

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

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

Case ID ██████████  
Client ID ██████████  
Request # 226823

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 2023, the Department of Social Services (the “Department”) issued ██████████ (the “Appellant”) a notice of action informing him that his benefits under the Supplemental Nutrition Assistance Program (“SNAP”) will be reduced to 23.00 per month beginning ██████████ 2023.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department’s calculation of his 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 an administrative hearing.

The following individuals called in for the hearing:

██████████ Appellant  
Javier Rivera, Department Representative, participated by teleconference  
Christine Faucher, Department Representative  
Lisa Nyren, Hearing Officer

The record remained open for the submission of additional evidence from the Department and a review of such evidence by the Appellant. On ██████████ 2023, the record closed.

### STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's calculation of the Appellant's SNAP benefits as \$23.00 per month beginning ██████████ 2023 is correct.

### FINDINGS OF FACT

1. The Appellant receives SNAP benefits for a household of one: the Appellant. The SNAP certification period began ██████████ 2022 and ends on ██████████ 2025. (Hearing Record)
2. The Appellant is ██████████ years old born on ██████████. (Exhibit 6: W-1QMB Application for Medicare Savings Programs)
3. Every ██████████ the Appellant receives a yearly distribution from an IRA he inherited from his mother. When averaged over a 12-month period, the Appellant's current monthly distribution equals \$150.00 per month. (Appellant Testimony and Exhibit 6: W-1QMB Application for Medicare Savings Programs)
4. In 2021, the annual IRA equaled \$2,555.79 or \$212.98 per month.  $\$2,555.79 / 12 \text{ months} = \$212.9825$ . (Exhibit 15: Federal SNAP – Income Test and Exhibit 20: 1099-R)
5. The Appellant qualified for Social Security Retirement ("SSA") benefits of \$2,047.00 per month beginning ██████████ 2023. The Appellant received his first check for Social Security on ██████████ 2023 as benefits are paid in the month that follows the month the benefit is due. The Appellant qualified for Medicare Part A and Part B effective ██████████ 2023. (Stipulated)
6. On ██████████ 2023, the Appellant submitted an application requesting medical benefits under the Medicare Savings Program ("MSP") as administered by the Department. The Appellant listed his sources of income as monthly social security \$2,047.00 and an IRA as \$150.00 monthly. The Department approved the Appellant's application for MSP under the Qualified Medicare Beneficiary ("QMB") effective ██████████ 2023. (Exhibit 3: Case Notes, Exhibit 6: W-1QMB Application for Medicare Savings Programs, and Exhibit 7: Notice of Action)
7. The Appellant has not incurred any out of pocket medical costs. (Appellant Testimony)

8. On [REDACTED] [REDACTED] 2023, the Department issued a Notice of Action informing the Appellant of the MSP QMB eligibility beginning [REDACTED] [REDACTED] 2023 and a reduction in SNAP effective [REDACTED] [REDACTED] 2023 from \$281.00 monthly to \$23.00 per month based on a Department review of SNAP benefits. The notice lists the Appellant's income as \$2,047.40 monthly SSA and other countable as \$150.00 per month. The notice lists the Appellant's expenses as mortgage \$00.00, condominium associate fee \$316.00 monthly, homeowner's insurance as \$52.50 per month, property taxes as \$241.00 per month, and heating and cooling expense as varies monthly. (Exhibit 7: Notice of Action)
9. The Appellant owns his condominium where he resides alone. The Appellant 2023 annual property tax equaled \$3,991.56. The Appellant's homeowner insurance 12-month premium for the policy period [REDACTED]/[REDACTED]/23 through [REDACTED]/[REDACTED]/24 equals \$784.00 annually. The Appellant's condominium common charges for 2023 equals \$332.00 monthly. Condominium common charges increase to \$346.00 per month beginning [REDACTED] 2024. (Exhibit 11: Insurance Document, Exhibit 12: Tax Bill, Exhibit 13: Condominium Common Charges, and Appellant Testimony)
10. On [REDACTED] [REDACTED] 2023, the Appellant submitted an online change report to the Department. The Appellant reported he pays for utilities and pays heating and cooling separate from his shelter expenses. (Exhibit 4: Case Notes and Exhibit 8: Online Change Report)
11. On [REDACTED] [REDACTED] 2023, the Appellant submitted an online change report to the Department reporting an increase in condominium common charges to \$346.00 monthly. (Exhibit 4: Case Notes and Exhibit 9: Online Change Report)
12. On [REDACTED] [REDACTED] 2023, the Department issued the Appellant a notice of action. The notice informed the Appellant the Department reviewed his SNAP benefits and benefits remain the same at \$23.00 per month. The notice lists the Appellant's income as \$2,047.40 monthly SSA and other countable as \$150.00 per month. The notice lists the Appellant's expenses as mortgage \$00.00, condominium associate fee \$346.00 monthly, homeowner's insurance as \$52.50 per month, property taxes as \$241.00 per month, and heating and cooling expense as varies monthly. (Exhibit 4: Case Notes and Exhibit 10: Notice of Action)
13. On [REDACTED] [REDACTED] 2023, the Appellant submitted the following verifications:
  - Real Estate Tax Bill 2023 Total Tax Due \$3,991.56, Payment Due Date [REDACTED] [REDACTED] 2024 \$1,995.78
  - [REDACTED] Condominium Associate 2024 Common Charges, 2023 Monthly fee \$332.00, 2024 Monthly fee \$346.00
  - [REDACTED] Insurance Policy Declaration, Total 12 Month Premium \$784.00, policy period [REDACTED] [REDACTED] 2023 – [REDACTED] [REDACTED] 2024

