

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 # ██████████
Request # 231521

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2024, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a notice of action (“NOA”) discontinuing her Supplemental Nutrition Assistance Program (“SNAP”) benefits because her monthly net income is above the program limit for her household size.

On ██████████, 2024, the Appellant requested an administrative hearing to contest the Department’s discontinuance 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 ██████████ 2024, 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 phone.

The following individuals participated in the hearing:

██████████, Appellant
Christopher Filek, Department’s Representative
Scott Zuckerman, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department was correct to discontinue the Appellant's SNAP benefits due to her household's monthly net income exceeding the net income limit for the program.

FINDINGS OF FACT

1. The Appellant received SNAP benefits for a household of three through [REDACTED], 2024. The SNAP household consisted of herself and her minor children, [REDACTED] and [REDACTED] (Hearing Record)
2. On [REDACTED], 2023, the Appellant submitted an online change report reporting a change of address. She included a rent receipt and a letter from the landlord. The landlord's letter indicated she shares rent with [REDACTED]. Mr. [REDACTED] is the father of the Appellant's child, [REDACTED]. The relationship was verified by the child's birth certificate. (Appellant's testimony, Department's testimony, Exhibit 4: Case notes)
3. On [REDACTED] 2023, the Department verified by an email to the leasing agent [REDACTED] on [REDACTED] 2023. The Department performed a home visit that day where the Appellant indicated they moved in together on [REDACTED] 2023. (Ex. 4: Case notes)
4. The Appellant receives monthly Supplemental Security Income ("SSI") of \$943.00. (Exhibit 2: SOLQ-I details)
5. [REDACTED] receives a monthly SSI of \$763.00. (Exhibit 2)
6. [REDACTED] receives monthly direct child support of \$300.00. (Exhibit 2: SOLQ and Exhibit 3: Child support letter from Jason Smith dated [REDACTED] 2023)
7. [REDACTED] is employed by [REDACTED] and received the following biweekly wages: [REDACTED] 2023, \$1,775.83, and [REDACTED], 2023, \$1,445.95. (Exhibit 6: Equifax/The Work Number employment verification)
8. The Appellant's household pays rent of \$1300.00 monthly. (Appellant's testimony and Ex. 4)

9. The Department allowed the Appellant a monthly Standard Utility Allowance (“SUA”). (Hearing Record)
10. On ██████████ 2024, the Department sent the Appellant a Notice of Action, discontinuing her SNAP benefits because, “the monthly net income of your household is more than the limit for the program”. (Exhibit 5: NOA, ██████/24)
11. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations (“C.F.R.”) § 273.15 (c) (1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and the local agency is notified of the decision. The Appellant requested an administrative hearing on ██████████, 2024; therefore this decision is due no later than ██████████ 2024. (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.”) § 273.12(a)(1)(ii) provides that the household is responsible to report all changes in household composition, such as the addition or loss of a household member.
3. 7 C.F.R. § 273.12(a)(5)(v) provides for reporting when gross income exceeds 130 percent of poverty. A household subject to simplified reporting in accordance with [paragraph \(a\)\(5\)\(i\)](#) of this section, whether or not it is required to submit a periodic report, must report when its monthly gross income exceeds the monthly gross income limit for its household size, as defined at [§ 273.9\(a\)\(1\)](#). The household shall use the monthly gross income limit for the household size that existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.
4. 7 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.
5. 7 C.F.R. § 273.1(b) provides that the following individuals who live with others must be considered as customarily purchasing food and preparing meals with others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.
- (i) Spouses;
 - (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and
 - (iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

The Department correctly determined the Appellant's household a household of four: The Appellant, the Appellant's two children, and [REDACTED], the father of [REDACTED]. The Department correctly determined [REDACTED] must be included in the household composition, therefore customarily purchasing food and preparing meals together.

The Department correctly determined that [REDACTED] wages from [REDACTED] are to be included in the household's total monthly income.

6. 7 C.F.R. § 273.9 (a) (1) provides the gross income eligibility standards for SNAP shall be as follows: (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

7 C.F.R. § 273.9 (a) (4) provides that the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS website, at www.fns.usda.gov/snap.

Effective June 19, 2009, the Department implemented SNAP changes referred to as Expanded Categorical Eligibility ("ECE"). Effective July 1, 2009, the gross income limit for the SNAP increased to 185% of the Federal Poverty Level ("FPL") for SNAP households that do not contain an elderly or disabled household member.

Effective September 1, 2022, the gross income limit for the SNAP increased to 200% of the FPL for SNAP households that do not contain an elderly or disabled household member.

The FPL for a household of four is \$2500.00 monthly (\$30,000 per year/12 months). (Federal Register / Vol. 88 No.12 / January 19, 2023, page 3424).

