

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

██████████
SIGNATURE CONFIRMATION

CASE ID # ██████████
CLIENT ID # ██████████
REQUEST # 231113

NOTICE OF DECISION
PARTY

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

PROCEDURAL BACKGROUND

On ██████████, the Department of Social Services (the "Department") issued a Notice of Action ("NOA") to ██████████ (the "Appellant") discontinuing his Supplemental Nutrition Assistance Program ("SNAP") benefits because his net income exceeded the program limit.

On ██████████, the Appellant requested an administrative hearing to contest the Department's discontinuance of his SNAP benefits.

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

On ██████████, the Department failed to appear at the administrative hearing.

On ██████████, the OLCRAH issued a notice rescheduling the administrative hearing for ██████████.

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

The following individuals participated in the hearing:

██████████, Appellant
Carmen Ferrer, Department's Representative
Sara Hart, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly discontinued the Appellant's SNAP benefit due to having a monthly net income exceeding the program limit.

FINDINGS OF FACT

1. The Appellant was a recipient of SNAP benefits for himself as a household size of one. The Department certified his benefits from ██████████, through ██████████. (*Exhibit 9: Notice of Renewal of Eligibility*)
2. On ██████████, the Department sent the Appellant a notice of renewal of eligibility ("W-1ERL") for his SNAP benefits. (*Exhibit 9*)
3. On ██████████, the Appellant submitted a completed Online Renewal form for SNAP benefits to the Department. (*Exhibit 3: Case Notes*)
4. The Appellant is age █ (DOB: ██████████) and disabled. (*Appellant's Testimony*)
5. The Appellant receives gross Social Security Disability Income ("SSDI") of \$1,916.00 per month. \$150.00 per month is deducted from his monthly SSDI payment for an overpayment. (*Exhibit 10: Unearned Income Details, Appellant's Testimony*)
6. Allied Universal Security employs the Appellant and he is paid weekly. He received the following gross wages:

| Check Date | Hours | Gross Amount |
|------------|-------|--------------|
| ██████████ | 21.5 | \$430.00 |
| ██████████ | 18.00 | \$360.00 |
| ██████████ | 18.00 | \$360.00 |
| ██████████ | 30.00 | \$700.00 |
| ██████████ | 18.00 | \$360.00 |
| ██████████ | 0 | \$358.67 |
| ██████████ | 18.00 | \$360.00 |
| ██████████ | 18.5 | \$370.00 |
| ██████████ | 18.00 | \$360.00 |
| ██████████ | 21.00 | \$450.00 |
| ██████████ | 18.00 | \$360.00 |
| ██████████ | 18.25 | \$365.00 |

(*Exhibit 2: Equifax Report*)

7. The Appellant's monthly rent equals \$1,350.00. He is responsible for paying his own heating and cooling costs. (*Appellant's Testimony*)
8. On [REDACTED], the Department reviewed the Appellant's completed SNAP renewal. The Department determined the Appellant's average weekly income equaled \$462.50 ($\$430.00 + \$360.00 + \$360.00 + \$700.00 = \$1,850.00 / 4$) and issued a NOA discontinuing the Appellant's SNAP benefits, effective [REDACTED], because his monthly net income exceeded the program limit. (*Exhibit 3, Exhibit 4: NOA [REDACTED]*)
9. The Appellant does not incur medical expenses above \$35.00 per month. (*Appellant's Testimony*)
10. On [REDACTED], the Appellant submitted an Online Change Report and an Online Renewal for the Medicare Savings Program reporting \$320.00 in weekly wages and a rental amount of \$1,350.00. (*Exhibit 6: Online Renewal, Exhibit 7: Online Change*)
11. On [REDACTED], the Appellant requested an administrative hearing. (*Hearing Record*)
12. 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 the State agency shall issue a decision within 60 days of the date of the request for a hearing. The Appellant requested an administrative hearing on [REDACTED]. The OLCRAH held an administrative hearing on [REDACTED], and the hearing record remained open for an additional three days, therefore, this decision is due no later than [REDACTED]. (*Hearing Record*)

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.
2. Title 7 C.F.R. § 273.2(c)(5) provides that the State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining the required verification provided the household is cooperating with the State agency as specified in (d)(1) of this section. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in §272.4(b) of this chapter. At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.

7 C.F.R. § 273.14(a) provides that no household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14(b)(2) provides that the State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of §273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in §273.2(b)(2) and provide the household with a notice of required verification as specified in §273.2(c)(5).

The Department correctly determined the Appellant must complete the recertification process and correctly informed the Appellant of the SNAP recertification requirements.

3. 7 C.F.R. § 271.2 defines an elderly or disabled member as a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.

7 C.F.R. § 273.9(a) provides that participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households, which contain an elderly or disabled member, shall meet the net income eligibility standards for 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)).

The Department correctly determined the Appellant to be disabled for purposes of SNAP eligibility determination.

The Department correctly determined the Appellant's household must meet the net income eligibility standards.

4. 7 C.F.R. § 273.9(b) states that "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)(1)(i) states that "Earned income shall include: (i) All wages and salaries of an employee."

7 C.F.R. § 273.9(b)(2)(i) states in relevant part that unearned income shall include Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI).

The Department correctly considered the Appellant's wages as earned income and the Appellant's SSDI as unearned income in the determination of eligibility for SNAP benefits.