(Exhibit 5: Case Notes, Exhibit 11: Homeowners Insurance, Exhibit 12: Real Estate Tax Bill, and Exhibit 13: Condominium Common Charges)

14. On [REDACTED] [REDACTED] 2023, the Department issued the Appellant a notice of action. The notice informed the Appellant the Department reviewed his SNAP benefits and benefits will increase to \$99.00 per month beginning [REDACTED] [REDACTED] 2023. The notice lists the Appellant's income as \$2,047.40 monthly SSA and other countable as \$150.00 per month. The notice lists the Appellant's expenses as mortgage \$00.00, condominium associate fee \$332.00 monthly, homeowner's insurance as \$784.00 per month, property taxes as \$1,995.78 semi-annually, and heating and cooling expense as varies monthly. (Exhibit 5: Case Notes and Exhibit 19: Notice of Action)
15. The Department determined the Appellant eligible for the standard utility allowance ("SUA") of \$912.00 under the SNAP. (Exhibit 16: Federal SNAP – Income Test, Exhibit 17: Federal SNAP – Income Test, and Department Representative Testimony)
16. The Department determined the Appellant eligible for the standard deduction of \$198.00 per month. (Exhibit 16: Federal SNAP – Income Test, Exhibit 17: Federal SNAP – Income Test, and Department Representative's Testimony)
17. For [REDACTED] 2023 and [REDACTED] 2023, the Department determined the Appellant's total shelter costs as \$1,551.500. \$639.50 housing + \$912.00 SUA = \$1,142.00. (Exhibits 16 and 17: Federal SNAP – Income Test)
18. Beginning [REDACTED] 2023, the Department determined the Appellant's total shelter costs as \$2,360.63. \$1,448.63 housing + \$912.00 SUA = \$2,360.63. (Exhibit 18: Federal SNAP – Income Test)
19. For [REDACTED] 2023 and [REDACTED] 2023, the Department determined the Appellant eligible for a shelter deduction equaling \$551.80. (Exhibits 16 and 17: Federal SNAP – Income Test)
20. For [REDACTED] 2023, the Department determined the Appellant eligible for a shelter deduction equaling \$1,361.13. (Exhibit 18: Federal SNAP – Income Test)
21. Effective [REDACTED] [REDACTED] 2023, the maximum monthly SNAP allotment for a household of one equals \$291.00 for a household with no source of income. (Exhibits 16, 17, and 18: Federal SNAP – Income Test and Department Representative Testimony)
22. For [REDACTED] 2023 and [REDACTED] 2023, the Department determined the Appellant eligible for \$23.00 per month under the SNAP. (Exhibits 16 and 17: Federal SNAP – Income Test)
23. Beginning [REDACTED] 2023, the Department determined the Appellant eligible for \$99.00 per month under the SNAP. (Exhibit 18: Federal SNAP – Income Test)

24. 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] 2023. However, the close of the hearing record which had been anticipated to close on [REDACTED] 2023 did not close for the admission of additional evidence until [REDACTED] 2023. Due to the [REDACTED]-day delay in the close of the hearing record, this decision is not due until [REDACTED] 2024, and therefore timely.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statutes (“Conn. Gen. Stats.”) provides as follows:

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)(1) 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 alone.

