

**STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE
HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3725**

[REDACTED] 2024
SIGNATURE CONFIRMATION

**CASE # [REDACTED]
CLIENT# [REDACTED]
REQUEST# [REDACTED]**

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED], 2023, the Department of Social Services (the "Department") sent [REDACTED] (the "Appellant") a Notice of Action ("NOA") denying his application for the Supplemental Nutritional Assistance Program ("SNAP").

On [REDACTED], 2023, the Appellant requested an administrative hearing because he disagreed with the Department's decision to deny his application for the SNAP.

On [REDACTED], 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for [REDACTED], 2023. The Appellant did not appear for the administrative hearing.

On [REDACTED], 2023, the Appellant requested to reschedule the administrative hearing.

On [REDACTED], 2023, the OLCRAH issued a notice rescheduling the administrative hearing for [REDACTED], 2023.

On [REDACTED] 2023, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-184 inclusive of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals participated in the hearing:

[REDACTED], Appellant
Kirsten Evans, Department's Representative
Joseph Davey, Administrative Hearing Office

The hearing record was left open until [REDACTED], 2023, for the submission of additional information from the Appellant and the Department. All information was received on [REDACTED], 2023, and the record closed accordingly.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's application for the SNAP.

FINDINGS OF FACT

1. On [REDACTED], 2023, the Appellant submitted an online application for the SNAP. (Exhibit 3: Online application for the SNAP dated [REDACTED], Hearing Record)
2. The Appellant is [REDACTED] years old [DOB [REDACTED]] and lives with his spouse [REDACTED] (the "Spouse"), [REDACTED] years old [DOB [REDACTED]], and three mutual minor children: [REDACTED] [REDACTED] years old [DOB [REDACTED]], [REDACTED] [REDACTED] years old [DOB [REDACTED]], and [REDACTED] years old [DOB [REDACTED]]. (Exhibit 3, Appellant's testimony)
3. On [REDACTED], 2023, the Department conducted a SNAP telephone interview with the Appellant. (Exhibit 15: Case notes dated [REDACTED] - [REDACTED], Department's testimony)
4. The Appellant owns his home and paid \$2,093.00 per month for his mortgage at the time of his application for the SNAP. (Exhibit 3, Exhibit 15, Appellant's testimony)
5. The Appellant pays for heating and cooling. (Exhibit 3, Exhibit 15, Appellant's testimony)
6. The Appellant receives \$3,174.48 per month in long-term disability benefits from [REDACTED]. The Appellant is unable to work due to a back injury but has not been determined disabled by the state or federal government. (Exhibit 5: [REDACTED] long-term disability benefit check, Appellant's testimony)
7. The Spouse is federally disabled and receives a gross Social Security Disability ("SSD") benefit of \$1,743.90 per month. (Exhibit 13: Federal SNAP Income Test [REDACTED], Exhibit 14: Federal SNAP Income Test [REDACTED], Exhibit 15)
8. The Spouse has \$170.10 per month deducted from her SSD benefit for a Medicare Part B premium. (Exhibit 13, Exhibit 14)
9. The Appellant did not report any medical expenses for his household on the [REDACTED], 2023, online SNAP application or during the [REDACTED], 2023, SNAP telephone interview. (Exhibit 3, Exhibit 15)

10. The Appellant's three minor children each receive \$290.00 per month in Social Security benefits. (Exhibit 8: SOLQ results for [REDACTED], Exhibit 9: SOLQ results for [REDACTED], Exhibit 10: SOLQ results for [REDACTED])
11. The Appellant did not report any dependent care expenses on the [REDACTED], 2023, online SNAP application or during the [REDACTED], 2023, SNAP telephone interview. (Exhibit 3, Exhibit 15)
12. The [REDACTED] 2023 net income limit for a household of five persons is \$2,706.00. (Exhibit 11: DSS program standards effective [REDACTED])
13. The [REDACTED] 2023 net income limit for a household of five persons is \$2,929.00. (Exhibit 12: DSS program standards effective [REDACTED])
14. The Department determined the Appellant's net income for [REDACTED] 2023 was \$5,127.70. (Exhibit 13)
15. The Department determined the Appellant's net income for [REDACTED] 2023 was \$5,108.20. (Exhibit 14)
16. On [REDACTED], 2023, the Department issued a NOA to the Appellant denying the SNAP because his household's net income exceeded the program limit. (Exhibit 6: W-0001N Notice of Action form dated [REDACTED])
17. The issuance of this decision is timely under the Code of Federal Regulations ("C.F.R.") 273.15 (c)(1) which provides in part that "[w]ithin [REDACTED] 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 local agency are notified of the decision...." The Appellant requested an administrative hearing on [REDACTED], 2023. Therefore, this decision is due not later than [REDACTED], 2023. However, the hearing, which was originally scheduled for [REDACTED], 2023, was rescheduled for [REDACTED], 2023, at the request of the Appellant, which caused a [REDACTED] day delay. The hearing record was further extended ([REDACTED]) days to allow for the submission of information from the Appellant and the Department. Because the total delay of ([REDACTED]) days resulted from the Appellant's request, therefore this decision is not due until [REDACTED] 2024. (Hearing Record)

CONCLUSIONS OF LAW

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

The Department has the authority to administer the SNAP program in Connecticut and determine benefit amounts.

