

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

██████████, 2024
SIGNATURE CONFIRMATION

CASE # ██████████
CLIENT# ██████████
REQUEST# ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2023, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) informing her that she had been approved for Supplemental Nutritional Assistance Program (“SNAP”) benefits in the amount of \$23.00 per month effective ██████████, 2023.

On ██████████, 2023, the Appellant requested an administrative hearing because she disagreed with the amount of her 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 4-184 inclusive of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals participated in the hearing:

██████████, Appellant
Christopher Filek, Department’s Representative
Joseph Davey, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly calculated the Appellant's SNAP benefit amount beginning [REDACTED], 2023.

FINDINGS OF FACT

1. On [REDACTED], 2023, the Appellant submitted an online application ("ONAP") for the SNAP for herself only. No other household members were listed on the ONAP. (Exhibit 6: Online application for the SNAP dated [REDACTED], Hearing Record)
2. The Appellant is [REDACTED] years old [DOB [REDACTED]]. (Exhibit 6, Appellant's testimony)
3. On [REDACTED], 2023, the Department conducted a SNAP telephone interview with the Appellant. (Exhibit 3: Case notes dated [REDACTED]-[REDACTED], Department's testimony)
4. The Appellant owns her home and does not have a mortgage payment. (Exhibit 3, Exhibit 6, Appellant's testimony)
5. The Appellant pays \$6,100.00 per year ($\$6,100.00 / 12 = \508.33 per month) for property tax on her home. (Exhibit 6, Appellant's testimony)
6. The Appellant pays \$1,960.00 per year ($\$1,960.00 / 12 = \163.33 per month) for homeowner's insurance. (Exhibit 6, Appellant's testimony)
7. The Appellant pays for heating and cooling. (Exhibit 3, Exhibit 6, Appellant's testimony)
8. The Appellant receives a gross Social Security Retirement ("SSA") benefit of \$1,892.00 per month. (Exhibit 1: SOLQ results, Exhibit 3, Exhibit 6, Appellant's testimony)
9. The Appellant did not report any medical expenses on the [REDACTED], 2023, online SNAP application or during the [REDACTED], 2023, SNAP telephone interview. (Exhibit 3, Exhibit 6)
10. The Appellant received SNAP benefits in the state of [REDACTED] during [REDACTED] 2023 and [REDACTED] 2023. (Exhibit 3)
11. On [REDACTED], 2023, the Department sent a W-1348 Proofs We Need form ("W-1348") requesting proof the Appellant's SNAP benefits in the state of [REDACTED] were closed. (Exhibit 3, Exhibit 7: W-1348 dated [REDACTED])

12. On [REDACTED], 2023, the Appellant provided a letter from the state of [REDACTED] verifying her SNAP benefits were closed effective [REDACTED], 2023. (Exhibit 3, Exhibit 8: Benefit Closure Letter State of [REDACTED] dated [REDACTED])
13. On [REDACTED], 2023, the Department processed the Appellant's SNAP application. The Department issued a NOA denying the Appellant's SNAP benefits for [REDACTED] 2023 and [REDACTED] 2023 because she received SNAP benefits from the state of [REDACTED], and granting SNAP benefits effective [REDACTED], 2023, in the amount of \$23.00 per month. (Exhibit 3, Exhibit 4: W-0001N Notice of Action form dated [REDACTED])
14. 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], 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(a)(1)(i) provides for General household definition. 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.

The Department correctly determined the Appellant's household size of one person.

3. 7 C.F.R. § 271.2(1) states that an Elderly or disabled member means a member of a household who: (1) Is 60 years of age or older.

The Department correctly determined that the Appellant is an elderly 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 SSA 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 correctly determined the Appellant's total gross monthly income equals \$1,892.00 (Social Security Retirement benefits of \$1,892.00)

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 \$198.00 standard deduction.

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 Standard Utility Allowance (“SUA”), which is \$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 shelter cost for [REDACTED] 2023 equals \$1,583.66 (\$0.00 mortgage + \$508.33 monthly property tax + \$163.33 monthly homeowners insurance + \$912.00 Standard Utility Allowance = \$1,583.66).

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 does not have any excess medical deductions.

12.7 C.F.R. § 273.3 provides for residency. (a) A household shall live in the State in which it files an application for participation. The State agency may also require a household to file an application for participation in a specified project area (as defined in § 271.2 of this chapter) or office within the State. No individual may participate as a member of more than one household or in more than one project area, in any month, unless an individual is a resident of a shelter for battered women and children as defined in § 271.2 and was a member of a household containing the person who had abused him or her. Residents of shelters for battered women and children shall be handled in accordance with § 273.11(g). The State agency shall not impose any durational residency requirements. The State agency shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Nor shall residency require an intent to reside permanently in the State or project area. Persons in a project area solely for vacation purposes shall not be considered residents.

The Department correctly determined the Appellant was ineligible for SNAP benefits in the months of [REDACTED] 2023 and [REDACTED] 2023 due to receipt of SNAP benefits in the state of [REDACTED].

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) 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; 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. (B) If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month. (C) Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole 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 SNAP benefits effective [REDACTED], 2023, are calculated as follows:

SNAP BENEFIT CALCULATION

<u>INCOME</u>	
Earned Income	\$0.00
Less 20%	-\$0.00
= Adjusted earned income	\$0.00
+ Unearned income	\$1,892.00
= Total income	<u>\$1,892.00</u>
- Standard deduction	-\$198.00
- Medical expenses - \$35.00	\$0.00
-Dependent care expenses	\$0.00
=Adjusted gross income	\$1,694.00
<u>SHELTER COSTS</u>	
Mortgage	\$0.00
Property Taxes	\$508.33
Homeowner's Insurance	\$163.33
+ SUA	\$912.00
Total shelter costs	\$1,583.66
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,583.66
Less 50% of adjusted gross income	-\$847.00
= Total shelter hardship (max \$624.00 if not disabled or elderly)	\$736.66
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$1,694.00
Less shelter hardship	-\$736.66
Net Adjusted Income (NAI)	\$957.34
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for one person	\$291.00
Less 30% of NAI (rounded up to nearest whole dollar)	\$288.00
SNAP award (minimum benefit is 8% of Thrifty Food Plan for one person)	\$3.00 increased to \$23.00

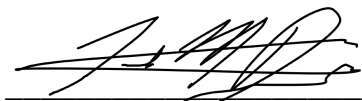
The Department correctly determined the Appellant's monthly SNAP benefit is \$3.00, which is increased to the minimum SNAP benefit of \$23.00 (8% of the Thrifty Food Plan for a household of one person rounded to the nearest whole dollar or $\$291 \times .08 = \23.00) per month effective [REDACTED], 2023.

DISCUSSION

During the administrative hearing, the Appellant stated that her daughter, [REDACTED] (DOB [REDACTED]) is living in her home. The Appellant did not list her daughter on the [REDACTED], 2023, online SNAP application or report her as a household member during her [REDACTED], 2023, telephone interview with the Department. Therefore, the undersigned finds the Department correctly calculated the Appellant's SNAP benefit of \$23.00 per month effective [REDACTED], 2023, based on the information available on [REDACTED], 2023; the date of the Department's action.

DECISION

The Appellant's appeal is DENIED.



Joseph Davey
Administrative Hearing Officer

CC: Christopher Filek, Department's Representative, Middletown Regional Office
Brian Sexton, SSOM, Middletown 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.