

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 # 223598

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 2023, the Department of Social Services (the "Department") issued a notice of action to ██████████ (the "Appellant"). The notice informed the Appellant he is eligible for benefits under the Supplemental Nutritional Assistance Program ("SNAP") in the amount of \$37.00 per month beginning ██████████ 2023.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the amount of his benefits under the SNAP.

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 an administrative hearing.

The following individuals called in for the hearing:

██████████ Appellant  
Carmela Merritt, Department Representative  
Lisa Nyren, Fair Hearing Officer

The hearing record remained open through [REDACTED] [REDACTED] 2023 to allow the Appellant to submit additional evidence from the SCSEP for review. The Appellant submitted a letter from the training program. On [REDACTED] [REDACTED] 2024, the hearing record closed.

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's calculation of the Appellant's SNAP benefits as \$37.00 beginning [REDACTED] [REDACTED] 2023 is correct.

### **FINDINGS OF FACT**

1. The Appellant receives benefits under the SNAP for himself. (Hearing Record)
2. The Appellant is age [REDACTED] and disabled. (Appellant Testimony)
3. On [REDACTED] [REDACTED] 2022, the Appellant began working for [REDACTED] (the "employer") under the Senior Community Service Employment Program, MaturityWorks ("SCSEP"). The SCSEP is a voluntary training program for disabled adults over age fifty (50). (Appellant Testimony, Exhibit 2: Equifax Consumer Employment & Income Report, and Exhibit A: SCSEP Letter)
4. The Appellant's most recent certification period began [REDACTED] [REDACTED] 2023 and expires on [REDACTED] [REDACTED] 2024. (Exhibit 3: Federal SNAP – Income Test)
5. The Appellant receives Social Security Disability benefits ("SSDI") of \$1,012.00 monthly. (Stipulated)
6. The Department determined the Appellant's biweekly gross wages from the employer as \$455.00 based on [REDACTED] [REDACTED] 2023 and [REDACTED] [REDACTED] 2023 gross pays for the current certification period ([REDACTED] 2023 – [REDACTED] 2024).  $\$490.00 + \$420.00 = \$910.00 / 2 \text{ weeks} = \$455.00$  biweekly. (Exhibit 2: Equifax Consumer Employment & Income Report, Department Representative Testimony, and Exhibits 5 - 8: Notice(s) of Action)
7. The Department determined the Appellant's counted monthly gross wages as \$978.25 from the employer.  $\$455.00 \text{ biweekly} \times 2.15 = \$978.25$ . (Exhibit 3: Federal SNAP Income Test and Department Representative Testimony)

8. On [REDACTED] [REDACTED] 2023, the Appellant submitted his Periodic Report Form (“PRF”) to the Department reporting no changes in earnings, income, or rent. (Department Representative Testimony)
9. The Department determined the standard deduction as \$198.00 per month for a household of one under the SNAP effective [REDACTED] [REDACTED] 2023. (Exhibit 3: Federal SNAP – Income Test)
10. The Appellant received an earned income deduction equal to \$195.65.  $\$978.25$  gross earnings  $\times$  20% = \$195.65 earned income deduction. (Exhibit 3: Federal SNAP - Income Test)
11. The Appellant and his older brother live together. The Appellant and his older brother live in public housing with a section 8 certificate. The Appellant pays \$637.00 per month for rent. Heating costs are not included in the rent. The Appellant pays for lights and gas. The Appellant received help paying his gas bill under the Connecticut Energy Assistance Program (CEAP). (Appellant’s Testimony)
12. The Appellant received the standard utility allowance (“SUA”) of \$912.00. (Exhibit 3: Federal SNAP - Income Test)
13. The Department determined the Appellant’s shelter deduction as \$750.70. (Exhibit 3: Federal SNAP - Income Test)
14. Beginning [REDACTED] [REDACTED] 2023, the Department determined the Appellant’s monthly SNAP allotment as \$37.00. (Exhibit 2: Notice of Action)
15. On [REDACTED] [REDACTED] 2023, the Appellant submitted a request for an administrative hearing to contest the Department’s calculation of SNAP benefits as \$37.00. The SCSEP informed the Appellant that wages from the employer are excluded under SNAP and he is entitled to an increase in SNAP benefits. (Appellant Testimony)
16. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2023. However, the close of the hearing record which had been anticipated to close on [REDACTED] [REDACTED] 2023 did not close for the admission of evidence until [REDACTED] [REDACTED] 2023 at the Appellant’s request. Due to the [REDACTED]-day delay in the close of the hearing record, this final decision is due not later than [REDACTED] [REDACTED] 2024 and is therefore timely.

