respectively. Beginning FY 2010 and each fiscal year thereafter, the amount of the minimum standard deduction is equal to the unrounded amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

7 C.F.R. § 273.9(d)(1)(iii)

United States Department of Agriculture Food and Nutrition Services provides as follows:

Effective October 1, 2022 through September 30, 2023 the standard deduction for the 48 States & District of Columbia for a household of 2 is \$193.00. [United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2023 Cost-of-Living Adjustments, August 9, 2022]

The Department correctly determined the standard disregard as \$193.00.

Federal regulation provides as follows:

Earned income deduction. Twenty percent of gross earned income as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in paragraph (c)(17) of this section.

7 C.F.R. § 273.9(d)(2)

The Department incorrectly determined the earned income deduction as \$653.62. The correct earned income deduction equals \$527.48 for [REDACTED] 2023 and \$424.52 beginning [REDACTED] 2023.

[REDACTED] gross earnings for household:

Leasing Company \$ 1,548.00 + University \$514.80 + Self-employment \$574.58 = \$2,637.38

\$2,637.38 x 20% = \$527.476 earned income deduction

[REDACTED] gross earnings (anticipated) for household:

Leasing Company \$ 1,548.00 + Self-employment \$574.58 = \$2,122.58

\$2,122.58 x 20% = \$424.516

Federal regulation provides as follows:

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.

7 C.F.R. § 273.9(d)(6)(ii)

Federal regulation provides as follows:

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..

7 C.F.R. § 273.9(d)(6)(iii)(A)

Federal regulation provides as follows:

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.

7 C.F.R. § 273.9(d)(6)(iii)(D)

The Department correctly determined the Appellant's shelter costs as \$1,827.25 per month which included the SUA. \$916.25 rent + \$921.00 SUA = \$1,837.25. The household is not subject to the maximum shelter disregard as all household members are elderly.

7. Federal regulation provides the following:

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)(i)

“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)(1)(ii)(A)

Federal regulation provides as follows:

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: the state agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

- 8. Federal regulation provides for the Thrifty Food Plan (TFP) and Maximum SNAP Allotments:

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.

7 CFR § 273.10(e)(4)(i)

United States Department of Agriculture Food and Nutrition Services provides as follows:

Effective October 1, 2022 through September 30, 2023 the maximum monthly SNAP allotment for the 48 States & District of Columbia for a household two equals \$516.00. [United States Department of Agriculture, Food and Nutrition Services, Memorandum SNAP – Fiscal Year 2023 Cost-of-Living Adjustments, August 9, 2022]

The Department incorrectly determined the Appellant’s net applied income exceeds the net applied income limit of the SNAP resulting in a zero benefit for ██████████ 2023 and ██████████ 2023. The household qualifies for a SNAP allotment of \$204.00 for ██████████ 2023 and \$389.00 for ██████████ 2023. Refer to SNAP calculation charts below.

██████████ 2023 SNAP	
SNAP	
Total household earnings	\$2,637.38
Less 20%	<u>-\$527.48</u>
Net earnings	<u>\$2,109.90</u>
Plus Unearned Income	<u>+\$00.00</u>
Total	\$2,109.90
Less standard deduction	<u>\$193.00</u>
Adjusted gross income	\$1,916.90
<u>SHELTER COSTS</u>	
Rent	\$916.25
SUA	<u>+\$921.00</u>
Total shelter costs	\$1,837.25
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,837.25

Less 50% of adjusted gross income	<u>-\$958.45</u>
Total shelter hardship	\$878.80
ADJUSTED NET INCOME	
Adjusted gross income	\$1,916.90
Less shelter hardship	<u>-\$878.80</u>
Net Adjusted Income (NAI)	\$1,038.10
BENEFIT CALCULATION	
Thrifty Food Plan for # Person/s	\$516.00
Less 30% of NAI	<u>\$312.00</u>
August SNAP award	\$204.00

██████████ 2023 SNAP

SNAP	
Total household earnings	\$2,122.58
Less 20%	<u>-\$424.52</u>
Net earnings	\$1,698.06
Plus Unearned Income	<u>+\$00.00</u>
Total	\$1,698.06
Less standard deduction	<u>\$193.00</u>
Adjusted gross income	\$1,505.06
SHELTER COSTS	
Rent	\$916.25
SUA	<u>+\$921.00</u>
Total shelter costs	\$1,837.25
SHELTER HARDSHIP	
Shelter costs	\$1,837.25
Less 50% of adjusted gross income	<u>-\$752.53</u>
Total shelter hardship	\$1,084.72
ADJUSTED NET INCOME	
Adjusted gross income	\$1,505.06
Less shelter hardship	<u>-\$1,084.72</u>
Net Adjusted Income (NAI)	\$420.34
BENEFIT CALCULATION	
Thrifty Food Plan for # Person/s	\$516.00
Less 30% of NAI	<u>\$127.00</u>

September SNAP award	\$389.00
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9. Federal regulation provides as follows:

If a household files an application within 30 days after the end of the certification period, the application shall be considered an application for recertification; however, benefits must be prorated in accordance with § 273.10(a). If a household's application for recertification is delayed beyond the first of the month of what would have been its new certification period through the fault of the State agency, the household's benefits for the new certification period shall be prorated based on the date of the new application, and the State agency shall provide restored benefits to the household back to the date the household's certification period should have begun had the State agency not erred and the household been able to apply timely

7 C.F.R. § 273.14(e)(3)

On [REDACTED] [REDACTED] 2023, the Department incorrectly determined the Appellant ineligible for ongoing SNAP benefits beginning [REDACTED] [REDACTED] 2023, effectively denying the Appellant's renewal application for continued benefits under the SNAP. The Department incorrectly determined the Appellant's net applied income is greater than the SNAP net income limit. The Appellant and Spouse qualify for continued SNAP benefits effective [REDACTED] [REDACTED] 2023.

DECISION

The Appellant's appeal is granted.

ORDER

1. The Department must correct the University wages from \$1,145.52 to \$514.80 for [REDACTED] 2023 and \$00.00 for [REDACTED] 2023, and ongoing months as appropriate.
2. The Department must recalculate SNAP eligibility for [REDACTED] 2023 and [REDACTED] 2023 resulting in eligibility for the household under the SNAP beginning [REDACTED] [REDACTED] 2023.
3. The Department must issue SNAP benefits due the household for [REDACTED] 2023 and [REDACTED] 2023 as calculated under Conclusion of Law #8 SNAP Calculation Charts, and if appropriate any ongoing months.

4. Compliance is due 10 days from the date of this decision.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Annjerry Garcia, SSOM RO #30
Robert Stewart, SSOM RO #30
Jamel Hilliard, SSOM RO #30
Meri Young, FHL RO #30

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.