

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 # ██████████
CLIENT ID # ██████████
REQUEST # ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to Helen Cech (the “Appellant”) approving SNAP benefits in the amount of \$152.00 for the month of ██████████ 2023 and \$133.00 effective ██████████ 2024.

On ██████████ 2024, the Appellant requested an administrative hearing to dispute the reduction of her SNAP benefit.

On ██████████ 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling an administrative hearing to be held on ██████████, 2024, in-person at the Department’s ██████████ regional office.

On ██████████ 2024, the Department issued a NOA informing the Appellant her SNAP would be increased to \$136.00 effective ██████████ 2024.

On ██████████ 2024, the Appellant requested the administrative hearing be rescheduled due to the hearing time conflicting with another appointment that she was unable to cancel.

On [REDACTED] 2024, the OLCRAH issued a notice scheduling the administrative hearing to be held on [REDACTED] 2024, in-person at the Department's [REDACTED] regional office.

On [REDACTED], 2024, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an Administrative Hearing with the following individuals participating:

[REDACTED], Appellant

[REDACTED], Appellant's Personal Care Assistant/Aide ("PCA")

[REDACTED] Residential Services Coordinator / Community Social Worker for [REDACTED]

[REDACTED]

Barbara Breuler, Department's Representative

Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly calculated the Appellant's monthly SNAP benefits beginning [REDACTED] 2024.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old and resides alone at [REDACTED], Independent Senior Housing. (Hearing Record)
2. On [REDACTED] 2023, the Department issued a NOA to the Appellant approving SNAP benefits in the amount of \$152.00 for the month of [REDACTED] 2023 and \$133.00 effective [REDACTED] 2024. (Hearing Record)
3. On [REDACTED] 2024, the Appellant's monthly Social Security ("SSA") benefit was increased from \$1,280.00 to \$1,321.00 due to a cost-of-living adjustment ("COLA"). (Exhibit 2: Case Note dated [REDACTED])
4. SSA is the Appellant's only source of income. (Hearing Record)
5. Due to increase in SSA, the Appellant's SNAP was reduced to \$133.00 effective [REDACTED] 2024. (Hearing Record)
6. On [REDACTED] 2024, the Appellant requested an administrative hearing to dispute the amount (reduction) of her SNAP benefit. (Hearing Record)
7. On [REDACTED] 2024, the Appellant reported an increase in her monthly rental obligation; The Appellant reported her rent to be \$256.00. (Exhibit 2: Case Note dated [REDACTED])

8. On [REDACTED], 2024, the Department updated the Appellant's rent resulting in the SNAP benefit increasing to \$136.00 effective [REDACTED] 2024. (Exhibit 1: NOA dated [REDACTED])
9. The Appellant has not provided verification of any out-of-pocket medical expenses to the Department. (Hearing Record)
10. The Appellant does not have any childcare or support obligations. (Hearing Record)
11. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a hearing be held, and a decision be issued within [REDACTED] days of the request for an administrative hearing. The hearing request was received on [REDACTED] 2024. Due to the Appellant's request for a reschedule, an additional [REDACTED] day was added to the due date of this decision. This decision is therefore due no later than [REDACTED] 2024.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.

The Department has the authority to administer and oversee the SNAP.

2. "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 as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))." 7 Code of Federal Regulations ("CFR") § 273.9(a)
3. "Elderly or disabled member means 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; (4) Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66; (5) Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act. (6) Is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code; (7) Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under title 38 of the United States Code; (8) Is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States Code; (9) Is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under title 38 of the United States Code and has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them; or (10) Receives an annuity payment under: section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act. (11) Is a recipient of interim assistance benefits pending the receipt of Supplemented Security Income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based State general assistance benefits provided that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the State agency which are at least as stringent as those used under title XVI of the Social Security Act (as set forth at 20 CFR part 416, subpart I, Determining Disability and Blindness as defined in Title XVI)." 7 CFR § 271.2

The Department correctly determined the Appellant meets the criteria to be considered elderly as she is over the age of sixty and receives Social Security (SSA) benefits.

4. "Anticipating income. For the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received

during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by § 273.12.” 7 CFR § 273.10(c)(1)(i)

5. “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. Similarly, if the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income. The State agency shall exercise particular caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the State agency automatically attribute to the household the amounts of any past income. The State agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.” 7 CFR § 273.10(3)(i)
6. “Unearned income shall include, but not be limited to: (i) 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. (ii) Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in §272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week." 7 CFR § 273.9 (b)(2)(i) &(ii)

The Department correctly determined the Appellant's total gross monthly unearned income (SSA) was \$1,321.00 effective [REDACTED] 2024.

7. "Income deductions. Deductions shall be allowed only for the following household expenses: (1) 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 CFR § 273.9 (d)(1)(i)
8. The United States Department of Agriculture Food and Nutrition Services issued general guidance pertaining to the changes to the Standard Deductions (see: www.fns.usda.gov/snap/allotment/COLA):

"The following table provides the Standard Deduction allowable depending on household size effective January 1, 2024."

Standard Deductions

| Household Size | Standard Deduction Amount |
|----------------|---------------------------|
| 1 | \$198 |
| 2 | \$198 |

| | |
|----|--------|
| 3 | \$198 |
| 4 | \$208 |
| 5 | \$2444 |
| 6+ | \$279 |

The Department correctly applied the \$198.00 Standard Deduction for the Appellant's household size (1) which reduces the household's countable income from \$1,321.00 to \$1,123.00.

