

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

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

Case ID # ██████████  
Client ID # ██████████  
Hearing Request # 230743

**NOTICE OF DECISION**

**PARTY**

████████████████████  
████████████████████  
██████████  
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**PROCEDURAL BACKGROUND**

On ██████████ 2023, the Department of Social Services (“DSS”) sent Migdalia Pizarro-Ceballos (the “Appellant”) a Notice of Action (“NOA”) discontinuing her Supplemental Nutrition Assistance Program (“SNAP”) benefits effective ██████████ 2024.

On ██████████ 2024, the Appellant requested an administrative hearing to dispute the discontinuance of such benefits.

On ██████████, 2024, 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, 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:

████████████████████, the Appellant  
Shannon Shlash, Department’s Representative  
Luciano ID # 17157, Spanish Translator, Language link.  
Augustine ID # 16887, Spanish Translator, Language link  
Scott Zuckerman, Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department correctly discontinued the Appellant's monthly SNAP benefits due to her income being in excess of the net income limit.

### **FINDINGS OF FACT**

1. On [REDACTED], 2023, the Department received a New Hires alert indicating the Appellant was receiving income from [REDACTED] [REDACTED] [REDACTED] [REDACTED]. (Department's testimony, Exhibit 1: W-3015, Your Information Does Not Match notice, [REDACTED]/23)
2. On [REDACTED], 2023, the Appellant sent the Department a letter from [REDACTED] [REDACTED] that she is enrolled in the adult family live-in program ("AFL"). The letter stated the Appellant receives a weekly tax-exempt stipend of \$630.00 as a caregiver. The Appellant is not an employee of the company and payments are tax-free per IRS Tax Code 131. (Exhibit 2: Letter from [REDACTED] [REDACTED] 7/23)
3. The Appellant is a caregiver in the AFL program in CT. The program is a Medicaid Waiver Program that provides financial assistance and support for family members or friends who care for frail elderly individuals in their homes. (Exhibit 2: Letter from [REDACTED] dated [REDACTED] 2023)
4. The Appellant is not an employee of [REDACTED] and payments are tax free per IRS Tax Code 131. (Exhibit 3: Letter from [REDACTED] [REDACTED]/23)
5. The Appellant is a caregiver for [REDACTED] in her home. (Appellant's testimony and Exhibit 16: W-1510, [REDACTED] Care Plan CHCPE – 3)
6. The Appellant was certified for SNAP benefits as a household of one through [REDACTED] 2023. (Department's testimony)
7. The Appellant is [REDACTED] years old (DOB: [REDACTED]/1952). (Hearing Record)
8. In [REDACTED] 2023, the Appellant received a monthly Social Security ("SSA") of \$914.00. (Ex. 15: SOLQ- I Results Details screen print)
9. Effective J [REDACTED], 2024, the Appellant receives a monthly SSA of \$943.00. (Ex: 15)
10. The Appellant pays \$500.00 monthly for rent. (Hearing Record)
11. The Appellant receives the Standard Utility Allowance. (Hearing Record)

12. On [REDACTED] 2023, the Department sent the Appellant a Notice of Action. The Notice stated that her monthly income exceeds the limit for the program and that her SNAP benefits would be discontinued effective [REDACTED] 2024. (Ex. 13: Notice of Action, [REDACTED] 23)
13. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] 2024. Therefore, this decision is due not later than [REDACTED] 2024. The Appellant and the Department requested the record remain open for submission of additional information for one day. Because this one-day delay was at the request of the Appellant the decision is due on [REDACTED] 2024, and is therefore timely. (Hearing Record)

### **CONCLUSIONS OF LAW**

1. Connecticut General Statutes § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) 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 application to determine whether her household meets the program's eligibility requirements.**

2. Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.1(a) provides for Household concept and provides that 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;
  - (2) An individual living with others, but customarily purchasing food and preparing meals for consumption separate or apart from others ; or
  - (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.
3. 7 C.F.R. § 273.1(b) (4) provides for household concept for foster care individuals and states that Individuals placed in the home of relatives or other individuals or families by a Federal, State, or local government foster care program must be considered boarders. They cannot participate in the Program independently of the household providing the foster care services. Such foster care individuals may participate, along with a spouse or children living with them, as members of the household providing foster care services, only at the request of the household providing the foster care.

