

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

██████████
██████████
REQUEST# 228656

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████, 2023, the Department of Social Services (the "Department") sent ██████████ (the "Appellant"), a Notice of Action ("NOA") stating that her SNAP benefit amount would be \$118.00 monthly effective ██████████, 2023.

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

On ██████████ 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████, 2024.

On ██████████ 2024, OLCRAH issued a notice rescheduling the administrative hearing, at the request of the Appellant, for ██████████ 2024.

On ██████████ 2024, OLCRAH issued a notice rescheduling the administrative hearing, at the request of the Appellant, for ██████████, 2024.

On ██████████, 2024, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals participated in the hearing:

██████████, Appellant

Shannon Shlash, Department's Representative
Melissa Prisavage, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly determined the Appellant's SNAP benefit amount and effective date.

FINDINGS OF FACT

1. The Appellant receives SNAP for a household of one person. (Appellant's Testimony)
2. The Appellant is ■-years-old [DOB ■■■■■■■■■■]. (Appellant's Testimony)
3. The Appellant's only income is \$2,259.00 per month from Social Security. (Exhibit 11: SNAP EDG information for ■■■■■ 2023, Exhibit 13: SOLQ, Appellant's Testimony)
4. On ■■■■■ 2023, the Appellant submitted documents to the Department showing a change in address and verifying her rental expense. (Exhibit 6: Case Notes, Exhibit 10: Document Search, Department's Testimony, Appellant's Testimony)
5. On ■■■■■ 2023, the Appellant reported that she pays rent of \$1,300.00 per month. (Exhibit 6, Exhibit 10, Department's Testimony, Appellant's Testimony)
6. On ■■■■■, 2023, the Appellant spoke to the Department and reported that she was no longer living in her home and was in the process of selling it. She reported that she was now renting an apartment. (Exhibit 6, Department's Testimony)
7. The Appellant pays for heating. The Department used the standard utility allowance ("SUA") in its calculation of the Appellant's SNAP benefits. (Exhibit 11, Department's Testimony, Appellant's Testimony)
8. The Appellant pays out-of pocket medical expenses of \$238.45 monthly. (Exhibit 11, Exhibit 14: Manual SNAP Calculation for ■■■■■ 2023)
9. On ■■■■■, 2023, the Department sent the Appellant a NOA stating that the effective date for the change in her SNAP amount is ■■■■■ 2023. (Exhibit 7: NOA dated ■■■■■, 2023, Department's Testimony)

10. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached and the household notified within 60 days of receipt of a request for a hearing. The Appellant requested an administrative hearing on [REDACTED], 2023. An additional 55 days were added due to rescheduling of the hearing. Therefore, this decision is due no later than [REDACTED], 2024. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with Federal law.
2. Title 7 of the Code of Federal Regulations (“C.F.R.”) section 273.9(a) provides that 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. 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 SNAP. Households which 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 Federal income poverty levels as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).
3. 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 is elderly.

4. 7 CFR § 273.9(b)(2)(ii) states 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 included the Appellant's income of \$2,259.00 monthly from Social Security.

5. 7 C.F.R. § 273.9(d)(1)(i) provides for the standard deduction. 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 that the standard deduction is \$198.00.

6. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes to the Standard Deductions (see: www.fns.usda.gov/snap/allotment/COLA):

“The following tables provide the monthly maximum allotment and allowable deductions for FY 2024 (effective October 1, 2023, through September 30, 2024).”

Standard Deductions

Household Size	Standard Deduction Amount
1	\$198
2	\$198
3	\$198
4	\$208
5	\$244
6+	\$279

7. 7 CFR § 273.9(d)(3) provides for 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.
8. 7 CFR § 273.10(e)(1)(i)(D) provides that 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.

The Department correctly allowed the Appellant a medical deduction of \$203.45 per month (\$238.45 - \$35.00 = \$203.45).

9. 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 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.
 - (B) Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.
 - (C) The cost of fuel for heating; cooling (i.e., the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.
 - (D) The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.

The Department correctly allowed the Appellant a rental expense of \$1,300.00 per month.

The Department correctly removed the expenses related to the Appellant's home, as she reported she was no longer residing there and was in the process of selling the home.

