

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: ██████████  
Client: ██████████  
Request: 227642

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 2023, the ██████████ (the “Appellant”) filed a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”). The Appellant did identify the Department’s adverse action that he wished to dispute.

On ██████████, 2023, the OLCRAH scheduled a hearing for ██████████ 2023 to address the amount of the Appellant’s Supplemental Nutritional Assistance Program (“SNAP”) benefits.

On ██████████ 2023, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, and Section 273.15 (a) of Title 7 of the Code of Federal Regulations (“C.F.R.”), the OLCRAH held a hearing by telephone and videoconferencing. The following individuals participated:

████████████████████, Appellant  
Patricia Martinez, Department Representative  
Edward Casio, Interpreter, Language Link  
Eva Tar, Hearing Officer

The hearing record closed ██████████ 2023.

**STATEMENT OF ISSUE**

The issue is whether the Department correctly determined that the Appellant’s household was eligible to receive \$478.00 in SNAP benefits for the ██████████ 2023 service month.

## FINDINGS OF FACT

1. The Appellant lives with his wife and their two minor children, a [REDACTED]-year-old daughter and [REDACTED]-year-old son. (Appellant Testimony)
2. Since [REDACTED] 2021, the Appellant's wife has been employed at [REDACTED] at \$16.50 per hour, for varying hours per week. (Dept. Exhibits 3, 4, and 9)
3. In [REDACTED] 2023, the Appellant's wife grossed \$2,182.13 in wages over a four-week pay period. (Dept. Exhibit 9)
4. In 2023, the Appellant grosses \$860.00 per month in Social Security disability income. (Appellant Testimony) (Dept. Exhibits 8 and 9)
5. In 2023, the Appellant's daughter grosses \$34.00 per month in Social Security benefits as a minor child of a disabled parent. (Appellant Testimony) (Dept. Exhibit 9)
6. In 2023, the Appellant's son grosses \$34.00 per month in Social Security benefits as a minor child of a disabled parent. (Appellant Testimony) (Dept. Exhibit 9)
7. In [REDACTED] 2023, the household received \$76.00 in Temporary Family Assistance ("TFA") benefits. (Dept. Exhibits 5 and 7)
8. The Appellant's rent is \$1,200.00 per month. (Appellant Exhibit A)
9. Heat is not included in the Appellant's rent. (Appellant Testimony)
10. The State of Connecticut pays for the Appellant's Medicare B premium through the MSP-Qualified Medicare Beneficiaries program. (Dept. Exhibit 7)
11. The Appellant does not have medical expenses for which he pays for out-of-pocket. (Appellant Testimony)
12. The Appellant's disability prevents him from caring for his children while his wife works. (Appellant Testimony)
13. [REDACTED] charges the Appellant \$40.00 per week for childcare for his son; the day care does not give an employee discount for the care to the Appellant's wife. Some weeks, the Appellant falls behind in his childcare payments and pays the amount due at a later date. (Appellant Testimony) (Appellant Exhibit B)
14. The Appellant occasionally pays for childcare for his daughter when school is closed for a holiday. (Appellant Testimony)
15. The Appellant does not pay child support. (Appellant Testimony)
16. On [REDACTED] 2023 and [REDACTED] 2023, the Department received all pages of the Appellant's *Periodic Report Form/Formulario de Reporte Periodico*. (Dept. Exhibit 8)

17. On [REDACTED] 2023, the Department granted the Appellant \$478.00 in SNAP benefits effective [REDACTED] 2023. (Dept. Exhibit 7)
18. Title 7, Section 273.15 (c)(1) of the Code of Federal Regulations (“C.F.R.”) provides: “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 local agency are notified of the decision....” On [REDACTED], 2023, the OLCRAH received the Appellant’s hearing request. This hearing decision would have become due by no later than [REDACTED], 2024. This final decision is timely.