**The Department correctly determined an assistance unit of one: the Appellant.**

3. “Definition of Income. 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:

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)

“Payments from Government-sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit.” 7 C.F.R. § 273.9(b)(2)(v)

**The Department correctly determined the Appellant's SSA income is counted in the calculation of SNAP benefits for the assistance unit.**

**The Department correctly determined the Appellant's IRA distribution is counted in the calculation of SNAP benefits for the assistance unit.**

4. Federal regulation provides as follows:

*Determining Income-Anticipating income.* For the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by §273.12.

7 C.F.R. § 273.10(c)(1)(i)

Federal regulation provides as follows:

*Income only in month received.* 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)

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 correctly determined the Appellant's gross SSA benefit as \$2,047.00 per month as by the Appellant and verified by an automated data match.**

**The Department reduced the Appellant's gross monthly IRA distribution from \$212.98 per month to \$150.00 per month effective [REDACTED] 2023 as reported by the Appellant on his [REDACTED] 2023 application for the MSP.**

5. Federal regulation provides as follows:

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:

The State agency, at its option, may extend categorical eligibility to the following household only if doing so will further the purposes of the food and Nutrition Act of 2008: Subject to FNS approval, 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 three and four of the TANF block grant, as set forth in Section 401 of [P.L. 104-193](#), and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.

7 C.F.R. § 273.2(j)(2)(ii)(B)

“The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.” 7 C.F.R. § 273.9(a)(3)

The Department of Health and Human Services Annual Update of the HHS Poverty Guidelines lists the 2023 Poverty Guidelines for the 48 Contiguous States and the District of Columbia for a household of one as \$14,580.00. [Federal Register/Vol. 88, No. 12/Thursday, January 19, 2023/Notices]

**The Department correctly determined the Appellant as categorically eligible under expanded categorical eligibility criteria because the Appellant’s monthly gross income \$2,197.00 is below 200% of the FPL \$2,430.00.**

**\$14,580.00 annual FPL / 12 months = \$1,215.00 monthly FPL  
\$1,215.00 monthly FPL x 200% = \$2,430.00 Gross income limit under ECE  
\$2,047.00 SSA + \$150.00 IRA = \$2,197.00 gross income**

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

Federal regulation provides in pertinent part as follows:

Deductions shall be allowed only for the following household expenses:

*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.

7 C.F.R. § 273.9(d)(1)(i)

For the period October 1, 2023 through September 30, 2024, the standard deduction for the 48 States and DC for a household of one equals \$198.00. (United States Department of Agriculture (“USDA”), Food and Nutrition Service (“FNS”) Memorandum SNAP – Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023)

**The Department correctly determined the standard deduction for a household of one under the SNAP as \$198.00 per month. Refer to Conclusion of Law (“COL”) # 9.**



*Excess medical deduction.* That portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is elderly or disabled as defined in [§ 271.2](#). Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. Allowable medical costs are:

- i. Medical and dental care including psychotherapy and rehabilitation services provided by a licenses practitioner authorized by State law or other qualified health professional.
- ii. Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the State.
- iii. Prescription drugs, when prescribed by a licensed practitioner authorized under State law, and other over-the-counter medication (including insulin), when approved by a licensed practitioner or other qualified health professional.
- iv. Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump sum settlements for death or dismemberment or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible;
- v. Medicare premiums related to coverage under Title XVIII of the Social Security Act; any cost-sharing or spend down expenses incurred by Medicaid recipients;
- vi. Dentures, hearing aids, and prosthetics;
- vii. Securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills;
- viii. Eyeglasses prescribed by a physician skilled in eye disease or by an optometrist;
- ix. Reasonable cost of transportation and lodging to obtain medical treatment or services;
- x. Maintaining an attendant, homemaker, home health aide, or childcare services, housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one-person benefit allotment shall be deducted if the household furnishes the majority of the attendant's meals. The allotment for this meal related deduction shall be that in effect at the time of initial certification. The State agency is only required to update the allotment amount at the next scheduled recertification; however, at their option, the State agency may do so earlier. If a household incurs attendant care costs that could qualify under both the medical deduction of [§](#)

[273.9\(d\)\(3\)\(x\)](#) and the dependent care deduction of [§ 273.9\(d\)\(4\)](#), the costs may be deducted as a medical expense or a dependent care expense, but not both.

