

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 # 232108

NOTICE OF DECISION

PARTY

██████████
██████████
██████████
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PROCEDURAL BACKGROUND

On ██████████, 2024, ██████████ (the “Appellant”) requested an administrative hearing to contest the amount of his Supplemental Nutrition Assistance Program (“SNAP”) benefit issued by the Department of Social Services (the “Department”).

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 by teleconference.

The following individuals were present at the hearing:

██████████, Appellant
██████████, Appellant’s mother and Authorized Representative (“AREP”)
Brad Wheeler, Department’s Representative
Scott Zuckerman, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly calculated the Appellant's monthly SNAP benefit amount.

FINDINGS OF FACT

1. On [REDACTED], 2021, the Appellant was certified for the SNAP from [REDACTED] 2021, through [REDACTED], 2024, for a household of one. The Department granted a monthly SNAP benefit of \$234.00. The Appellant's income consisted of Unemployment Compensation Benefits ("UCB") of \$147.00 weekly and SSI of \$226.00 monthly. (Department's testimony and Exhibit 1: Notice of Action dated [REDACTED] 2021)
2. The Appellant is Twenty – Eight years old (DOB: [REDACTED], 1996). (Appellant's AREP testimony)
3. The Appellant is disabled. (Hearing Record)
4. On [REDACTED]/2021, the Appellant's weekly UCB payment of \$147.00 ended. (Department's testimony)
5. On [REDACTED], 2023, the Department extended the Appellant's SNAP certification period to [REDACTED] 2024. (Exhibit 4: Case Notes)
6. The Appellant receives monthly Supplemental Security Income ("SSI") of 943.00 per month. (Appellant's AREP testimony and Exhibit 5: Federal SNAP – Income Test)
7. The Appellant's SSI benefit is reduced by \$94.30 monthly due to an overpayment. The overpayment is excluded. The Department considers the net SSI benefit amount of \$848.70 in the calculation of the Appellant's monthly SNAP benefit. (AREP testimony and Exhibit 5: Federal SNAP income test)
8. The Appellant has a monthly shelter expense of \$500.00 rent. (Appellant's testimony, Exhibit 1)
9. The Appellant receives a monthly Standard Utility Allowance ("SUA"). (Hearing Record)
10. The Department continued to count the \$147.00 weekly UCB payment in calculating the SNAP benefit throughout the certification period as it did not receive notification or an alert that the UCB had ended. (Department's testimony, Exhibit 3: Document Search and Exhibit 4: Case notes)

11. On [REDACTED], 2024, the Appellant requested an administrative hearing to contest the amount of his SNAP. (Hearing Record)
12. On [REDACTED] 2024, the Department, upon reviewing the Appellant's hearing request removed the UCB payment effective [REDACTED] 2024, increasing his monthly benefit from \$136.00 to \$291.00. (Department's testimony, Exhibit 4 and Exhibit 5: Federal SNAP – Income Test)
13. The issuance of this decision is timely under the Code of Federal Regulations ("CFR") § 273.15 which states that a decision must be reached and the household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED], 2024. Therefore, this decision is due no later than [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 ongoing SNAP eligibility to determine whether his household meets the program's income requirements.

2. Title 7 of the Code of Federal Regulations ("C.F.R.") 273.2(k)(2)(i) provides the State agency shall complete the application process and approve or deny timely applications for recertification in accordance with § 273.14 of the SNAP regulations. A face-to-face interview shall be waived if requested by a household consisting entirely of SSI participants unable to appoint an authorized representative. The State agency shall provide SSI households with a notice of expiration in accordance with § 273.14(b), except that such notification shall inform households consisting entirely of SSI recipients that they are entitled to a waiver of a face-to-face interview if the household is unable to appoint an authorized representative.

On [REDACTED] 2021, the Appellant completed his renewal and was certified through [REDACTED], 2024.

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.

The Appellant is disabled.

4. 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 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 levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

7 C.F.R. § 273.2(j) (2) (ii) (A) provides the state agency, at its option, may extend categorically eligibility to the following households only if doing so will further the purposes of the Food Stamp Act. (A) Any household (except those listed in paragraph (j) (2) (vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with state money counted for MOE purposes under Title IV-A or federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determined to confer categorical eligibility.

The Department correctly determined that the Appellant's household contains a disabled household member and is therefore subject to the net (applied) income eligibility standards.

5. Title 7 CFR § 273.9(b)(2) provides in part that unearned income shall include, but not 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 273.10(c)(1)(ii) provides that 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(c)(2)(i) provides that 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 monthly income from SSI of \$848.70 is unearned income and countable toward the calculation of the Appellant's monthly SNAP benefit.

The Department correctly determined the Appellant's monthly income from UCB as \$632.10 (\$147.00 x 4.3 weeks) is countable unearned income toward the calculation of the Appellant's monthly SNAP benefit through [REDACTED] 2024.

The Department correctly determined the household's gross monthly income as \$1480.80 (\$848.70 SSI + \$632.10 UCB).