10.7 CFR § 273.9(d)(6)(iii)(C) states that a standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with [paragraph \(d\)\(6\)\(iii\)\(E\)](#) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

Effective October 2023, the SUA was \$912.00. The Department correctly applied the SUA towards the SNAP benefit.

The Department correctly determined that the Appellant's total shelter costs were \$2,212.00 (\$1,300.00 rent + \$912.00 SUA - \$2,212.00) per month.

11.7 C.F.R. § 273.9(d)(6)(ii) provides in relevant part for the maximum 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.

12. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes of the Maximum Shelter Deductions (see: www.fns.usda.gov/snap/allotment/COLA):

“The following tables provide the monthly maximum allotment and allowable deductions for FY 2024 (effective October 1, 2023, through September 30, 2024).”

Maximum Shelter Deductions

State/Territory	Amount
48 States & District of Columbia	\$672

The Department correctly determined that the Appellant was not limited to the maximum shelter deduction since she is elderly.

The Department correctly determined that the Appellant's shelter hardship is \$1,283.22 [Shelter expenses \$2,212.00 – half of the adjusted gross income \$928.78 (\$1,857.55 x .50) = shelter hardship \$1,283.22].

13.7 C.F.R. § 273.10 (e)(4)(i) provides for the 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.

14. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes to the Cost-of-Living Adjustment (COLA) Information (see: www.fns.usda.gov/snap/allotment/COLA):

“The following tables provide the monthly maximum allotment and allowable deductions for FY 2024 (effective October 1, 2023, through September 30, 2024).”

Maximum SNAP Allotment

Household Size	Allotment
1	\$291
2	\$535
3	\$766
4	\$973
5	\$1155
6	\$1386
7	\$1532
8	\$1751
Each Additional Person	\$219

15.7 C.F.R. § 273.10(e) provides for the monthly SNAP benefit calculation. Calculating net income and benefit *levels* - (1) *Net monthly income*. (i) 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. (ii) In calculating net monthly income, the State agency shall use one of the following two procedures: (A) Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents; or (B) Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the

cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.

16.7 CFR § 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.

17. Effective [REDACTED] 2023, the Appellant's SNAP benefits are computed as follows:

SNAP BENEFIT CALCULATION	
INCOME	
Earned Income	\$0.00
Less 20 percent	-\$0.00
= Adjusted earned income	\$0.00
+ Unearned income	\$2,259.00
= Total income	\$2,259.00
- Standard deduction	-\$198.00
- Medical expenses	-\$203.45
- Dependent care expenses	-0.00
= Adjusted gross income	\$1,857.55
SHELTER COSTS	
Rent	\$1,300.00
+ SUA	\$912.00
Total shelter costs	\$2,212.00
SHELTER HARDSHIP	
Shelter costs	\$2,212.00
Less 50% of adjusted gross income	-\$928.78
= Total shelter hardship (max \$624 if not disabled or elderly)	\$1,283.22
ADJUSTED NET INCOME	
Adjusted gross income	\$1,857.55
Less shelter hardship	-\$1,283.22
Net Adjusted Income (NAI)	\$574.33
BENEFIT CALCULATION	

Thrifty Food Plan for one person	\$291.00
Less 30% of NAI (rounded up to nearest whole dollar)	-\$173.00
SNAP award	\$118.00

The Department correctly calculated the Appellant's SNAP benefit effective [REDACTED] 2023, as \$118.00.

18.7 CFR § 273.12(c)(1)(i) provides that for changes which result in an increase in a household's benefits, other than changes described in [paragraph \(c\)\(1\)\(ii\)](#) of this section, the State agency shall make the change effective no later than the first allotment issued 10 days after the date the change was reported to the State agency. For example, a \$30 decrease in income reported on the 15th of May would increase the household's June allotment. If the same decrease were reported on May 28, and the household's normal issuance cycle was on June 1, the household's allotment would have to be increased by July.

The Department correctly determined that the increase in SNAP, which was due to the changes that the Appellant reported on [REDACTED] 2023, was effective [REDACTED] 2023.

DECISION

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



**Melissa Prisavage
Fair Hearing Officer**

CC: Sarah Chmielecki, Ralph Filek, Tim Latifi, DSS Operations Manager, New Haven Regional Office
Shannon Shlash, Department's Representative, 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.