

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

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

Case # ██████████
Client ID # ██████████
Request # ██████████

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) indicating her Supplemental Nutritional Assistance Program (“SNAP”) benefits effective ██████████ 2024, would be \$147.00.

On ██████████ 2023, the Appellant requested an administrative hearing to contest the Department’s calculation of her SNAP benefits.

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

On ██████████ 2023, 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.

The following individuals were present at the hearing:

██████████ Appellant
Christine Faucher, Department’s Representative
Alisha Laird, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly determined the Appellant's SNAP benefit allotment.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old [DOB: [REDACTED]] and lives alone. (Appellant's Testimony)
2. The Appellant receives \$2,181.00 monthly in Social Security Income ("SSA") as of [REDACTED] 2024. (Appellant's Testimony and Hearing Record)
3. The Appellant's expenses include rent of \$961.00 monthly, health insurance premium of \$450.00, and telephone expenses. (Exhibit 7: SNAP Computation Sheet)
4. The Department used the standard utility allowance of \$912.00 ("SUA") to calculate the Appellant's SNAP benefits. (Department's Testimony and Exhibit 6: Federal SNAP Income Test)
5. The Appellant received \$177.00 in SNAP benefits from [REDACTED] 2023, through [REDACTED] 2023. (Department's Testimony)
6. The Appellant received \$147.00 in SNAP benefits in [REDACTED] 2024. (Department's Testimony)
7. On [REDACTED] 2023, the Department issued the Appellant a NOA informing her that her SNAP benefit is \$147.00 per month effective [REDACTED] 2024. (Exhibit 1: NOA [REDACTED]/2023)
8. The Appellant does not pay any child support or daycare expenses. (Appellant's Testimony)
9. During the hearing the Appellant reported paying an unspecified amount for medical supplements monthly and \$59.00 per month for a Dental insurance premium. (Appellant's Testimony)
10. As of [REDACTED] 2024, the Appellant no longer receives the medical expense deduction of \$450.00. (Department's Testimony and Exhibit 3: Medical Expenses)
11. Effective [REDACTED] [REDACTED] 2023, the Federal Poverty Limit ("FPL") for a household of one is \$2,430.00. (Exhibit 8: DSS Program Standards Chart)

12. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations § 273.15(c)(1) which states that a decision must be reached and the household notified within 60 days of receipt of a request for a fair hearing. 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 administering the Supplemental Nutrition Assistance Program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to determine whether a household meets the program eligibility requirements for SNAP.

2. Title 7 of the Code of Federal Regulations (“C.F.R.”) section 273.9(a) provides 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\(2\)](#)).
3. 7 C.F.R. § 271.2 provides that an elderly or disabled member means a member of a household who is 60 years of age or older; 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 Appellant is elderly and must meet the net income eligibility standard.

4. 7 C.F.R. § 273.1(a)(1) provides 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 the Appellant’s household size of one person.

5. 7 C.F.R. § 273.9(b)(2)(ii) provides, in part, 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 social security benefits in its calculation of the SNAP benefit.

6. 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.
7. The United States Department of Agriculture Food and Nutrition Services issued guidance pertaining to the changes to the Standard deductions. See www.fns.usda.gov/snap/allotment/COLA.

Effective [REDACTED] 2023, the standard deduction for a household of one is \$198.00.

The Department correctly determined that the standard deduction for the Appellant's household is \$198.00.

8. 7 C.F.R. § 273.9(d)(3)(iv) provides for excess medical deductions. 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. Allowable medical costs are: Health and hospitalization insurance policy premiums.

The Department correctly determined the Appellant was eligible for a credit/deduction (minus \$35.00) for the cost of her \$450.00 monthly health insurance premium.

The Department correctly determined the Appellant's adjusted gross monthly income for ██████████ 2024 to be \$1,568.00 (\$2,181.00 - \$198.00 - \$415.00).

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.

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

The Department correctly determined that 50% of the Appellant's adjusted gross income for ██████████ 2024 is \$784.00 (1,568.00 x 0.50).

- 10.7 C.F.R. § 273.9(d)(6)(iii) provides for the standard utility allowance (SUA). (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); 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.

11.7 C.F.R. § 273.10(e)(1)(i) provides to determine a household's net monthly income, the State agency shall: (A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with [§ 273.11\(a\)\(2\)\(iii\)](#). (B) Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with [§ 273.9\(c\)\(17\)](#), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income. (C) Subtract the standard deduction. (D) 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.