6. 7 CFR 273.12(a)(2) provides that Certified households must report changes within 10 days of the date the change becomes known to the household, or at the State agency's option, the household must report changes within 10 days of the end of the month in which the change occurred. For reportable changes of income, the State agency shall require that change to be reported within 10 days of the date that the household receives the first payment attributable to the change. For households subject to simplified reporting, the household must report changes no later than 10 days from the end of the calendar month in which the change occurred, provided that the household receives the payment with at least 10 days remaining in the month. If there are not 10 days remaining in the month, the household must report within 10 days from receipt of the payment. Optional procedures for reporting changes are contained in paragraph (f) of this section for households in States with

forms for jointly reporting SNAP and public assistance changes and SNAP and general assistance changes

7. 7 CFR 273.12(c)(1)(i) provides that for changes which result in an increase in a household's benefits, other than changes described in paragraph (c)(1)(ii) of this section, the State agency shall make the change effective no later than the first allotment issued 10 days after the date the change was reported to the State agency. For example, a \$30 decrease in income reported on the 15th of May would increase the household's June allotment. If the same decrease were reported on May 28, and the household's normal issuance cycle was on June 1, the household's allotment would have to be increased by July.
8. 7 CFR 273.12(c)(1)(ii) for changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of \$50 or more in the household's gross monthly income, the State agency shall make the change effective not later than the first allotment issued 10 days after the date the change was reported. However, in no event shall these changes take effect any later than the month following the month in which the change is reported. *Therefore, if the change is reported after the 20th of a month and it is too late for the State agency to adjust the following month's allotment, the State agency shall issue a supplementary ATP or otherwise provide an opportunity for the household to obtain the increase in benefits by the 10th day of the following month, or the household's normal issuance cycle in that month, whichever is later. For example, a household reporting a \$100 decrease in income at any time during May would have its June allotment increased. If the household reported the change after the 20th of May and it was too late for the State agency to adjust the ATP normally issued on June 1, the State agency would issue a supplementary ATP for the amount of the increase by June 10.*

The Department was notified of the Appellant's decrease in income when he reported on his [REDACTED] 2014, hearing request that UCB ended in [REDACTED]. On [REDACTED] 2024, the Department correctly removed the UC income and issued a supplement to increase his SNAP benefit effective [REDACTED] 2024.

9. Title 7 CFR § 273.9(d)(1)(i) provides for standard deductions and states that Effective October 1, 2002, in the 48 States and 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.
10. 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 applied the standard deduction of \$198.00 to the Appellant's total income of \$1480.80 for an adjusted gross income of \$1282.80.

11.7 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 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.

The Department correctly determined the Appellant's household is eligible for an uncapped shelter deduction because his household is disabled.

12.7 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 to be \$1412.00 (\$500.00 rent + \$912.00 SUA)

The Department correctly determined that 50% of the Appellant's adjusted gross income is \$641.40 ($\$1282.80 / 2 = \641.40)

The Department correctly determined the Appellant's shelter hardship as \$770.60 ($\1412.00 shelter costs - $\$641.40$ 50% adjusted gross)

The Department correctly determined the Appellant's net adjusted income is \$512.20. ($\1282.80 adjusted gross income - $\$770.60$ shelter hardship).

13.7 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% of the Appellant's net adjusted income, rounded up is \$154.00 ($\$512.20 \times 30\%$).

14.7 C.F.R. § 273.10(e) (4) (i) provides for the Thrifty Food Plan ("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(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.

The TFP for a household of one from [REDACTED] 2023, through [REDACTED], 2024, is \$291.00.

15. The Appellant's SNAP benefits are computed as follows:

SNAP BENEFIT CALCULATION	
INCOME	
SSI	\$848.70

UCB	\$632.10
Total Unearned Income	\$1480.80
Less standard deduction	-\$198.00
Adjusted gross income	\$1282.80
SHELTER COSTS	
Rent	\$500.00
SUA	+\$912.00
Total shelter costs	\$1412.00
SHELTER HARDSHIP	
Shelter costs	\$1412.00
Less 50% of adjusted gross income	-\$641.40
Total shelter hardship	\$770.60 <small>(Cannot exceed \$672 unless elderly or disabled)</small>
ADJUSTED NET INCOME	
Adjusted gross income	\$1282.80
Less shelter hardship	-\$770.60
Net Adjusted Income (NAI)	\$512.20
BENEFIT CALCULATION	
Thrifty Food Plan for one	\$291.00
Less 30% of NAI	-\$154.00
SNAP award	\$137.00

The Department correctly calculated the Appellant's monthly SNAP benefit amount of \$137 effective [REDACTED] 2024.

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

SNAP BENEFIT CALCULATION	
INCOME	
SSI	\$848.70
Total Unearned Income	\$848.70
Less standard deduction	-\$198.00
Adjusted gross income	\$650.70
SHELTER COSTS	
Rent	\$500.00
SUA	+\$912.00
Total shelter costs	\$1412.00
SHELTER HARDSHIP	
Shelter costs	\$1412.00
Less 50% of adjusted	-\$325.35

gross income	
Total shelter hardship	\$1086.65 (Cannot exceed \$672 unless elderly or disabled)
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$650.70
Less shelter hardship	<u>-\$1086.65</u>
Net Adjusted Income (NAI)	\$0.00
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for one	\$291.00
Less 30% of NAI	-\$0.00
SNAP award	\$291.00

The Department correctly calculated the Appellant's monthly SNAP benefit amount of \$291.00 effective [REDACTED] 2024, the month after the Appellant's [REDACTED] 2024, report that his UCB benefits had ended.

DECISION

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

Scott Zuckerman
Scott Zuckerman
Hearing Officer

Pc: Matthew Kalarickal, Operations Manager, DSS, Norwich Office
Brad Wheeler, Fair Hearing Liaison, DSS, Norwich 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.