### CONCLUSIONS OF LAW

1. The Department is the state agency for the administration of the SNAP pursuant to the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

**The Department has the authority under State statute to administer the SNAP in Connecticut.**

2. “The commissioner shall make periodic investigations to determine eligibility and may, at any time, modify, suspend or discontinue an award previously made when such action is necessary to carry out the provisions of the ..., ..., temporary family assistance program, ....” Conn. Gen. Stat. § 17b-80 (a).

**The Department has the authority under Conn. Gen. Stat. § 17b-80 (a) to review the Appellant’s SNAP case, and, at any time, modify or discontinue an award previously made to comply with the provisions of the SNAP.**

3. Title 7, Code of Federal Regulations (“C.F.R.”), Section 273.1 (a) provides: “A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.”

“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); ....” 7 C.F.R. § 273.1 (b)(1).

**The Appellant, his wife, and their two minor children are a household of four.**

4. **“Definition of income.** Household income shall mean all income from whatever source excluding only items specified in [paragraph \(c\)](#) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee....” 7 C.F.R. § 273.9 (b)(1)(i).

**The wages of the Appellant’s wife are counted earned income.**

5. "Unearned income shall include, but not be limited to: (i) Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in § 271.2); or other assistance programs based on need...." 7 C.F.R. § 273.9 (b)(2)(i).

**The TFA benefits received by the household are counted unearned income.**

6. "Unearned income shall include, but not be limited to: (i) ... ; (ii) 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). (emphasis added)

**The Appellant's Social Security disability income is counted unearned income.**

**The Social Security benefits of the Appellant's minor children are counted unearned income.**

7. "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...." 7 C.F.R. § 273.10 (c)(1)(i).

"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...." 7 C.F.R. § 273.10 (c)(2)(i).

**For the purposes of the SNAP, the monthly anticipated earned income of the Appellant's wife equals \$2,345.77. [\$2,182.13 (gross wages over a four-week pay period) divided by four, multiplied by 4.3 weeks per month]**

**The monthly unearned income of the household equals \$1,004.00. [\$860.00 (Appellant's SSDI) plus \$68.00 (children's SSA, collectively) plus \$76.00 (TFA)]**

8. Title 7 of the Code of Federal Regulations, Section § 273.9 (d)(1)(i) provides for a standard deduction for the 48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands.

In 2023, the SNAP standard deduction for a household of four in Connecticut equaled \$208.00.

9. Title 7 of the Code of Federal Regulations, Section 273.9 (d)(4) provides for dependent care deductions:

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. ... 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. ... Allowable dependent care costs include:

- (i) The costs of care given by an individual care provider or care facility;
- (ii) Transportation costs to and from the care facility; and
- (iii) Activity or other fees associated with the care provided to the dependent that are necessary for the household to participate in the care.

7 C.F.R. § 273.9 (d)(4).

**The Appellant is eligible for a \$172.00 monthly dependent care deduction with respect to his household's SNAP calculation. [\$40.00 (weekly charge) multiplied by 4.3 weeks per month]**

10. "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); ...." 7 C.F.R. § 273.9 (d)(6)(iii)(A).

"The standard utility allowance shall be used if the household is entitled to claim it and has not verified higher actual costs...." 7 C.F.R. § 273.2 (f)(3)(ii)

In 2023, the Standard Utility Allowance ("SUA") equaled \$912.00 in Connecticut.

11. Title 7, Section 273.10 (e) of the Code of Federal Regulations provides for calculating net income and benefit levels. Subsection (e)(1)(i) provides:

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) ...
- (E) Subtract allowable monthly dependent care expenses, if any, as specified under § 273.9(d)(4) for each dependent.
- (F) ...

(G) ...

(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).