9. "Deductions shall be allowed only for the following household expenses:

(3) Excess medical deduction. That portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household member who is elderly or disabled as defined in §271.2.

(4) Dependent care. Payments for dependent care when necessary for a household member to search for, accept or continue employment, comply with the employment and training requirements as specified under §273.7(e), or attend training or pursue education that is preparatory to employment, except as provided in §273.10(d)(1)(i).

(5) Optional child support deduction. At its option, the State agency may provide a deduction, rather than the income exclusion provided under paragraph (c)(17) of this section, for legally obligated child support payments paid by a household member to or for a non-household member, including payments made to a third party on behalf of the non-household member (vendor payments) and amounts paid toward child support arrearages." 7 C.F.R. § 273.9 (d)(3), (4) & (5)

The Department correctly determined the Appellant was not eligible for an excess medical deduction because none were provided to the Department for review.

The Department correctly determined the Appellant was not eligible for dependent care, or optional child support expense deductions as none were reported or provided to the Department for review.

10. "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. ... FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and

future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12-month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

(A) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(B) Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

(C) The cost of fuel for heating; cooling (i.e., the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included." 7 CFR § 273.9 (d)(6)(ii)

The Department correctly determined the Appellant's monthly shelter expense to be \$256.00.

11. "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); 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." 7 CFR § 273.9 (d)(6)(iii)

The Department correctly applied the \$912.00 Standard Utility Allowance ("SUA") and determined the Appellant's total shelter cost to be \$1,168.00 (\$912.00 SUA + \$256.00 shelter expense)

The Department correctly determined the excess shelter costs for the Appellant totals \$606.50 (\$1,168.00 total shelter cost - \$561.50 [50% of gross adjusted income])

12. "Net monthly income. To determine a household's net monthly income, the State agency shall:" 7 CFR § 273.10(e)(1)(i)(A)-(I)

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.

13. "Net monthly income. In calculating net monthly income, the State agency shall use on of the following two procedures." 7 CFR § 273.10(e)(1)(i) -(ii) and (2)(ii)

A. Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents: or

B. Apply the rounding procedure that is currently in effect for the State's Temporary Assistance for Needy Families (TANF) program. If the State TANF program includes the cents in income calculations, the State agency may use the same procedures for SNAP income calculations. Whichever procedure is used, the State agency may elect to include the cents associated with each individual shelter cost in the computation of the shelter deduction and round the final shelter deduction amount. Likewise, the State agency may elect to include the cents associated with each individual medical cost in the computation of the medical deduction and round the final medical deduction amount.

(ii) A. 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; or

2. The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar.

B. If the calculation of benefits in accordance with paragraph (e)(2)(ii)(A) of this section for an initial month would yield an allotment of less than \$10 for the household, no benefits shall be issued to the household for the initial month.

C. 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.

14. "Net income and SNAP benefit levels are calculated pursuant to 7 CFR § 273.10(e)(1)(i)(A)-(I)."

The following table represents the Department's calculation of the household's SNAP benefit:

| | |
|-------------------------------|-------------------|
| Total Earned Income (Wages) | \$0.00 |
| + Total Unearned Income (SSI) | \$1,321.00 |
| Gross Monthly Income | \$1,321.00 |
| -20% Earned Income Deduction | \$0.00 |
| -Standard Deduction | \$198.00 |

| | |
|--|-----------------------------|
| Total Adjusted Gross Monthly Income | \$1,123.00 |
| Total x .5 (50%) Adjusted Gross Income | \$561.50 |
| | |
| Shelter Costs | |
| Rent | \$256.00 |
| + Standard Utility Allowance (SUA) | \$912.00 |
| Total Shelter Costs | \$1,168.00 |
| -50% Adjusted Gross Income | \$561.50 |
| Excess Shelter Costs | \$606.50 |
| Total Shelter Deduction | \$606.50 |
| | |
| Adjusted Gross Income | \$1,123.00 |
| -Total Shelter Deduction | \$606.50 |
| Net Adjusted Income | \$516.50 |
| Net Adjusted Income x .30 | \$155 (\$154.95 rounded up) |
| | |
| Max SNAP (household of one) | \$291.00 |
| -30% Net Adjusted Income | \$155.00 |
| SNAP Allotment for Household | \$136.00 |


The Department correctly calculated the household's monthly SNAP allotment to be \$136.00 effective [REDACTED] 2024.

DISCUSSION

The Appellant testified her current SNAP award is not sufficient to cover the expense of her groceries. Due to a medical issue the Appellant requires a special diet which necessitates her having to purchase more expensive groceries. Additionally, the Appellant reported having out-of-pocket medical expenses exceeding \$35.00 per month. As of the date of the hearing, the Appellant has not provided verification of these expenses to the Department for review. While the hearing officer sympathizes with the Appellant when it comes to the cost of groceries, regulations are specific as to how the SNAP benefit is to be calculated. Concerning any out-of-pocket medical expenses the Appellant may have, the undersigned Hearing Officer encourages the Appellant to submit verification of these expenses to the Department for review as she may be eligible to receive a medical expense deduction.

DECISION

The Appellant's appeal is DENIED.


Joseph Alexander
Administrative Hearing Officer

CC: Jill Sweeney, Operations Manager, DSS, Danbury Regional Office
Barbara Breuler, Eligibility Services Specialist, DSS, Danbury 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, what new evidence has been discovered or what other good cause exists. If the request for reconsideration is granted, the appellant will be notified with **25** days of the request date. No response within **25** days means 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 date 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.