

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3730

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

Case ID # ██████████
Client ID # ██████████
Request # 227136

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) indicating her household’s Supplemental Nutrition Assistance Program (“SNAP”) benefits would be \$135.00, effective ██████████ 2023.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the amount of her SNAP benefit.

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 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone.

The following individuals were present for the hearing:

████████████████████, Appellant
Christopher Filek, Department Representative
Scott Zuckerman, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly calculated the amount of the Appellant's SNAP benefit.

FINDINGS OF FACT

1. On [REDACTED] 2023, the Department updated the Appellant's income. (Hearing Summary)
2. The Appellant is employed at [REDACTED] and received the following bi-weekly wages: [REDACTED]/23 \$361.95 and [REDACTED] 23 \$373.80. (Department's testimony and Exhibit 5: The Work Number)
3. The Appellant is employed at [REDACTED] and received the following bi-weekly wages: [REDACTED]/23 \$932.25 and [REDACTED]/23 \$896.70. (Department's testimony and Exhibit 6: The Work Number)
4. The Appellant's household consists of herself and her 4-year-old son. (Appellant's testimony)
5. The Appellant's household has a rent expense of \$800.00 (Appellant's testimony, Hearing Summary, Exhibit 1: NOA, [REDACTED]/23 and Exhibit 7: Case Notes)
6. The Appellant's household has a heating expense and receives the Standard Utility Allowance ("SUA"). (Hearing Record)
7. There are no elderly or disabled household members. (Appellant's testimony)
8. On [REDACTED] 2023, the Department sent the Appellant a Notice of Action. The notice stated the Appellant was approved for SNAP benefits of \$135.00 effective [REDACTED] 2023. (Exhibit 3: Notice of Action, [REDACTED]/23)
9. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and the local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2023, therefore this decision is due no later than [REDACTED] 2024. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to review the Appellant's ongoing SNAP eligibility to determine whether her household meets the program's income requirements.

2. Title 7 of the CFR § 273.2(e)(2) provides that the State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

The Appellant completed the required SNAP telephone interview.

3. 7 C.F.R. § 273.9 (a) provides that participation in the Program shall be limited to those households whose income incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households, which contain an elderly or disabled member, shall meet the net income eligibility standards for the Food Stamp Program. Households, which do not contain an elderly or disabled member, shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households that are categorically eligible as defined in §273.2 (j) (2) or 273.2 (j) (4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

7 C.F.R. § 273.2 (j) (2) (ii) provides the State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purposes of the Food Stamp Act: (A) 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 outlined 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. § 271.2 defines an elderly or disabled member as a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.

The Department correctly determined that the Appellant's household does not contain a disabled individual and is therefore subject to both the net and gross income eligibility standard.

4. 7 C.F.R. § 273.9 (b) provides for the definition of income. (1) Earned income shall include: (i) All wages and salaries of an employee.

7 C.F.R. § 273.10 (c) provides for determining income—(1) *Anticipating income.* (i) 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 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) (2) (i) provides for converting income into monthly amounts. 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.

The Department correctly determined that the Appellant's earnings from [REDACTED] and [REDACTED] are used in the household's eligibility calculation.

The Department incorrectly determined the Appellant's monthly gross earnings from [REDACTED] as \$784.55.

The correct monthly gross earnings from employment at [REDACTED] is \$790.93 ($\$361.95 + \$373.80 = 735.75 / 2 = \$367.87 \times 2.15 = \790.93).

The Department correctly determined that the Appellant's monthly gross earnings from employment at [REDACTED] was \$1966.12 ($\$932.25 + \$896.70 = 1828.95 / 2 = 914.48 \times 2.15 = 1966.12$).

The Department incorrectly determined the Appellant's total household gross earned income is \$2750.69. The correct household income is \$2757.05 ($\$1966.12 + \$790.93 = \2757.05).

5. 7 C.F.R. § 273.9 (d) (1) provides for the standard deduction. (i) 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) (iii) provides for Minimum deduction levels. 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 months 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) (2) provides for the 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 was excluded from the household's income in accordance with the child support exclusion in paragraph (c)(17) of this section.

The Department correctly allowed the Appellant's household the \$198.00 standard deduction for a household of two.

The Department incorrectly determined that 20% of the Appellant's household earnings equaled \$550.13 ($\$2750.69 * 0.20$).

The correct 20% earnings equals 551.41 ($\$2757.05 * 0.20$).