5. 7 C.F.R. § 273.10(c)(1)(i) provides in relevant part for 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.

7 C.F.R. § 273.10(c)(1)(ii) provides in relevant part income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income.

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 incorrectly determined the Appellant's average monthly wages.

The Appellant's \$700.00 wages received on [REDACTED], were not representative of his typical earnings and were incorrectly included in the Department's [REDACTED] determination of the Appellant's income. At the time the Department processed the Appellant's renewal, it had access to additional wages and failed to consider a more representative sample of the Appellant's earnings. The Appellant's correct monthly average wages equal \$1,623.25 ($\$430.00 + \$360.00 + 360.00 + 360.00 = \$1,510.00 / 4 = \$377.50 * 4.3$).

6. 7 C.F.R. § 273.9(d)(2) provides for the earned income deduction. 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 were excluded from the household's income in accordance with the child support exclusion in [paragraph \(c\)\(17\)](#) of this section.

The Appellant's earned income deduction equals \$324.65 ($\$1,623.25 * 0.20$).

7. 7 C.F.R. § 273.9(d)(1)(i) provides for the 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)(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-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 Appellant eligible for the standard deduction equaling \$198.00.

The Appellant's household's adjusted gross monthly income equals \$3,016.60 (\$1,623.25 earnings-\$324.65 earned income deduction + \$1,916.00 SSDI = \$3,214.60- \$198.00 standard deduction)

8. 7 C.F.R § 273.9(d)(6)(ii) provides for excess shelter deduction. Monthly shelter expenses more than 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 utility 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

Fifty percent of the Appellant's adjusted gross income is \$1,508.30 (\$3,016.60 0.50)

9. 7 C.F.R § 273.9(d)(6)(iii) provides in relevant part the following: *Standard utility allowances.* (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);

The Department correctly determined the Appellant is entitled to the SUA, which is \$912.00, effective October 2023.

- 10.7 C.F.R. § 273.10(e)(1)(i) provides the following: *Calculating net income and benefit levels-(1) Net monthly income.* 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.

7 C.F.R. § 273.10(e)(2)(i)(A) provides for households that 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 Appellant's shelter costs equals \$2,262.00 (\$1,350.00+\$912.00 SUA).

The Appellant's shelter hardship equals \$754.00 (\$2,262.00 shelter cost-\$1,508.30 fifty percent of adjusted gross income).

The Appellant's net adjusted income equals \$2,262.60 (\$3,016.60 adjusted gross income-\$754.00 shelter hardship).

11.7 C.F.R. § 273.10(e)(2)(ii)(A) provides the following: Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways: (1) "The State agency shall round the 30 percent of net income up to the nearest higher dollar".

Thirty percent of the Appellant's adjusted net income, rounded up, is \$679.00 (\$2,262.60*0.30).

12.7 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 a 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 considering economies of scale and other adjustments as required by law.

7 C.F.R. § 273.10(e)(4) provides the following: Thrifty Food Plan (TFP) and Maximum SNAP Allotments. (i) Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at www.fns.usda.gov/fsp.

7 C.F.R. § 273.10(e) (4) (ii) provides in relevant part that 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.

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

The Appellant's SNAP benefit is calculated as follows:

SNAP BENEFIT CALCULATION

| | |
|---|-------------------|
| <u>INCOME</u> | |
| Earned Income | \$1,623.25 |
| Less 20% | -\$324.65 |
| = Adjusted earned income | \$1,298.60 |
| + Unearned income | \$1,916.00 |
| = Total income | <u>\$3,214.60</u> |
| - Standard deduction | -\$198.00 |
| - Medical expenses | \$0.00 |
| -Dependent care expenses | \$0.00 |
| =Adjusted gross income | \$3,016.60 |
| <u>SHELTER COSTS</u> | |
| Rent | \$1,350.00 |
| + SUA | \$912.00 |
| Total shelter costs | \$2,262.00 |
| <u>SHELTER HARDSHIP</u> | |
| Shelter costs | \$2,262.00 |
| Less 50% of adjusted gross income | -\$1,508.30 |
| = Total shelter hardship (max \$624.00 if not disabled or elderly) | \$753.70 |
| <u>ADJUSTED NET INCOME</u> | |
| Adjusted gross income | \$3,016.60 |
| Less shelter hardship | -\$753.70 |
| Net Adjusted Income (NAI) | \$2,262.90 |
| <u>BENEFIT CALCULATION</u> | |
| Thrifty Food Plan for one person | \$291.00 |
| Less 30% of NAI (rounded up to nearest whole dollar) | \$678.87 |
| SNAP award | \$0.00 |

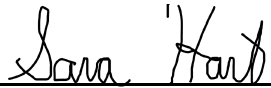
While the Department made errors in calculating the Appellant's earned income, it correctly determined the Appellant is ineligible for SNAP because his net income exceeds the SNAP net income limit for a household of one person.

DISCUSSION

The Appellant requested an administrative hearing on [REDACTED], and recalculations of the Appellant's earned income after [REDACTED], by the Department are outside of the scope of this administrative hearing decision.

DECISION

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



Sara Hart
Hearing Officer

Cc: Carmen Ferrer, Department Representative, Stamford Regional Office
Shahar Thadal, Operations Manager, Stamford 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.

