

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

██████████ 2024  
Signature Confirmation

██████████  
██████████  
Request #: 228693

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2023, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) reducing his Supplemental Nutritional Assistance Program (“SNAP”) benefits, effective ██████████ 2023.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department’s decision to reduce his SNAP benefits.

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

On ██████████, 2024, in accordance with sections 17b-60, 17-61 and 4-176e to 4-184 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals participated in the hearing:

██████████, Appellant  
Shannon Shlash, Department’s Representative  
Amy MacDonough, Hearing Officer

## **STATEMENT OF THE ISSUE**

The issue is whether the Department's correctly reduced the Appellant's SNAP benefits from \$291.00 to \$151.00, effective [REDACTED] 2023.

## **FINDINGS OF FACT**

1. On [REDACTED] 2023, the Appellant began receiving Social Security ("SSA") death benefits of \$664.00 gross monthly. (*Department's Testimony; Appellant's Testimony; Exhibit 6: SOLQ-I Results Details*)
2. On [REDACTED] 2023, the Department issued the Appellant a NOA reducing his SNAP benefits to \$151.00, effective [REDACTED] 2023. The notice states: "We got information that caused us to review your SNAP benefits. After our review, we have determined that your SNAP benefits are changing". (*Exhibit 1*)
3. On [REDACTED] 2023, the Appellant requested an administrative hearing for the reduction of his SNAP benefits. (*Exhibit 3: Notice of Administrative Hearing*)
4. The Appellant is [REDACTED] years old [Date of Birth: [REDACTED]] and a recipient of SNAP benefits for a household of one, himself. The Appellant's SNAP period of eligibility is from [REDACTED] 2023, through [REDACTED], 2023. The Appellant is homeless and pays no rent or utilities monthly. The Appellant occasionally pays friends to sleep on their couch; however, it is not regular, and he is not able to provide verification of this expense. (*Appellant's Testimony; Department's Testimony; Exhibit 2: Renewal form*)
5. The Appellant is active on Husky D medical through the Department of Social Services and has no medical expenses. (*Exhibit 1; Exhibit 2*)
6. The Appellant's SSA is reduced by \$150.00 monthly. The Appellant receives a net benefit of \$534.10 monthly from SSA. (*Appellant's Testimony; Department's Testimony; Exhibit 6*)
7. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15(c)(1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall issue a decision. The Appellant requested an administrative hearing on [REDACTED] 2023; therefore, this decision is due no later than [REDACTED] 2024.

## **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 review the Appellant's SNAP eligibility and determine benefit amounts.**

2. 7 C.F.R. § 273.1 provides for household concept and states 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 as a household size of one person.**

3. 7 C.F.R. § 271.2 states for elderly or disabled member means 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.

**The Department correctly determined that the Appellant meets the definition of elderly.**

4. 7 C.F.R. § 273.9(b)(2) provides for income and states unearned income shall include, but not be limited to annuities; pension; 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 that SSA benefits are considered unearned income and counted in the calculation of SNAP benefits.**

5. 7 C.F.R. §273.9(a) provides for income eligibility standards and states 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 established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

7 C.F.R. § 273.9(a)(3) provides for income and deductions and states 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. (i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary. (ii) 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.

7 C.F.R § 273.9(a)(4) states the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap)

**The Department correctly determined the Appellant to be elderly; therefore, subject to the net income limits for SNAP eligibility.**

6. 7 C.F.R. § 273.9(d)(1)(i) provides for income deductions- standard deduction and states **48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands**. Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under paragraph (a)(2) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

7 C.F.R. § 273.9(d)(1)(iii) provides for minimum deduction levels and states notwithstanding paragraphs (d)(1)(i) and (d)(1)(ii) of this section, the standard deduction for FY 2009 for each household in the 48 States and the District of Columbia, Alaska, Hawaii, Guam and the U.S. Virgin Islands shall not be less than \$144, \$246, \$203, \$289, and \$127, respectively. Beginning FY 2010 and each fiscal year thereafter, the amount of the minimum standard deduction is equal to the unrounded amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

**The Department correctly determined the household as eligible for the \$198.00 standard deduction from the Appellant's household income.**

7. 7 C.F.R. § 273.9(d)(6)(i) provides for homeless shelter deduction and states a State agency may provide a standard homeless shelter deduction of \$143 a month to households in which all members are homeless individuals but are not receiving free

shelter throughout the month. The deduction must be subtracted from net income in determining eligibility and allotments for the households. The State agency may make a household with extremely low shelter costs ineligible for the deduction. A household receiving the homeless shelter deduction cannot have its shelter expenses considered under paragraphs (d)(6)(ii) or (d)(6)(iii) of this section. However, a homeless household may choose to claim actual costs under paragraph (d)(6)(ii) of this section instead of the homeless shelter deduction if actual costs are higher and verified. A State agency that chooses to provide a homeless household shelter deduction must specify in its State plan of operation that it has selected this option.

7 C.F.R. § 273.9(d)(6)(ii) provides in part for excess shelter deduction and states 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.

7 C.F.R. § 273.9(d)(6)(iii)(A) provides for standard utility allowances and states with FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. The LUA must include

expenses for at least two utilities. However, at its option, the State agency may include the excess heating and cooling costs of public housing residents in the LUA if it wishes to offer the lower standard to such households. The State agency may use different types of standards but cannot allow households the use of two standards that include the same expense. In States in which the cooling expense is minimal, the State agency may include the cooling expense in the electricity component. The State agency may vary the allowance by factors such as household size, geographical area, or season. Only utility costs identified in paragraph (d)(6)(ii)(C) of this section must be used in developing standards.