The Department incorrectly determined the Appellant's adjusted gross income was \$2002.55.

The correct adjusted gross income is \$2007.64 ($\$2757.05 - \$551.42 [20\%] = \$2205.64 - \$198.00 [standard deduction] = \2007.64).

6. 7 C.F.R. § 273.9 (d) (6) (ii) provides for 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 the 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 the 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 months 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.

The Department correctly determined the Appellant's household is not eligible for an uncapped shelter deduction based on disability or age.

The Department incorrectly determined that 50% of the Appellant's adjusted gross income is \$1001.27.

The correct 50% of the Appellant's adjusted gross income is \$1003.82 ($\$2007.64 * .5$).

7. 7 C.F.R. § 273.9(d) (6) (iii) provides for the Standard Utility Allowance ("SUA"). (A) With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard

utility allowance for all utilities that includes heating or cooling costs (HCSUA); 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. § 273.10 (e) (2) (ii) (A) provides except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways: (1) The State agency shall round the 30 percent of net income up to the nearest higher dollar.

The Department correctly allowed the Appellant the SUA.

The Department correctly determined the Appellant's household shelter cost equals \$1712.00 (\$800.00 rent + \$912.00 SUA).

The Department correctly determined the Appellant's shelter hardship to be capped at \$672.00. The household has no elderly or disabled members. (\$1712.00 - \$1003.82 = \$708.18).

The Department incorrectly determined the Appellant's net adjusted income to be \$1330.55.

The correct net adjusted income is \$1335.64 (\$2007.64 adjusted gross income - \$672.00 shelter hardship).

The Department incorrectly determined that 30 percent of the Appellant's net adjusted income, rounded up, is \$400.00. The correct 30 percent of the Appellant's net adjusted income, rounded up is \$401.00 (\$1335.64 x 30%)

8. 7 C.F.R. § 271.2 defines the Thrifty Food Plan ("TFP") as the diet required to feed a family of four persons consisting of a man and a woman 20 through 50, a child 6 through 8, and a child 9 through 11 years of age, determined in accordance with the Secretary's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition. In order to develop maximum

SNAP allotments, the Secretary shall make household size and other adjustments in the Thrifty Food Plan taking into account economies of scale and other adjustments as required by law.

7 C.F.R. § 273.10(e) (4) (i) provides for the TFP and Maximum Food Stamp Allotments. Maximum food stamp allotment level. Maximum food stamp 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 website, at www.fns.usda.gov/fsp

The TFP for an eligible two-person household effective [REDACTED] 2023 through [REDACTED] 2024 is \$535.00.

9. The Appellant's SNAP benefit as determined by the Department:

SNAP BENEFIT CALCULATION	
INCOME	
Earned Income	\$2757.05
Less 20%	-\$551.41
Adjusted Earned Income	=\$2205.64
Total Income	\$2205.64
Less standard deduction	-\$198.00
Adjusted Gross Income	=\$2007.64
SHELTER COSTS	
Rent	\$800.00
SUA	\$912.00
Total shelter costs	\$1712.00
SHELTER HARDSHIP	
Shelter costs	\$1712.00
Less 50% of adjusted gross income	-\$1003.82
Total shelter hardship	\$672.00 (Cannot exceed \$672.00 unless elderly or disabled)
NET ADJUSTED INCOME	
Adjusted gross income	\$2007.64

Less shelter hardship	<u>-\$672.00</u>
Net Adjusted Income (NAI)	\$1335.64
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 2 SNAP Members	\$535.00
Less 30% of NAI	<u>-\$401.00</u>
SNAP award	\$134.00

On [REDACTED] 2023, the Department incorrectly determined the Appellant's household is eligible for \$135.00 in monthly SNAP benefits. The correct SNAP amount is \$134.00 effective [REDACTED] 2023.

DECISION

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

Scott Zuckerman
Scott Zuckerman
Hearing Officer

Cc: Brian Sexton, Operations Manager, DSS, Middletown Office
Chris Filek, Fair Hearing Liaison, DSS, Middletown Office

RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within 15 days of the mailing date of the decision on the grounds there was an error of fact 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 the Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to the Superior Court within 45 days of the mailing of this decision, or 45 days after the agency denies a petition for reconsideration of this decision if the petition for reconsideration was filed timely with the Department. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106, or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105-3725. A copy of the petition must also be served to 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 under §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.