

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

[REDACTED] ■ 2024
Signature Confirmation

Case ID [REDACTED]
Client ID [REDACTED]
Request # 230305

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] ■ 2023, the Department of Social Services (the “Department”) issued [REDACTED] (the “Appellant”) a notice of action informing her that her benefits under the Supplemental Nutrition Assistance Program (“SNAP”) will be reduced to 47.00 per month beginning [REDACTED] ■ 2024.

On [REDACTED] ■ 2024, the Appellant requested an administrative hearing to contest the Department’s calculation of her SNAP benefits.

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

On [REDACTED] ■ 2024, the Appellant requested a continuance which OLCRAH granted.

On [REDACTED] ■ 2024, the OLCRAH issued a notice scheduling the administrative hearing [REDACTED] ■ 2024.

On [REDACTED] ■ 2024, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-189, inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing via teleconference at the Appellant’s request.

The following individuals called in for the hearing:

[REDACTED], Appellant
Carmen Ferrer, Department Representative
Lisa Nyren, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's calculation of the Appellant's SNAP benefits as \$47.00 per month beginning [REDACTED] 2024 is correct.

FINDINGS OF FACT

1. The Appellant receives SNAP benefits for a household of one: the Appellant, age [REDACTED]. The SNAP certification period began [REDACTED] 2022 and ends on [REDACTED] 2025. (Exhibit 1: Notice of Action)
2. The Appellant receives Social Security ("SSA") benefits monthly. Beginning [REDACTED] 2024, the Appellant's SSA increased from \$1,306.00 monthly in 2023 to \$1,347.00 per month for 2024. (Stipulated)
3. The Appellant qualifies for Medicare Part A and Medicare Part B for which the Department pays the Medicare Part B monthly premium on the Appellant's behalf under the Medicare Savings Program ("MSP") Qualified Medicare Beneficiary ("QMB"). (Stipulated)
4. The Appellant is not taking any prescription medications, except for an antibiotic she was prescribed recently for a bronchial infection. The Appellant sees a dermatologist annually for which she is charged a co-pay. The Appellant has received treatment from a chiropractor in the past for which she pays but has not seen the chiropractor recently. The Appellant has incurred out of pocket medical costs less than \$35.00 per month. The Appellant has not reported any out of pocket medical expenses to the Department. (Appellant Testimony)
5. The Appellant lives alone. The Appellant does not pay rent because her family pays her rent. The Appellant pays for electricity. The Appellant's heating source is electric. (Appellant's Testimony)
6. On [REDACTED] 2023, the Department issued the Appellant a notice of action. The notice informed the Appellant her SNAP benefits will be reduced from \$66.00 per month to \$47.00 per month beginning [REDACTED] 2024. The notice lists the Appellant's income as \$1,347.00 monthly SSA. The notice lists the Appellant's expenses as rent \$00.00 and heating and cooling expense as varies monthly. (Exhibit 1: Notice of Action)
7. The Department determined the Appellant eligible for the standard utility allowance ("SUA") of \$912.00 under the SNAP because she pays for heat. (Exhibit 5: Food Stamp Benefit Computation Sheet and Department Representative Testimony)
8. The Department determined the Appellant eligible for the standard deduction of \$198.00 per month. (Exhibit 5: Food Stamp Computation Sheet)

9. The Department determined the Appellant's total shelter costs as \$912.00. \$00.00 rent + \$912.00 SUA = \$912.00. (Exhibits 5: Food Stamp Computation Sheet)
10. The Department determined the Appellant eligible for a shelter deduction equaling \$337.50. (Exhibit 5: Food Stamp Computation Sheet)
11. Effective [REDACTED] ■ 2023, the maximum monthly SNAP allotment for a household of one equals \$291.00. (Exhibit 5: Food Stamp Computation Sheet and Department Representative Testimony)
12. Effective [REDACTED] ■ 2024, the Department determined the Appellant eligible for \$47.00 per month under the SNAP. (Hearing Record)
13. The Appellant seeks additional SNAP benefits because the cost of electricity and food have increased making it difficult to pay her bills and purchase food on her fixed income. (Appellant Testimony)
14. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] ■ 2024. However, the hearing, which was originally scheduled for [REDACTED] ■ 2024, was rescheduled for [REDACTED] ■ 2024, at the request of the Appellant, which caused a [REDACTED]-day delay. Because this [REDACTED]-day delay resulted from the Appellant's request, this decision is not due until [REDACTED] ■ 2024, and therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes ("Conn. Gen. Stats.") provides as follows:

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.

2. Title 7 Section 273.1(a)(1) of the Code of Federal Regulations ("C.F.R.") provides as follows:

A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: An individual living alone.

The Department correctly determined an assistance unit of one: the Appellant.

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

Federal regulation provides as follows:

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.

7 C.F.R. § 273.9(b)(2)(ii)

The Department correctly determined the Appellant's SSA income is counted in the calculation of SNAP benefits for the assistance unit.

4. Federal regulation provides as follows:

Determining Income-Anticipating income. 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. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by §273.12.

7 C.F.R. § 273.10(c)(1)(i)

Federal regulation provides as follows:

Income only in month received. Income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged. 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, use the State Agency's PA conversion standard, or use the exact monthly figure if it can be anticipated for each month of the certification period. Nonrecurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income.

