

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 # 227025

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) reduced ██████████ (the “Appellant”) benefits under the Supplemental Nutrition Assistance Program (“SNAP”) to \$30.00 per month beginning ██████████ 2023.

On ██████████ 2023, ██████████ (“AREP”), the Appellant’s authorized representative under the SNAP requested an administrative hearing to contest the Department’s decision to reduce such 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 via teleconference at the AREP’s request.

The following individuals called in for the hearing:

██████████ Authorized Representative for the Appellant¹
Javier Rivera, Department Representative
Lisa Nyren, Fair Hearing Officer

¹ The Appellant did not participate due to her age and medical condition.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's calculation of benefits as \$30.00 per month effective [REDACTED] 2023 is correct.

FINDINGS OF FACT

1. The Appellant receives benefits under the SNAP as administered by the Department for a household of one, herself. The Appellant's SNAP certification period began [REDACTED] 2021 and ends on [REDACTED] 2024. (Hearing Record)
2. The Appellant entered the United States in 2009. The Appellant was sponsored by [REDACTED] [REDACTED] ("AREP"), the Appellant's daughter and authorized representative under the SNAP. The Appellant is a legal permanent resident. (AREP Testimony)
3. The Appellant lives with the AREP. Additionally, the AREP's son (age [REDACTED] and AREP's brother (age [REDACTED] live in the home with the Appellant and AREP. The AREP's son is a legal permanent resident sponsored by the Appellant. The AREP's brother enter the United States on a medical visa on [REDACTED] 2022 after becoming paralyzed from the waist down. The AREP's brother continues to receive medical treatment and has filed for asylum. (AREP Testimony)
4. The AREP claims her son and Appellant as tax dependents. (AREP Testimony)
5. The AREP works for the [REDACTED] (the "employer") full time working 40 hours per week earning \$26.41 per hour. $40 \text{ hours} \times \$26.41 \text{ per hour} = \$1,056.40 \text{ per week}$ or \$2,112.80 biweekly. (AREP Testimony and Exhibit 2: Paystubs)
6. On [REDACTED] 2023, the Department updated the AREP's earnings with 2020 wage information after receiving an application for emergency medical assistance for the Appellant. The Department chose to use 2020 wage information on file listing payrate as \$1,751.20 biweekly because current wage information provided could not be read. Changes in earnings resulted in changes in the Appellant's SNAP benefits.

Pay date	Payrate	Regular Earnings	Overtime	=	Gross Pay
[REDACTED]/[REDACTED]/2020	\$1,751.20	\$1,812.80	8.50	=	\$1,821.30
[REDACTED]/[REDACTED]/20	\$1,751.20	\$1,812.80	8.50	=	\$1,821.30

7. On [REDACTED] 2023, the Department updated the AREP's gross earnings from \$3,502.40 per month to \$3,765.08 per month effective [REDACTED]

2023. $\$1,751.20$ biweekly $\times 2.15 = \$3,765.08$. The Department calculated the earned income deduction as $\$753.01$. $\$3,765.08 \times 20\% = \753.016 . (Exhibit 3: Individual – Deemed Income)

8. Beginning [REDACTED] 2023, the Department determined the amount of deemed income from the AREP to the Appellant equals $\$1,028.06$. (Exhibit 3: Individual – Deemed Income)

AREP Gross Earnings	\$3,765.08
Minus 20% earned income deduction	753.01
Minus Dependent's Allowance (130%FPL for 2 as of 10/1/22)	1,984.00
Equals Deemed Income	\$1,028.06

9. The Appellant is fully supported by the AREP and has no source of income. (AREP's Testimony)
10. The Department determined the Appellant eligible for $\$30.00$ SNAP benefits beginning [REDACTED] 2023. (Hearing Record)
11. On [REDACTED] 2023, the Appellant filed an application for SAGA benefits for herself. The Department determined the Appellant eligible for benefits under the SAGA program beginning [REDACTED] 2023. The Department determined the Appellant's SAGA benefits as $\$196.00$ for [REDACTED] 2023 and $\$245.00$ beginning [REDACTED] 2023. (Department Representative Testimony)
12. 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 was anticipated to close on [REDACTED] 2023 did not close until [REDACTED] 2023. Because of this [REDACTED]-day delay, the final decision is not due until [REDACTED] 2023 and therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes ("Conn. Gen. Stat.") 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(b)(2) of the Code of Federal Regulations ("C.F.R.") provides as follows:

Elderly and disabled persons. Notwithstanding the provisions of [paragraph \(a\)](#) of this section, an otherwise eligible member of a household who is 60 years of age or older and is unable to purchase and prepare meals because he or she suffers from a disability considered permanent under the Social Security Act or a non disease-related, severe, permanent disability may be considered, together with his or her spouse (if living there), a separate household from the others with whom the individual lives. Separate household status under this provision must not be granted when the income of the others with whom the elderly disabled individual resides (excluding the income of the elderly and disabled individual and his or her spouse) exceeds 165 percent of the poverty line.

Based on the hearing record, separate household status cannot be determined as the income of others in the household, specifically the AREP, cannot be determined.

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)
4. "Unearned income shall include, but not be limited to: Government-sponsored programs, dividend, 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)
5. **Newly granted SAGA is countable income under the SNAP.**
6. "For a household containing a sponsored alien, the income of the sponsor and the sponsor's spouse must be deemed in accordance with § 273.4(c)(2). 7 C.F.R. § 273.9(b)(4)

"A sponsored alien is an alien for whom a person (the sponsor) has executed an affidavit of support (USCIS Form I-864 or I – 864(A) on behalf of the alien pursuant to section 213A of the INA" 7 C.F.R. § 273.4(c)(1)

The Department correctly determined the AREP's income deemed available to the Appellant as the AREP is the Appellant's sponsor.