The net income limit for an assistance unit of four as of [REDACTED] 2023 is \$2500.00 (100% FPL).

7. 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 contains disabled individuals and is therefore subject to the net income eligibility standards.

8. 7 C.F.R. § 273.9(b)(2)(i) provides that unearned income shall include, but not limited to Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in [§ 271.2](#)); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt from consideration as countable income under the provisions of [paragraph \(c\)\(1\)](#) of this section. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.
9. 7 C.F.R. § 273.9(b)(2)(iii) provides that unearned income shall include support or alimony payments made directly to the household from nonhousehold members.

The Department correctly determined that the Appellant and her daughter's SSI payments are considered unearned income and counted in the calculation of the Appellant's SNAP benefits.

The Department correctly determined that the Appellant's child support payment of \$300.00 is considered unearned income and counted in the calculation of the Appellant's SNAP benefits.

10. 7 C.F.R. § 273.9(b)(1)(i) provides in part that earned income shall include all wages and salaries of an employee.
11. 7 CFR 273.9(d)(2) provides for Earned income deduction and states that 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.

12. 7 C.F.R. § 273.10 (c) provides for determining income (1) *Anticipating income*. (i) 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 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) (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 [REDACTED] monthly gross earned income from wages received at [REDACTED] is \$3463.41 (\$1,775.83 + \$1,445.95 = \$3,221.78 / 2 = \$1610.89 x 2.15 weeks = \$3463.41).

The Department correctly determined that [REDACTED] adjusted gross earnings as \$2770.72 (\$3463.41 x 20%)

The Department correctly calculated the total household income as \$4,776.72 (\$943.00 SSI + \$763.00 SSI + \$300 child support + \$2,770.72 adjusted earned income).

13. 7 C.F.R. § 273.9 (d) (1) provides for the standard deduction. (i) 48 States, the 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.

The Department correctly allowed the Appellant's household the \$208.00 standard deduction for a household of four.

The Department correctly determined the Appellant's adjusted gross income is \$4,568.72 (\$4,776.72 - \$208).

14.7 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 itself, but not separate costs for insuring furniture or personal belongings.

The Department correctly determined that 50% of the Appellant's adjusted gross income is \$2,284.36 (\$4,568.72 *0.50).

The Department correctly determined the Appellant's household is eligible for an uncapped shelter deduction based on disability.

15.7 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 monthly shelter cost as \$2,212.00 (\$1,300.00 rent + \$912.00 SUA).

The Department correctly determined the Appellant's shelter hardship as \$0.00 (\$2,212.00 shelter costs - \$2,284.36 50% gross)

The Department correctly determined the Appellant's net adjusted income is \$4,568.72 (\$4,568.72 - \$0.00 shelter hardship)

16.7 C.F.R. § 273.10 (e) (2) (ii) (A) 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: (1) 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, is \$1371.00 (\$4,568.72 * 0.30).

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

7 C.F.R. § 273.10(e) (4) (i) provides for the TFP and Maximum Food Stamp Allotments. 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(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 four-person household effective [REDACTED] 2023 through [REDACTED] 2024 is \$973.00.

18. The Appellant's SNAP benefit is computed as follows:

SNAP BENEFIT	
EARNED INCOME	
Earnings– Lenny Cruz Santiago	\$3463.41
Less 20%	-\$692.68
Adjusted Earned Income	\$2770.72
UNEARNED INCOME	
SSI - Appellant	\$943.00
SSI – Luna Smith	+\$763.00
Child Support – Luna Smith	+\$300.00
Total Unearned Income	=\$2,006.00
Total Income	\$4,776.72
Less standard deduction	-\$208.00
Adjusted Gross Income	=\$4,568.72
SHELTER COSTS	
Rent	\$1300.00
SUA	+\$912.00

Total shelter costs	=\$2,212.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,212.00
Less 50% of adjusted gross income	<u>-\$2284.36</u>
Total shelter hardship	\$0.00 (Cannot exceed \$672 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$4568.72
Less shelter hardship	<u>-\$0.00</u>
Net Adjusted Income (NAI)	=\$4568.72
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for four persons	\$973.00
Less 30% of NAI	<u>-\$1371.00</u>
SNAP award	=\$0.00

The Department correctly determined the Appellant's household is ineligible for SNAP benefits effective [REDACTED] 2024, because the Appellant's net household income of \$4568.72 exceeds the SNAP program income net income limit for a household of four of \$2500.

DECISION

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

Scott Zuckerman
Scott Zuckerman
Hearing Officer

Cc: Brian Sexton, Operations Manager, DSS, Middletown Office
Christopher Filek, Fair Hearing Liaison, DSS, Middletown 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, law, and 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 the Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to the 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 if 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 to 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 under §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.