7 C.F.R. § 273.10(c)(2)(i)

The Department correctly determined the Appellant's gross SSA benefit as \$1,347.00 per month beginning [REDACTED] 2024.

5. "Determining deductions. Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support cost as described in § 273.9." 7 C.F.R. § 273.10(d)

Federal regulation provides in pertinent part as follows:

Deductions shall be allowed only for the following household expenses:

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.

7 C.F.R. § 273.9(d)(1)(i)

For the period October 1, 2023 through September 30, 2024, the standard deduction for the 48 States and DC for a household of one equals \$198.00. (United States Department of Agriculture ("USDA"), Food and Nutrition Service ("FNS") Memorandum SNAP – Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023)

The Department correctly determined the standard deduction for a household of one under the SNAP as \$198.00 per month. Refer to Conclusion of Law ("COL") # 8.

Federal regulation provides in pertinent part as follows:

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.

7 C.F.R. § 273.9(d)(3)

The Department correctly determined the Appellant does not qualify for an excess medical deduction as the Appellant failed to report any out of pocket medical costs to the Department prior to the administrative hearing and such expenses do not exceed \$35.00 per month. The MSP QMB pays her Medicare Part B monthly premium.

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.

- E. Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

7 C.F.R. § 273.9(d)(6)(ii)

Federal regulation provides as follows:

Standard utility allowances. 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.

7 C.F.R. § 273.9(d)(6)(iii)(A)

For the period October 1, 2023 through September 30, 2024, the standard utility allowance for Connecticut equals \$912.00. (United States Department of Agriculture, Food and Nutrition Service SNAP SUA Table FY2024, September 29, 2023)

Federal regulation provides as follows:

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.

7 C.F.R. § 273.9(d)(6)(iii)(C)

The Department correctly determined the Appellant eligible for the SUA because the Appellant incurs heating and cooling expenses for which she is responsible to pay. The Department correctly determined the SUA as \$912.00 effective [REDACTED] 2023.

**The Department correctly determined the monthly shelter costs as \$912.00.
\$00.00 rent + \$912.00 SUA = \$912.00 Total Shelter Costs**

6. Federal regulation provides as follows:

Calculating net income and benefit levels-Net monthly income. To determine a household's net monthly income, the State agency shall:

- A. Add 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 in § 273.9(d)(4) for each dependent.

- F. If the State agency has chosen to treat legally obligated 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 costs. 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 costs 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)

7. Federal regulation provides as follows:

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: The State agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

8. Federal regulation provides as follows:

Thrifty Food Plan (TFP) and Maximum SNAP Allotments. Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the Thrifty Food Plan (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.

7 C.F.R. § 273.10(e)(4)(i)

For the period October 1, 2022 through September 30, 2023, the maximum SNAP allotment for the 48 States and D.C. for a household of one equals \$291.00 per month. (USDA, FNS Memorandum SNAP – Fiscal Year 2023 Cost-of-Living Adjustments, August 9, 2022)

The Department correctly determined the Appellant's SNAP benefit as \$47.00 effective [REDACTED] 2024. Reference SNAP calculation below.

Effective [REDACTED] 2024 SNAP Benefit	
INCOME	
Social Security	\$1,347.00
Total household income	<u>\$1,347.00</u>
Less standard deduction	<u>\$198.00</u>
Adjusted gross income	\$1,149.00
SHELTER COSTS	
Rent	\$00.00
SUA	<u>\$912.00</u>
Total shelter costs	\$912.00
SHELTER HARDSHIP	
Shelter costs	\$912.00
Less 50% of adjusted gross income	<u>-\$574.50</u>
Total shelter hardship	\$337.50
ADJUSTED NET INCOME	
Adjusted gross income	\$1,149.00
Less shelter hardship	<u>-\$337.50</u>
Net Adjusted Income (NAI)	\$811.50
BENEFIT CALCULATION	
Thrifty Food Plan for 1 Person	\$291.00
Less 30% of NAI	<u>-\$244.00</u>
SNAP award	47.00

9. Federal regulation provides as follows:

If the household's benefit level decreases or the household becomes ineligible as a result of the change, the State agency shall issue a notice of adverse action within 10 days of the date the change was reported unless one of the exemptions to the notice of adverse action in [§ 273.13 \(a\)\(3\)](#) or [\(b\)](#) applies. When a notice of adverse action is used, the decrease in the benefit level shall be made effective no later than the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. When a notice of adverse action is not used due to one of the exemptions in [§ 273.13 \(a\)\(3\)](#) or [\(b\)](#), the decrease shall be made effective no later

than the month following the change. Verification which is required by [§ 273.2\(f\)](#) must be obtained prior to recertification.

7 C.F.R. § 273.12(c)(2)(i)

On [REDACTED] 2023, the Department correctly issued the Appellant a notice of adverse action informing her of the decrease in SNAP benefits effective [REDACTED] 2024 due to a change in her household income.

DECISION

The Appellant's appeal is denied.

Lisa A. Nyren

Lisa A. Nyren
Fair Hearing Officer

CC: Shahar Thadal, SSOM RO #32
Carmen Ferrer, Fair Hearing Liaison RO #32

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.