7 C.F.R. § 273.9(d)(3)

**The Department correctly determined the Appellant does not qualify for an excess medical deduction as the Appellant reported zero out of pocket medical costs. The MSP pays his Medicare Part B monthly premium.**

*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:

*Standard utility allowances.* 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)

For the period October 1, 2023 through September 30, 2024, the standard utility allowance for Connecticut equals \$912.00. (United States Department of Agriculture, Food and Nutrition Service SNAP SUA Table FY2024, September 29, 2023)

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 Appellant eligible for the SUA because the Appellant incurs heating and cooling expenses separate from his condominium charges. The Department correctly determined the SUA as \$912.00 effective [REDACTED] 2023.**

**Effective [REDACTED] 2023, the Department incorrectly determined the monthly housing costs as \$639.50. The correct monthly housing costs equals \$609.50 effective [REDACTED] 2023 as the Appellant did not report the increase in the condominium common charges until [REDACTED] 2023. \$241.00 monthly property tax + \$316.00 monthly condominium common charges + \$52.50 monthly homeowners insurance = \$609.50 total housing costs.**

**\$609.50 housing costs + \$912.00 SUA = \$1,521.50 Total Shelter Costs for [REDACTED]/23**

**Effective [REDACTED] 2023, the Department correctly determined the monthly housing costs as \$639.50. \$241.00 monthly property tax + 346.00 monthly condominium common charges + \$52.50 monthly homeowners insurance = \$639.50 total housing costs.**

**\$639.50 housing costs + \$912.00 SUA = \$1,551.50 Total Shelter Costs for [REDACTED]/23**

**Effective [REDACTED] 2023, the Department incorrectly determined the monthly housing costs as \$1,448.63. The correct monthly housing costs equal \$729.96. \$332.63 monthly property tax + \$332.00 monthly condominium common charge + \$65.33 monthly homeowners insurance = \$729.96 total housing costs.**

**\$3,991.56 annual property taxes / 12 months = \$332.63**

**\$332.00 = 2023 monthly condominium common charge<sup>1</sup>**

**\$784.00 annual homeowner's insurance premium / 12 months = 65.333**

**\$729.96 housing costs + \$912.00 SUA = \$1,641.96 Total Shelter Costs for [REDACTED]/23**

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<sup>1</sup> Scheduled to increase to \$346.00 per month beginning [REDACTED] 2024.

**Refer to COL #9.**

7. Federal regulation provides as follows:

*Calculating net income and benefit levels-Net monthly income.* To determine a household's net monthly income, the State agency shall:

- A. Add 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 in § 273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated 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 costs. 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 costs 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)

8. 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)

9. Federal regulation provides as follows:

Thrifty Food Plan (TFP) and Maximum SNAP Allotments. Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the Thrifty Food Plan (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 C.F.R. § 273.10(e)(4)(i)

For the period October 1, 2022 through September 30, 2023, the maximum SNAP allotment for the 48 States and D.C. for a household of one equals \$281.00 per month. (USDA, FNS Memorandum SNAP – Fiscal Year 2023 Cost-of-Living Adjustments, August 9, 2022)

“Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefits. The minimum benefit is 8 percent of the maximum allotment for a household on one, rounded to the nearest whole dollar.” 7 C.F.R. § 273.10(e)(2)(ii)(C)

**\$291.00 maximum SNAP allotment x 8% = \$23.28 or \$23.00 minimum SNAP allotment.**

**The Department correctly determined the Appellant’s SNAP benefit as \$23.00 effective [REDACTED] 2023, the minimum allotment for an eligible one-person household. The difference in the shelter costs for [REDACTED] 2023 does not impact the calculation of benefits for this month. However, the difference in the [REDACTED] 2023 shelter costs results in an inaccurate benefit calculation as referenced in the SNAP calculation below.**

**2023 SNAP Benefit**

<b>INCOME</b>	
Social Security	\$2,047.00
IRA	<u>\$150.00</u>
<b>Total household income</b>	<b><u>\$2,197.00</u></b>
Less standard deduction	<u>\$198.00</u>
<b>Adjusted gross income</b>	<b>\$1,999.00</b>
<b>SHELTER COSTS</b>	
Homeowners Insurance	52.50
Property Taxes	241.00
Condo Common Charges	316.00
SUA	<u>\$912.00</u>
Total shelter costs	<u>\$1,521.50</u>
<b>SHELTER HARDSHIP</b>	
Shelter costs	\$1,521.50
Less 50% of adjusted gross income	<u>-\$999.50</u>
<b>Total shelter hardship</b>	<b>\$522.00</b>
<b>ADJUSTED NET INCOME</b>	
Adjusted gross income	\$1,999.00
Less shelter hardship	<u>-\$522.00</u>
<b>Net Adjusted Income (NAI)</b>	<b>\$1,477.00</b>
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for 1 Person	\$291.00
Less 30% of NAI	<u>-\$443.10</u>
<b>SNAP award</b>	<b>00.00</b>
<b>Minimum SNAP Benefit</b>	<b>\$23.00</b>