12.7 C.F.R. § 273.10(e)(2)(i)(A) provides households which contain an elderly or disabled member as defined in [§ 271.2](#), shall have their net income, as calculated in [paragraph \(e\)\(1\)](#) of this section (except for households considered destitute in accordance with [paragraph \(e\)\(3\)](#) of this section), compared to the monthly income eligibility standards defined in [§ 273.9\(a\)\(2\)](#) for the appropriate household size to determine eligibility for the month.

The Department correctly allowed the Appellant a SUA.

The Department correctly determined the Appellant's shelter cost for [REDACTED] 2024 to be \$1,873.00 (\$961.00 rent + \$912.00 SUA).

The Department correctly determined the Appellant's shelter hardship for [REDACTED] 2024 to be \$1,089.00 (\$1,873.00 - \$784.00).

The Department correctly determined the Appellant's net adjusted income for [REDACTED] 2024 to be \$479.00 (\$1,568.00 - \$1,089.00).

13.7 C.F.R. § 273.10(e)(2)(ii)(A)(1) 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: The State agency shall round the 30 percent of net income up to the nearest higher dollar.

The Department correctly determined that 30 percent of the Appellant's net adjusted income, rounded up, for [REDACTED] 2024 is \$144.00 (\$479.00 x 0.30).

14.7 C.F.R. § 271.2 defines the Thrifty Food Plan ("TFP") as the diet required to feed a family of four persons consisting of a man and a woman 20 through 50, a child 6 through 8, and a child 9 through 11 years of age, determined in accordance with the Secretary's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition. In order to develop maximum SNAP allotments, the Secretary shall make household size and other adjustments in the Thrifty Food Plan taking into account economies of scale and other adjustments as required by law.

15.7 C.F.R. § 273.10(e)(4)(i) provides for the Thrifty Food Plan and Maximum SNAP Allotments. 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.

16.7 C.F.R. § 273.10(e)(4)(ii) provides effective October 1, 1996, the maximum SNAP allotments must be based on 100% of the cost of the TFP as defined in [§ 271.2 of this chapter](#) for the preceding June, rounded to the nearest lower dollar increment, except that on October 1, 1996, the allotments may not fall below those in effect on September 30, 1996.

17.7 C.F.R. § 273.10(e)(2)(ii)(C) provides 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.

The TFP for a one-person household with no applied income effective [REDACTED] 2023 through [REDACTED] 2024 is \$291.00.

Eight percent of the maximum allotment for a household of one rounded down is \$23.00 (\$291.00 x 0.08)

18. The Appellant's SNAP benefit for [REDACTED] 2024 is computed as follows:

<u>INCOME</u>	
Earned Income	\$0.00
Minus 20%	-\$0.00
Total	\$0.00
Plus Unearned Income	\$2,181.00
Total	\$2,181.00
Less Standard Deduction	-\$198.00
Balance	\$1,983.00
Less Medical Expenses (more than \$35.00 if age 60 and older, or disabled)	-\$415.00
<u>Adjusted Gross Income</u>	\$1,569.00
<u>SHELTER COSTS</u>	
Rent	\$961.00
Plus SUA	\$912.00

Total Shelter Cost	\$1,873.00
SHELTER HARDSHIP	
Shelter Costs	\$1,873.00
Less 50% of adjusted gross income AGI	-\$784.00
= Total Shelter hardship (max \$624 if not disabled or elderly)	\$1,089.00
ADJUSTED NET INCOME	
Adjusted gross income	\$1,569.00
Less Shelter hardship	-\$1,089.00
Net Adjusted Income (NAI)	\$480.00
BENEFIT CALCULATION	
Thrifty Food Plan for one person	\$291.00
Less 30% of NAI (rounded to nearest whole dollar)	\$144.00
SNAP Award	\$147.00

The Department correctly determined the Appellant is eligible for a SNAP allotment of \$147.00 for ██████████ 2024.

DISCUSSION

The Appellant should consider providing the Department with verification of her monthly Dental premium and cost of her monthly medical supplements, as discussed during the hearing. The Appellant will no longer receive credit for the health insurance premium credited in the ██████████ 2024 SNAP calculation. The removal of this credit will likely affect her SNAP benefit on going.

DECISION

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

Alisha Laird

Alisha Laird
Fair Hearing Officer

CC: Angelica Branfalt, SSOM
Nawaz Shaikh, Supervisor, Manchester Regional Office
Christine Faucher, Department's Representative

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.