**The Department correctly determined a household of one.**

4. 7 C.F.R. § 273.2 (j) (2) (i) provides the following households are categorically eligible for SNAP benefits unless the entire household is institutionalized as defined in §273.1(e) or disqualified for any reason from receiving SNAP benefits. (E) any household in which all members receive or are authorized to receive PA and/or SSI benefits in accordance with paragraphs (j)(2)(i)(A) through (j)(2)(i)(D) of this section.

**The Appellant is not a recipient of Public Assistance (cash assistance) or SSI and is therefore not categorically eligible based on receipt of such.**

5. 7 C.F.R. § 273.9 (a) provides that participation in the Program shall be limited to those households whose income incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households that contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. 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 the Food Stamp Program. Households that 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 levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

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's household is an elderly individual and is therefore subject to the net income eligibility standards.**

6. 7 C.F.R. § 273.9 (b) provides for the definition of income. (1) Earned income shall include: (i) All wages and salaries of an employee.
7. 7 C.F.R. 273.9(b)(2)(ii) provides that Unearned income shall include, but not be limited to: Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in [§ 272.12](#); old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.
8. Internal Revenue Code § 131(a) excludes qualified foster care payments from the gross income of a foster care provider.
9. Internal Revenue Code § 131(b)(1) defines a qualified foster care payment, in part, as any payment under a foster care program of a state or a political subdivision that

is either (1) paid to the foster care provider for caring for a qualified foster individual in the foster care provider's home, or (2) a difficulty of care payment.

10. 7 C.F.R. § 273.9 (c) (15) provides for income exclusions in the SNAP program and states that only the following items shall be excluded from household income and no other income shall be excluded: Governmental foster care payments received by households with foster care individuals who are considered to be boarders in accordance with § 273.1(c).

11. 7 C.F.R. § 273.10 (c) (2) (i) provides for converting income into monthly amounts. 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.

***The Department correctly determined the Appellant's SSA income of \$914.00 as unearned income and to be included in the calculation of the Appellant's SNAP benefits.***

***The Department incorrectly determined the Appellant's excluded foster care stipend of \$630.00 weekly or \$2,709.00 (\$630.00 x 4.3 weeks), as countable earned income in the calculation of SNAP benefits. The correct gross monthly earned income is \$0.00.***

***The Department incorrectly determined the total income of \$3623.00 (\$914.00 SSA + \$2709.00 earned income). The correct total household income is \$914.00 SSA.***

12. 7 C.F.R. § 273.9 (d) (1) provides for the standard deduction. (i) 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. 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 months 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.

7 C.F.R. § 273.9(d) (2) provides for the earned income deduction. Twenty percent of gross earned income as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that was excluded from the household's income in accordance with the child support exclusion in paragraph (c)(17) of this section.

**The Department correctly applied a 20% earned income deduction to determine an adjusted earned income of \$2167.20, however, the AFL income is excluded from consideration so the application of the earned income deduction is moot as earnings are \$0.00.**

**The Department correctly applied the \$198.00 standard deduction to the income of \$3081.20 (earnings x 20% deduction) and incorrectly determined the Appellant's household adjusted gross income of \$2883.20 (\$3081.00 + \$914.00 - 198). The correct household adjusted gross income is \$716.00 (\$914.00 - 198.00).**

13.7 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 the 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 the 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 months 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.

**The Department correctly determined the Appellant's household is eligible for an uncapped shelter deduction due to her age.**

**The Department incorrectly determined that 50% of the Appellant's adjusted gross income is \$2883.20. The correct 50% adjusted gross income is \$358.00 (914.00 - \$198.00 standard deduction = \$716.00 x 50%)**

14.7 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.