2. 7 C.F.R. § 273.1(b)(1)(i)(ii) provides for required household combinations. The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. (i) Spouses; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s).

The Department correctly determined the Appellant's household size of five persons.

3. 7 C.F.R. § 271.2(6) states that an Elderly or disabled member means a member of a household who: (6) Is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code.

The Department correctly determined that the Spouse is a disabled household member.

4. 7 C.F.R. § 273.2(e)(1) provides for interviews. Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter.

7 C.F.R. § 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 Department correctly conducted a telephone interview with the Appellant.

5. 7 C.F.R. § 273.9(b)(2)(ii) provides that 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.

The Department correctly determined the Appellant's [REDACTED] [REDACTED] [REDACTED] long-term disability benefits as unearned income in the calculation of SNAP benefits.

The Department correctly determined the Spouse's SSD benefits as unearned income in the calculation of SNAP benefits.

The Department correctly determined the Appellant's minor children's combined Social Security benefits as unearned income in the calculation of SNAP benefits.

6. 7 C.F.R. § 273.9(b) states that "Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section."

7 C.F.R. § 273.10(c)(1)(ii) provides in part that income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income. 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 Department determined the Appellant's total gross monthly income equals \$5,787.90 ([REDACTED] long-term disability benefits of \$3,174.00 + SSD benefits of \$1,743.90, + Minor Children's combined Social Security benefits of \$870.00 = \$5,787.90)

The Appellant's correct total gross monthly household income equals \$5,788.38 ([REDACTED] long-term disability benefits of \$3,174.48 + SSD benefits of \$1,743.90 + Minor Children's combined Social Security benefits of \$870.00 = \$5,788.38)

7. 7 C.F.R. § 273.9(a) provides for 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.

The Department correctly determined the Appellant's household must meet the net income eligibility standard.

8. 7 C.F.R. § 273.9(d)(1)(i) provides for the standard deduction. *48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands*. Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent

of the monthly net income eligibility standard for each household size established under paragraph (a)(2) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

The Department correctly determined the Appellant eligible for the \$225.00 standard deduction for [REDACTED] 2023.

The Department correctly determined the Appellant eligible for the \$244.00 standard deduction for [REDACTED] 2023.

9. 7 C.F.R § 273.9(d)(6)(iii) provides in relevant part for the following: Standard utility allowances. (A) With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA);

The Department correctly determined the Appellant is entitled to the SUA, which is \$921.00 effective [REDACTED], 2022, and \$912.00 effective [REDACTED], 2023.

10. 7 C.F.R. § 273.9(d)(6)(ii)(A) provides the following: Excess shelter deduction. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in § 271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses: (A) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

The Department correctly determined the Appellant's household contains a disabled household member and correctly determined the Appellant's shelter cost for [REDACTED] 2023 equals \$3,014.00 (\$2,093.00 mortgage + \$921.00 Standard Utility Allowance = \$3,014.00) and for [REDACTED] 2023 equals \$3,005.00 (\$2,093.00 mortgage + \$912.00 Standard Utility Allowance = \$3,005.00) per month.

11.7 C.F.R. § 273.9(d)(3) provides the following: 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.

The Department correctly determined the Appellant has excess medical expenses in the amount of \$135.10 per month (Spouse's Medicare Part B premium of \$170.10 - \$35.00 = \$135.10).

12.7 C.F.R. § 273.9(d)(4) provides for Dependent care. Payments for dependent care when necessary for a household member to search for, accept or continue employment, comply with the employment and training requirements as specified under § 273.7(e), or attend training or pursue education that is preparatory to employment, except as provided in § 273.10(d)(1)(i). Costs that may be deducted are limited to the care of an individual for whom the household provides dependent care, including care of a child under the age of 18 or an incapacitated person of any age in need of care. The costs of care provided by a relative may be deducted so long as the relative providing care is not part of the same SNAP household as the child or dependent adult receiving care. Dependent care expenses must be separately identified, necessary to participate in the care arrangement, and not already paid by another source on behalf of the household.

The Department correctly determined the Appellant does not have any dependent care deductions.

13.7 C.F.R. § 273.10(e)(1)(i) provides the following: Calculating net income and benefit levels-(1) Net monthly income. To determine a household's net monthly income, the State agency shall: (A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with §273.11(a)(2)(iii). (B) Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with §273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income. (C) Subtract the standard deduction. (D) If the household is entitled to an excess medical deduction as provided in §273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.(E) Subtract allowable monthly dependent

care expenses if, any, as specified under § 273.9(d)(4) for each dependent. (F) If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with § 273.9(d)(5), subtract allowable monthly child support payments in accordance with § 273.9(d)(5). (G) Subtract the homeless shelter deduction, if any, up to the maximum of \$143. (H) Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section. (I) Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

7 C.F.R. § 273.10(e)(2)(ii)(A) provides the following: Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways: (1) "The State agency shall round the 30 percent of net income up to the nearest higher dollar".