**2023 SNAP Benefit**

<b>INCOME</b>	
Social Security	\$2,047.00
IRA	<u>\$150.00</u>
<b>Total household income</b>	<b><u>\$2,197.00</u></b>
Less standard deduction	<u>\$198.00</u>
<b>Adjusted gross income</b>	<b>\$1,999.00</b>
<b>SHELTER COSTS</b>	
Homeowners Insurance	52.50
Property Taxes	241.00
Condo Common Charges	346.00
SUA	<u>\$912.00</u>
Total shelter costs	<u>\$1,551.50</u>
<b>SHELTER HARDSHIP</b>	

Shelter costs	\$1,551.50
Less 50% of adjusted gross income	<u>-\$999.50</u>
<b>Total shelter hardship</b>	<b>\$552.00</b>
<b>ADJUSTED NET INCOME</b>	
Adjusted gross income	\$1,999.00
Less shelter hardship	<u>-\$552.00</u>
<b>Net Adjusted Income (NAI)</b>	<b>\$1,447.00</b>
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for 1 Person	\$291.00
Less 30% of NAI	<u>-\$434.00</u>
<b>SNAP award</b>	<b>00.00</b>
<b>Minimum SNAP Benefit</b>	<b>\$23.00</b>

**2023 SNAP Benefit**

<b>INCOME</b>	
Social Security	\$2,047.00
IRA	<u>\$150.00</u>
<b>Total household income</b>	<b><u>\$2,197.00</u></b>
Less standard deduction	<u>\$198.00</u>
<b>Adjusted gross income</b>	<b>\$1,999.00</b>
<b>SHELTER COSTS</b>	
Homeowners Insurance	65.33
Property Taxes	332.63
Condo Common Charges	332.00
SUA	<u>912.00</u>
Total shelter costs	1,641.96
<b>SHELTER HARDSHIP</b>	
Shelter costs	1,641.96
Less 50% of adjusted gross income	<u>999.50</u>
<b>Total shelter hardship</b>	<b>642.46</b>
<b>ADJUSTED NET INCOME</b>	
Adjusted gross income	1,999.00
Less shelter hardship	<u>642.46</u>
<b>Net Adjusted Income (NAI)</b>	<b>1,356.54</b>
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for 1 Person	291.00
Less 30% of NAI	<u>407.00</u>



<b>SNAP award</b>	00.00
<b>Minimum SNAP Benefit</b>	<b>\$23.00</b>

10. Federal regulation provides as follows:

If the household's benefit level decreases or the household becomes ineligible as a result of the change, the State agency shall issue a notice of adverse action within 10 days of the date the change was reported unless one of the exemptions to the notice of adverse action in [§ 273.13 \(a\)\(3\)](#) or [\(b\)](#) applies. When a notice of adverse action is used, the decrease in the benefit level shall be made effective no later than the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. When a notice of adverse action is not used due to one of the exemptions in [§ 273.13 \(a\)\(3\)](#) or [\(b\)](#), the decrease shall be made effective no later than the month following the change. Verification which is required by [§ 273.2\(f\)](#) must be obtained prior to recertification.

7 C.F.R. § 273.12(c)(2)(i)

On [REDACTED] [REDACTED] 2023, the Department correctly issued the Appellant a notice of adverse action informing him of the decrease in SNAP benefits effective [REDACTED] [REDACTED] 2023 due to changes in his household income. On [REDACTED] [REDACTED] 2023, the Department correctly issued the Appellant a notice of action informing him that his SNAP benefit remains at \$23.00 per month after the Department completed a second review of eligibility based on changes reported by the Appellant.

### DECISION

The Appellant's appeal is denied.

*Lisa A. Nyren*

Lisa A. Nyren  
Fair Hearing Officer

CC: Angelica Branfalt, SSOM RO #11  
Nawaz Shaikh, Supervisor RO #11  
Javier Rivera, Fair Hearing Liaison RO #11

### **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.