## 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(a)(2) of the Code of Federal Regulations ("C.F.R.") provides as follows:

A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others.

**The Department correctly determined a household of one, the Appellant.**

3. "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)

Federal regulation provides as follows:

The Senior Community Service Employment Program (SCSEP) is a program administered by the Department of Labor that serves unemployed low-income persons who are 55 years of age and older and who have poor employment prospects by training them in part-time community services assignments and by assisting them in developing skills and experience to facilitate their transition to unsubsidized employment.

20 C.F.R. § 641.110

Federal regulation provides as follows:

The regulations in this part address the requirements that apply to the SCSEP. More detailed policies and procedures are contained in administrative guidelines issued by the Department. Throughout this part, phrases such as, "according to instructions (procedures) issued by the Department" or "additional guidance will be provided through administrative issuance" refer to the documents issued under the Secretary's authority to administer the SCSEP, such as Training and Employment Guidance Letters (TEGLs), Training and Employment Notices (TENs), previously issued SCSEP Older Worker Bulletins that are still in effect, technical assistance guides, and other SCSEP guidance.

## 20 C.F.R. § 641.130

U.S. Department of Labor provides guidance regarding an Exemption of SCSEP Wages from Income Eligibility Determinations for Federal Housing Programs and/or Food Stamps as follows: Funds received by eligible individuals from projects carried out under the program established in this title [the Senior Community Service Employment Program] shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other persons, to participate in any housing program for which Federal funds may be available or for any income determination under the Food Stamp Act of 1977. [Employment and Training Administration, Advisory System, U.S. Department of Labor, Washington, D.C. 20210, Classification SCSEP, Training and Employment Guidance Letter No. 11-06, December 28, 2006]

Title 42 United States Code Section 3056g provides as follows:

Employment assistance and Federal housing and supplemental nutrition assistance programs. Funds received by eligible individuals from projects carried out under the program established under this subchapter shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other individuals, to participate in any housing program for which Federal funds may be available or for any income determination under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

Federal Regulation provides as follows:

Any income that is specifically excluded by any other Federal statutes from consideration as income for the purpose of determining eligibility for SNAP. The following laws provides such an exclusion: Allowances, earnings, pr payments (including reimbursements) to individuals participating in programs under the Workforce Investment Act of 1998, except as provided for under paragraph (b)(1)(v) of this section.

## 7 C.F.R. § 273.9(c)(10)(v)

**The Department incorrectly determined the Appellant's wages under the SCSEP as counted income under the SNAP. The Department incorrectly included the Appellant's wages from his employer in the SNAP calculation. Such wages are excluded under the SNAP.<sup>1</sup>**

Federal regulation provides as follows:

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<sup>1</sup> State of Connecticut, Department of Aging and Disability Services, Senior Community Service Employment Program Employment Plan, State Plan Program Year 2020 through 2023, July 1, 2021 through June 30, 2024. Ned Lamont Governor, Amy Porter Commissioner.

Unearned income shall include, but not be limited to:

Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in § 272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

7 C.F.R. § 273.9(b)(2)(ii)

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)

**The Department correctly included the Appellant's SSDI in the calculation of SNAP benefits.**

4. 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 SSDI as \$1,012.00.**

5. Federal regulation provides as follows:

*Income eligibility standards.* 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 SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible as defined in §273.2(j)(2) or 273.2(j)(4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

7 C.F.R. § 273.9(a)

Federal regulation provides as follows:

Any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determining to confer categorical eligibility.

7 C.F.R. § 273.2(j)(2)(ii)(C)

The Department of Health and Human Services lists the annual 2023 Poverty Guidelines for the 48 Contiguous States and the District of

Columbia \$14,580.00 annually for a household of one. [Federal Register, Vol. 88, No. 12, January 19, 2023]

Under expanded categorical eligibility (“ECE”), the gross income limit for a household of one is \$2,430.00 per month. ( $\$14,580.00 \text{ annual FPL} / 12 \text{ months} = \$1,215.00 \text{ per month FPL} \times 200\% = \$2,430.00$ )

**The Department incorrectly determined the gross monthly household income as \$1,990.25, which included both the Appellant’s wages and SSDI. The correct gross household income equals \$1,012.00 per month, SSDI. Wages under the SCSEP are excluded under SNAP.**

**Although the Department incorrectly calculated the Appellant’s monthly gross household income, there is no impact on the determination of categorically eligible under ECE. The Department correctly determined the SNAP household as categorically eligible under ECE because the household income of \$1,012.00 month is below the income limit under ECE of \$2,430 per month.**

**The Department correctly determined the SNAP household is not subject to the gross income test and the net income test because the household is categorically eligible.**

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)