7 C.F.R. § 273.10(e)(4) provides the following: Thrifty Food Plan (TFP) and Maximum SNAP Allotments. (i) Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at www.fns.usda.gov/fsp.

The Appellant's net income effective [REDACTED] 2023 is calculated as follows:

SNAP BENEFIT CALCULATION

<u>INCOME</u>	
Earned Income	\$0.00
Less 20%	-\$0.00
= Adjusted earned income	\$0.00
+ Unearned income	\$5,788.38
= Total income	<u>\$5,788.38</u>
- Standard deduction	-\$225.00
- Medical expenses -\$35.00	-\$135.10
-Dependent care expenses	\$0.00
=Adjusted gross income	\$5,428.28
<u>SHELTER COSTS</u>	
Mortgage	\$2,093.00
Property Taxes	\$0.00
Homeowner's Insurance	\$0.00
+ SUA	\$921.00
Total shelter costs	\$3,014.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$3,014.00
Less 50% of adjusted gross income	-\$2,714.14
= Total shelter hardship (max \$624.00 if not disabled or elderly)	\$299.86
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$5,428.28
Less shelter hardship	-\$299.86
Net Adjusted Income (NAI)	\$5,128.42
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for five persons	\$1116.00
Less 30% of NAI (rounded up to nearest whole dollar)	\$1,539.00
SNAP award	\$0.00

The Appellant's net income for [REDACTED] 2023 is calculated as follows:

SNAP BENEFIT CALCULATION

<u>INCOME</u>	
Earned Income	\$0.00
Less 20%	-\$0.00
= Adjusted earned income	\$0.00
+ Unearned income	\$5,788.38
= Total income	\$5,788.38
- Standard deduction	-\$244.00
- Medical expenses - \$35.00	-\$135.10
-Dependent care expenses	\$0.00
=Adjusted gross income	\$5,409.28
<u>SHELTER COSTS</u>	
Mortgage	\$2093.00
Property Taxes	\$0.00
Homeowner's Insurance	\$0.00
+ SUA	\$912.00
Total shelter costs	\$3,005.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$3,005.00
Less 50% of adjusted gross income	-\$2,704.64
= Total shelter hardship (max \$624.00 if not disabled or elderly)	\$300.36
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$5,409.28
Less shelter hardship	-\$300.36
Net Adjusted Income (NAI)	\$5,108.92
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for five persons	\$1155.00
Less 30% of NAI (rounded up to nearest whole dollar)	\$1533.00
SNAP award	\$0.00

The Department calculated the Appellant's net income for ██████████ 2023 as \$5,127.70.

The Appellant's correct net income for ██████████ 2023 is \$5,128.42.

The Department calculated the Appellant's net income for ██████████ 2023 as \$5,108.20.

The Appellant's correct net income for ██████████ 2023 is \$5108.92.

14.7 C.F.R. § 273.9(a)(3) provides that 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)(ii) provides that the annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.

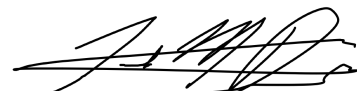
The Department correctly determined the Appellant's total monthly net income exceeds the limit for a household of five persons for ██████████ 2023 and ██████████ 2023.

DISCUSSION

During the administrative hearing, the Appellant stated that his daughter, ██████████, had a special diet based on medical needs and provided a doctor's letter and bills documenting the cost of her special diet for consideration in the hearing decision. The bills provided by the Appellant total \$365.18 for ██████████ 2023 and \$345.48 for ██████████ 2023. Although the Department was not made aware of ██████████ medical expense and did not have access to the bills at the time of the ██████████, 2023, eligibility determination, the undersigned finds that even with the inclusion of the bills, the Appellant would exceed the net income limit for ██████████ 2023 and ██████████ 2023. In addition, although the Department incorrectly reflected the Appellant's ██████████ ██████████ ██████████ long-term disability monthly benefit amount as \$3,174.00 instead of \$3,174.48, the Appellant remains over the net income limit for both ██████████ 2023 and ██████████ 2023 regardless of which amount is used.

DECISION

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

A handwritten signature in black ink, appearing to read 'J. Davey', is written over a horizontal line.

Joseph Davey
Administrative Hearing Officer

CC: Kirsten Evans, Department's Representative, New Haven Regional Office
Sarah Chmielecki, SSOM, New Haven Regional Office
Tim Latifi, SSOM, New Haven Regional Office
Ralph Filek, SSOM, New Haven Regional Office

RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact 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.