**The Department correctly allowed the Appellant the SUA.**

**The Department correctly determined the Appellant's shelter costs were \$1412.00. (\$500 rent + 912.00 SUA).**

**The Department incorrectly determined the Appellant's shelter hardship was \$0.00. The correct shelter hardship is \$1054.00 (\$1412.00 shelter costs - \$358.00).**

**The Department incorrectly determined the Appellant's net adjusted income was \$2883.20 (\$2883.20 adjusted gross income - \$0.00 shelter hardship). The correct net adjusted income is \$0.00 (\$716.00 adjusted gross income - \$1054.00 shelter hardship).**

15.7 C.F.R. § 273.10 (c) (2) (ii) (A) provides except as provided in paragraphs (a)(1), (c)(2)(iii) and (c)(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 (c)(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.

**The Department incorrectly determined that 30% of the Appellant's net adjusted income is \$865.00 (2883.20 x 30 %). The correct 30% net adjusted income is \$0.00 (\$0.00 x 30%)**

16.7 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.

7 C.F.R. § 273.10© (4) (i) provides for the TFP and Maximum Food Stamp Allotments. Maximum food stamp allotment level. Maximum food stamp 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©. 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 website, at [www.fns.usda.gov/fsp](http://www.fns.usda.gov/fsp)

**The TFP for an eligible one-person household effective [REDACTED] 2023 through [REDACTED] 2024 is \$291.00.**

17. The Appellant's SNAP benefits are computed as follows effective [REDACTED] 2024:

<b>SNAP BENEFIT CALCULATION</b>	
<b>INCOME</b>	
Earned income	\$0.00
Unearned income (SSA)	\$943.00
Less standard deduction	-\$198.00
<b>Adjusted gross income</b>	<b>\$745.00</b>
<b>SHELTER COSTS</b>	
Rent	\$500.00
SUA	+\$912.00
<b>Total shelter costs</b>	<b>\$1412.00</b>



<b>SHELTER HARDSHIP</b>	
Shelter costs	\$1412.00
Less 50% of adjusted gross income	<u>-\$372.50</u>
<b>Total shelter hardship</b>	\$1039.50 (Cannot exceed \$672 unless elderly or disabled)
<b>ADJUSTED NET INCOME</b>	
Adjusted gross income	\$745.00
Less shelter hardship	<u>-\$1039.50</u>
<b>Net Adjusted Income (NAI)</b>	\$0.00
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for one	\$291.00
Less 30% of NAI	<u>-\$0.00</u>
<b>SNAP award</b>	\$291.00

**The Department incorrectly discontinued the Appellant's SNAP when it counted the Appellant's weekly stipend of \$630.00 to care for and provide services for ██████████ in her home through the adult family living/foster care program.**

### **DISCUSSION**

After a review of the testimony and evidence, I find the Department's decision to discontinue the Appellant's SNAP benefits not upheld. The Appellant is not an employee of ██████████. She is enrolled as a caregiver in their adult family live-in program, taking care of ██████████ in her home.

At the time of her ██████████ 2023, discontinuance, the Appellant was receiving a SNAP benefit for a household of one. The Appellant states she is not married to ██████████. The Department questioned the Appellant's marital status over the years. The Department did not provide any evidence that the Appellant and ██████████ are legally married.

Title 7 CFR § 273.1(b) (4) states that individuals in foster care programs are considered boarders and Title 7 CFR § 273.9 (c) (15) excludes payments made to Governmental foster care payments received by households with foster care individuals who are considered to be boarders in accordance with § 273.1(c). The Appellant receiving SNAP as a household of one excludes the weekly stipend as income.

**DECISION**

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

**ORDER**

1. The Department will reopen the Appellant's SNAP effective [REDACTED] 2024.
2. The Department will remove the \$630.00 weekly stipend from consideration in the calculation of the Appellant's SNAP benefits effective [REDACTED] 2024.
3. The Department will recalculate SNAP benefits and issue the Appellant a Notice of Action with the results of its eligibility determination.
4. Compliance with this order is due to the undersigned no later than [REDACTED] 2024, and will consist of the Notice of Action.

*Scott Zuckerman*  
Scott Zuckerman  
Hearing Officer

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