

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 # 223310

NOTICE OF DECISION

PARTY

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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 increasing from \$183.00 to \$202.00 per month, effective ██████████ 2023.

On ██████████ 2023, the Appellant requested an administrative hearing because she disagrees with the amount of 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
- Carlos Duenas, Interpreter
- Barbie Morales, Department’s Representative
- Kristin Haggan, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly increased the Appellant's SNAP benefit amount to \$202.00 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 spouse. (*Appellant's Testimony, Hearing Record*)
2. The Appellant is [REDACTED] years old (DOB [REDACTED]), and her spouse is [REDACTED] years old (DOB [REDACTED]). Both household members are disabled. (*Appellant's Testimony*)
3. The Appellant receives a monthly Social Security Disability Income ("SSDI") benefit of \$972.00, and her spouse receives a monthly Social Security Income ("SSI") benefit of \$914.00. (*Appellant's Testimony, Exhibit 2: NOA*)
4. The Appellant reported to the Department in [REDACTED] of 2022 that her rent expense was \$510.00 per month. The Appellant's heat expense is included in her rent expense. The Department used the Standard Utility Allowance ("SUA") when determining the Appellant's SNAP benefit amount. (*Appellant's Testimony, Exhibit 2*)
5. The Appellant's household does not pay any daycare expenses, childcare expenses, or out-of-pocket medical expenses. (*Appellant's Testimony*)
6. On [REDACTED] 2023, the Department updated its Impact system with new income limits and standards for the fiscal year beginning [REDACTED] 2023. The Department issued the Appellant an NOA informing her that her monthly SNAP benefit was increasing from \$183.00 to \$202.00 effective [REDACTED] 2023. (*Department's Testimony, Exhibit 2, Exhibit 4: Income Limits & Standards Chart as of [REDACTED]/23*)
7. 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) 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.
 - i. Spouses;

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

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 contains elderly and disabled members, and must meet the net 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)(2) states that "Unearned income shall include, but not be limited to: (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.

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 considered the Appellant's monthly gross SSDI benefit of \$972.00 and her spouse's monthly gross SSI benefit of \$914.00 as unearned income in the calculation of her SNAP benefits.

The Department correctly calculated the Appellant's total monthly gross income as \$1886.00 (\$972 + \$914).

5. 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's household eligible for the \$198.00 standard deduction for a household of two people for the month of October 2023.

6. 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 of \$510.00 per month (rent) based on the information that the Appellant reported to the Department in [REDACTED] 2022.

The Department correctly applied the SUA of \$912.00 when calculating the Appellant's SNAP benefit for the month of [REDACTED] 2023.

The Department correctly calculated the Appellant's total shelter costs of \$1422.00 (\$510 rent + \$912 SUA).

- 7. 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 \$1688.00 (\$1886.00 – \$198 standard deduction), effective [REDACTED] 2023.

The Department correctly determined that the Appellant's monthly excess shelter costs are \$578.00 (total shelter costs of \$1422 – 50% of the adjusted gross income of \$844), effective [REDACTED] 2023.

The Department correctly determined the Appellant's monthly net adjusted income is \$1110.00 (\$1688 - \$578), effective [REDACTED] 2023.

- 8. 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 \$333.00 (\$1110 x 30%) effective [REDACTED] 2023.

9. 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 members from October 1, 2023, through September 30, 2024, is \$535.00.

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

SNAP BENEFIT CALCULATION

INCOME	
Earned Income	\$0
+ Unearned income	<u>\$1886.00</u>
= Total income	\$1886.00
- Standard deduction	-\$198.00
- Medical expenses	\$0.00
-Dependent care expenses	<u>\$0.00</u>
=Adjusted gross income	\$1688.00
<u>SHELTER COSTS</u>	
Rent	\$510.00
+ SUA	<u>\$912.00</u>
=Total shelter costs	\$1422.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1422.00
Less 50% of adjusted gross income	<u>-\$844.00</u>
= Total shelter hardship (max \$672.00 if not disabled or elderly)	\$578.00

ADJUSTED NET INCOME	
Adjusted gross income	\$1688.00
Less shelter hardship	<u>-\$578.00</u>
Net Adjusted Income (NAI)	\$1110.00
BENEFIT CALCULATION	
Thrifty Food Plan for two persons	\$535.00
Less 30% of NAI (rounded up to nearest whole dollar)	<u>\$333.00</u>
SNAP AWARD	\$202.00

The Department correctly determined that the Appellant is entitled to a monthly SNAP benefit of \$202.00 effective [REDACTED] 2023.

DISCUSSION

The Appellant reported during the hearing that her monthly rent expense had increased to \$556.00. She stated that she had not reported this change to the Department prior to the hearing.

The undersigned encourages the Department to follow up with the Appellant regarding her new rent expense amount to determine her SNAP benefit amount for future months.

On [REDACTED] 2023, the Department correctly calculated the Appellant's SNAP benefit amount of \$202.00 effective [REDACTED] 2023, based on the most current information it had at that time.

DECISION

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

Kristin Haggan

Kristin Haggan
Fair Hearing Officer

CC: Josephine Savastra, SSOM, Hartford Regional Office
Lindsey Collins, SSOM, Hartford Regional Office
Mathew Kalarickal, SSOM, Hartford Regional Office
David Mazzone, SSOM, Hartford Regional Office
Wilfredo Medina, FH Liaison Supervisor, Hartford Regional Office
Barbie Morales, FH Liaison, Hartford 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.