Effective October 1, 2023 through September 30, 2024 the standard deduction for the 48 States & District of Columbia for a household of 1 is \$198.00. (United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2024 Maximum Allotments and Deductions, [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap), Memorandum SNAP – Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023)

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 applied the earned income deduction. As the Appellant's wages under the SCSEP are exempt under SNAP, the Appellant does not qualify for an earned income deduction.**

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:

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

indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

7 C.F.R. § 273.9(d)(6)(iii)(C)

**The Department correctly determined the standard disregard as \$198.00 for a household of one.**

**The Department correctly determined the Appellant's shelter costs as \$1,549.00 per month which includes the cost of rent and the standard utility allowance ("SUA") of \$912.00. \$637.00 rent + \$912.00 SUA = \$1,549.00.**

**The Department incorrectly determined the excess shelter deduction as \$750.70. The correct excess shelter deduction equals \$1,142.00. Refer to Conclusion of Law #8 SNAP calculation chart.**

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](http://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, 2023 through September 30, 2024 the maximum monthly SNAP allotment for the 48 States & District of Columbia for a household one equaled \$291.00. (United States Department of Agriculture, Food and Nutrition Services, Fiscal Year (FY) 2024 Maximum Allotments and Deductions, [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap), Memorandum SNAP – Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023)

**The Department incorrectly determined the Appellant’s SNAP allotment as \$37.00 beginning [REDACTED] 2023. The correct monthly SNAP allotment equals \$291.00.**

<b>INCOME</b>	
Counted Earned Income	\$00.00
Less 20%	\$00.00
<b>Total Counted Wages</b>	<b>\$00.00</b>
Plus Unearned Income	\$1,012.00
<b>Total counted household income</b>	<b>\$1,012.00</b>
Less standard deduction	\$198.00
<b>Adjusted gross income</b>	<b>\$814.00</b>
<b>SHELTER COSTS</b>	
Rent	\$637.00
SUA	\$912.00
<b>Total shelter costs</b>	<b>\$1,549.00</b>
<b>SHELTER HARDSHIP</b>	
Shelter costs	\$1,549.00

Less 50% of adjusted gross income	<u>\$407.00</u>
<b>Total shelter hardship</b>	<b>\$1,142.00</b>
<b>ADJUSTED NET INCOME</b>	
Adjusted gross income	\$814.00
Less shelter hardship	<u>\$1,142.00</u>
<b>Net Adjusted Income (NAI)</b>	<b>(-\$328.00)</b>
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for # Person/s	291.00
Less 30% of NAI	<u>(\$00.00)</u>
<b>SNAP award</b>	<b>\$291.00</b>

9. Federal regulation provides as follows:

The State agency shall restore to households benefits which were lost whenever the loss was caused by an error by the State agency or by an administrative disqualification for intentional Program violation which was subsequently reversed as specified in [paragraph \(e\)](#) of this section, or if there is a statement elsewhere in the regulations specifically stating that the household is entitled to restoration of lost benefits. Furthermore, unless there is a statement elsewhere in the regulations that a household is entitled to lost benefits for a longer period, benefits shall be restored for not more than twelve months prior to whichever of the following occurred first:

- i. The date the State agency receives a request for restoration from a household; or
- ii. The date the State agency is notified of otherwise discovers that a loss to a household has occurred.

7 C.F.R. § 273.17(a)(1)

Federal regulation provides as follows:

If the State agency determines that a loss of benefits has occurred, and the household is entitled to restoration of those benefits, the State agency shall automatically take action to restore any benefits that were lost. No action by the household is necessary. However, benefits shall not be restored if the benefits were lost more than 12 months prior to the month the loss was discovered by the State agency in the normal course of business, or were lost more than 12 months prior to the month the State agency was notified in writing or orally of a possible loss to a specific

household. The State agency shall notify the household of its entitlement, the amount of benefits to be restored, any offsetting that was done, the method of restoration, and the right to appeal through the fair hearing process if the household disagrees with any aspect of the proposed lost benefit restoration.

7 C.F.R. § 273.17(b)

**The Department is encouraged to evaluate the Appellant's eligibility for restoration of lost benefits under the SNAP.**

**DECISION**

The Appellant's appeal is granted.

**ORDER**

1. The Department must exclude the Appellant's wages under the SCSEP, recalculate SNAP eligibility, and issue the Appellant SNAP benefits due beginning [REDACTED] 2023.
2. Compliance is due 10 days from the date of this decision.

Lisa A. Nyren  
Lisa A. Nyren  
Fair Hearing Officer

CC: Jessica Carroll, SSOM RO #40  
Carmela Merritt, FHL RO #40

### **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.