**The Department correctly determined the Appellant was not paying for rent or utilities. Prior to the hearing, he had not reported to the Department that he was homeless.**

**The Department correctly determined the Appellant is eligible for an uncapped shelter deduction based on age.**

8. 7 C.F.R. § 273.9(d)(3) provides in relevant part for the 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 had not received verification of medical expenses more than \$35.00 per month to include as an additional deduction from the Appellant's gross income at the time of the [REDACTED], 2023, NOA.**

9. 7 C.F.R. § 273.9(c)(17) provides for income exclusions and states legally obligated child support payments paid by a household member to or for a nonhousehold member, including payments made to a third party on behalf of the nonhousehold member (vendor payments) and amounts paid toward child support arrearages. However, at its option, the State agency may allow households a deduction for such child support payments in accordance with paragraph (d)(5) of this section rather than an income exclusion.

7 C.F.R. § 273.9(d)(5) provides for optional child support deductions and states at its option, the State agency may provide a deduction, rather than the income exclusion provided under paragraph (c)(17) of this section, for legally obligated child support payments paid by a household member to or for a nonhousehold member, including payments made to a third party on behalf of the nonhousehold member (vendor payments) and amounts paid toward child support arrearages. Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction. A State agency that chooses to provide a child support deduction rather than an exclusion in accordance with this paragraph (d)(5) must specify in its State plan of operation that it has chosen to provide the deduction rather than the exclusion.

**The Department had not received verification of the Appellant's reduction in Social Security benefits to determine that the reduction was for a child support obligation.**

10.7 C.F.R. § 273.9(b)(5)(i) provides under definition of income that income shall not include the following: moneys withheld from an assistance payment, earned income, or other income source, or moneys received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source, provided that the overpayment was not excludable under paragraph (c) of this section. However, moneys withheld from assistance from another program, as specified in § 273.11(k), shall be included as income.

**The Department could not determine the reason for the reduction in the Appellant's gross monthly SSA benefit, not previously reflected in his SNAP benefit computation.**

11.7 C.F.R. § 273.10(e)(4)(i) provides for Thrifty Food Plan (TFP) and maximum SNAP Allotments and for Maximum SNAP allotment level and states 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](http://www.fns.usda.gov/fsp).

**The TFP for a household of one is \$291.00, effective October 1, 2023.**

12.7 C.F.R. § 273.10(e)(1)(i)(A)-(I) provides for calculating net income and benefit levels.

Total earned income	\$0.00
Total unearned income	\$664.00
<b>Gross Monthly Income</b>	<b>\$664.00</b>
Minus (-) Standard Deduction (household of one)	\$198.00
<b>Total Adjusted Gross Monthly Income</b>	<b>\$466.00</b>
Total multiplied (x) by .5 (50% Adjusted gross income)	\$233.00
<b>Shelter Cost</b>	
Rent or Mortgage	\$0.00
Plus (+) Utility Allowance	\$0.00

<b>Total Shelter Costs</b>	<b>\$0.00</b>
Minus (-) 50% Adjusted Gross Income	\$233.00
<b>Excess Shelter Costs</b>	<b>\$0.00</b>
<b>Total Shelter Deduction</b>	<b>\$0.00</b>
Adjusted Gross Monthly Income	\$466.00
Minus (-) Total Shelter Deduction	\$0.00
Total Net Monthly Income	\$466.00
Total Net Monthly Income multiplied (x) by .30	\$139.80 (\$140.00 rounded up)
<b>Thrifty Food Plan (household of one)</b>	<b>\$291.00</b>
Minus (-) 30% Net Monthly Income	\$140.00
<b>SNAP Allotment for Household</b>	<b>\$151.00</b>

The Department correctly reduced the Appellant's SNAP benefit to \$151.00, effective [REDACTED] 2023, based on the information the Department had at the time of the [REDACTED], 2023, NOA.

13.7 C.F.R. § 273.13(a) provides for notice of adverse action and states prior to any action to reduce or terminate a household's benefits within the certification period, the State agency shall, except as provided in paragraph (b) of this section, provide the household timely and adequate advance notice before the adverse action is taken. (1) The notice of adverse action shall be considered timely if the advance notice period conforms to that period of time defined by the State agency as an adequate notice period for its public assistance caseload, provided that the period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective. Also, if the adverse notice period ends on a weekend or holiday, and a request for a fair hearing and continuation of benefits is received the day after the weekend or holiday, the State agency shall consider the request timely received.

The Department correctly issued a NOA on [REDACTED] 2023, informing the Appellant of the reduction in SNAP benefits to \$151.00 monthly, effective [REDACTED] 2023.

### DISCUSSION

At the hearing, the Appellant reported the deduction in his Social Security as a child support garnishment paid to the State of New York. The Department did not received verification stating the reason for this deduction; therefore, the Department used the gross SSA income in their calculation of the Appellant's SNAP benefits at the time of the [REDACTED], 2023, NOA.

Using the information the Department had as the time of the NOA, the Department correctly calculated the Appellant's SNAP benefit for \$151.00 monthly. The receipt of SSA income, not previously reflected, was the only change at that time of the NOA causing the SNAP benefit reduction.



**DECISION**

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

  
Amy MacDonough  
Fair Hearing Officer

CC: Sarah Chmielecki, Operations Manager, DSS, New Haven Regional Office  
Tim Latifi, Operations Manager, DSS, New Haven Regional Office  
Ralph Filek, Operations Manager, DSS, New Haven Regional Office  
Shannon Shlash, Hearing Liaison, DSS, 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.