7. Federal regulation provides as follows:

For purposes of this [paragraph \(c\)\(2\)](#), only in the event a sponsored alien is an eligible alien in accordance with [paragraph \(a\)](#) of this section will the State agency consider available to the household the income and resources of the sponsor and spouse. For purposes of determining the eligibility and benefit level of a household of which an eligible sponsored alien is a member, the State agency must deem the income and resources of sponsor and the sponsor's spouse, if he or she has executed USCIS

Form I-864 or I-864A, as the unearned income and resources of the sponsored alien. The State agency must deem the sponsor's income and resources until the alien gains U. S. citizenship, has worked or can receive credit for 40 qualifying quarters of work as described in [paragraph \(a\)\(6\)\(ii\)\(A\)](#) of this section, or the sponsor dies.

7 C.F.R. § 273.4(c)(2)

Federal regulation provides as follows:

The monthly income of the sponsor and sponsor's spouse (if he or she has executed USCIS Form I-864 or I-864A) deemed as that of the eligible sponsored alien must be the total monthly earned and unearned income, as defined in [§ 273.9\(b\)](#) with the exclusions provided in [§ 273.9\(c\)](#) of the sponsor and sponsor's spouse at the time the household containing the sponsored alien member applies or is recertified for participation, reduced by:

- A. A 20 percent earned income amount for that portion of the income determined as earned income of the sponsor and the sponsor's spouse; and
- B. An amount equal to the Program's monthly gross income eligibility limit for a household equal in size to the sponsor, the sponsor's spouse, and any other person who is claimed or could be claimed by the sponsor or the sponsor's spouse as a dependent for Federal income tax purposes.

7 C.F.R. § 273.4(c)(2)(i)

Federal regulation provides as follows:

If a sponsored alien can demonstrate to the State agency's satisfaction that his or her sponsor is the sponsor of other aliens, the State agency must divide the income and resources deemed under the provisions of [paragraphs \(c\)\(2\)\(i\)](#) and [\(c\)\(2\)\(iii\)](#) of this section by the number of such sponsored aliens. The State agency must use the same procedure to determine the amount of deemed income and resources to exclude in the case of a sponsored alien or a citizen child of a sponsored alien who is exempt from deeming in accordance with [paragraphs \(c\)\(3\)\(vi\)](#) or [\(c\)\(3\)\(vii\)](#) of this section.

7 C.F.R. § 273.4(c)(2)(v)

Based on the hearing record, the AREP's income cannot be determined. On ██████████ 2023, the Department incorrectly calculated the AREP income by applying 2020 biweekly wages of

\$1,751.20 because current wage documentation provided by the sponsor could not be read.

Based on the hearing record, the earned income deduction cannot be determined.

Based on the hearing record, the amount of deemed income cannot be determined.

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

Federal regulations provide as follows:

Deductions shall be allowed only for the following household expenses:

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, Food and Nutrition Service, fiscal Year 2023 Cost-of-Living Adjustments, August 3, 2023]

The Department correctly determined the Appellant eligible for the standard deduction, however the Department incorrectly determined the standard deduction as \$193.00. The standard deduction increased to \$198.00 beginning [REDACTED] 2023.

9. Federal regulation provides as follows:

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)

Based on the hearing record, the Appellant's monthly net income cannot be determined.

10. 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)

Federal regulation provides as follows:

Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in [§ 271.2](#), and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in [§ 272.7\(c\)](#). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at www.fns.usda.gov/fsp.

7 C.F.R. § 273.10(e)(4)(i)

Based on the hearing record, the Appellant's SNAP eligibility cannot be determined. Based on the hearing record, the Appellant's SNAP allotment cannot be determined.

DISCUSSION

Additional information is needed in order to properly determine the Appellant's continuing eligibility under the SNAP and her eligibility under the Elderly Simplified Application Project ("ESAP").

The Appellant is age [REDACTED] and a legal permanent resident residing with her daughter (AREP) who is also her sponsor. The household consists of four adult individuals: the Appellant, the AREP, the AREP's adult son, and the AREP's brother. The adult son is a legal permanent resident who was sponsored by the AREP (his mother) at the age of [REDACTED] he is now age [REDACTED]. Due to his medical condition, the adult son is unemployed with

no source of income. The brother arrived in the United States on [REDACTED] [REDACTED] 2022 on a medical visa and continues to receive medical treatment; he is age [REDACTED] with no source of income. The AREP works full time and is the only source of income for this household of four. The AREP claims the Appellant and her adult son as dependents on her taxes each year.

Although the Department requested current wage verification from the AREP after receiving an application for emergency medical for the Appellant, the Department updated the Appellant's SNAP benefits using 2020 wage verification on file because the paystubs submitted were illegible rather than wait for the current documentation. Such update reduced the Appellant's SNAP benefits from 93.00 to \$30.00 effective [REDACTED] [REDACTED] 2023. The Department's decision to apply 2020 wages to ongoing benefits for 2023 is improper.

The Department is directed to review the Appellant's SNAP benefits and properly update continued eligibility based on her current household situation.

DECISION

The Appellant's appeal is remanded back to the Department for further review.

ORDER

1. The Department must request from the Appellant verification of the AREP's current wages necessary to determine the appropriate amount of deemed income available to the Appellant.
2. The Department should review any changes to household composition in order to properly calculate deemed income available to the Appellant.
3. The Department must review continued eligibility under the SNAP as a separate household and continued eligibility under ESAP effective [REDACTED] [REDACTED] 2023.
4. Compliance is due 14 days from the date of this decision.

Lisa A. Nyren

Lisa A. Nyren
Fair Hearing Officer

CC: Angelica Branfalt, SSOM RO #11
Nawaz Shaikh, FHS RO #11
Javier Rivera, FHL 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.