**For the purposes of the SNAP, the household's monthly shelter expenses equal \$2,112.00. [\$1,200.00 (rent) plus \$912.00 (SUA)]**

**For the purposes of the SNAP, the monthly adjusted gross income of the household equals \$2,500.62. [\$2,345.77 (anticipated wages) minus \$469.15 (20% earned income deduction) plus \$1,004.00 (SSDI + SSA + TFA) minus \$208.00 (standard deduction for four) minus \$172.00 (monthly daycare expenses)]**

**For the purposes of the SNAP, the shelter hardship of the household equals \$861.69. [\$2,112.00 (shelter expenses) minus \$1,250.31 (50% of adjusted gross income)]**

12. Title 7, Section 273.10 (e)(4) of the Code of Federal Regulations addresses the Thrifty Food Plan and maximum SNAP allotments.

The Thrifty Food Plan for a qualified household of four in Connecticut with no applied income equals \$973.00 per month effective October 1, 2023.

13. Title 7, Section 273.10 (e)(2)(ii)(A) of the Code of Federal Regulations 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; or
  - (2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar.

7 C.F.R. § 273.10 (e)(2)(ii)(A).

14. The SNAP benefits of the household for the [REDACTED] 2023 service month are computed as follows:

| <b><u>SNAP BENEFIT CALCULATION</u></b>   |                   |
|--|-------------------|
| <b>[REDACTED] 2023</b>   |                   |
| <b><u>INCOME</u></b>   |                   |
| Earned Income  | \$2,345.77        |
| Less 20 percent earned income deduction  | - 469.15          |
| Plus Unearned Income (SSDI + SSA + TFA)  | + 1,004.00        |
| Less dependent care expenses   | - 172.00          |
| Less standard deduction (for four)   | - 208.00          |
| <b>Adjusted gross income -</b>   | <b>\$2,500.62</b> |
| <b><u>SHELTER EXPENSES</u></b>   |                   |
| Rent   | \$1,200.00        |
| Plus Standard Utility Allowance (SUA)  | + 912.00          |
| <b>Total shelter costs -</b>   | <b>\$2,112.00</b> |
| <b><u>SHELTER HARDSHIP</u></b>   |                   |
| Shelter costs  | \$2,112.00        |
| Less 50% of adjusted gross income  | - 1,250.31        |
| <b>Total shelter hardship -</b>  | <b>\$861.69</b>   |
| <b><u>ADJUSTED NET INCOME</u></b>  |                   |
| Adjusted gross income  | \$2,500.62        |
| Less shelter hardship  | - 861.69          |
| <b>Net Adjusted Income (NAI) -</b>   | <b>\$1,638.93</b> |
| <b><u>BENEFIT CALCULATION</u></b>  |                   |
| Thrifty Food Plan for four<br><i>(maximum monthly benefit for SNAP household without income)</i> | \$973.00          |
| Less 30% of NAI<br><i>(rounded to nearest dollar)</i>  | - 492.00          |
| <b>SNAP BENEFIT:</b>   | <b>= \$481.00</b> |

The household was eligible to receive **\$481.00** in SNAP benefits for the [REDACTED] 2023 service month.

The Department incorrectly determined that the Appellant's household was eligible to receive **\$478.00** in SNAP benefits for the [REDACTED] 2023 service month.

**DECISION**

The Appellant's appeal is GRANTED.

**ORDER**

1. The Department will issue the Appellant a \$3.00 SNAP underpayment for [REDACTED] 2023, i.e., the difference between \$481.00 (the SNAP benefit the household should have received) and \$478.00 (the SNAP benefit the household received).
2. Within 14 calendar days of the date of this Decision, or [REDACTED] 2024, documentation of compliance with this order is due to the undersigned.

*Eva Tar-electronic signature*

Eva Tar

Hearing Officer

cc: Willie Roundtree, DSS-New Haven  
Patricia Martinez, DSS-New Haven  
Sarah Chmielecki, DSS-New Haven  
Tim Latifi, DSS-New Haven  
Ralph Filek, DSS-New Haven



### **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 Legal Counsel, Regulations, and Administrative Hearings, 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 his 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.