

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

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

Client ID ██████████  
Case ID ██████████  
Request # 232661

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 2024, the Department of Social Services (the “Department”) issued a notice of action to ██████████ (the “Appellant”) closing the Appellant’s benefits under the Supplemental Nutritional Assistance Program (“SNAP”) effective ██████████ 2024.

On ██████████ 2024, the Appellant requested an administrative hearing to contest the Department’s decision to close 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 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals were present for the hearing:

██████████ Appellant  
██████████ Appellant’s Daughter  
Andrena Boria, Department Representative  
Lisa Nyren, Fair Hearing Officer

## STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to close the Appellant's benefits under the SNAP beginning [REDACTED] 2024 is correct.

## FINDINGS OF FACT

1. The Appellant receives benefits under the SNAP for a household of three: herself age [REDACTED] her daughter [REDACTED] ("daughter") age [REDACTED] [REDACTED] and her daughter's son [REDACTED] ("grandson") age [REDACTED] (Hearing Record)
2. The Appellant's 12-month SNAP certification period began [REDACTED] 2023 and ended on [REDACTED] 2023. (Department Representative Testimony, Exhibit 1: Notice of Renewal of Eligibility, Exhibit 3: Federal SNAP-Income Test and Exhibit 3: Notice of Action)
3. In [REDACTED] 2023, the daughter began working for the [REDACTED] (the "employer") earning \$18.50 per hour. The daughter works 36 hours per week, but her hours can vary. The daughter earned the following weekly pays:

Month	[REDACTED]	Gross	[REDACTED]	Gross	[REDACTED]	Gross	[REDACTED]	Gross	[REDACTED]	Gross
Paydate	[REDACTED]/23	688.14	[REDACTED]/23	716.40	[REDACTED]/23	185.22	[REDACTED]/24	723.46	[REDACTED]/24	696.90
Paydate	[REDACTED]/23	535.50	[REDACTED]/23	595.44	[REDACTED]/23	509.40	[REDACTED]/24	567.58	[REDACTED]/24	902.12
Paydate	[REDACTED]/23	718.56	[REDACTED]/23	720.00	[REDACTED]/23	786.24	[REDACTED]/24	505.42		
Paydate			[REDACTED]/23	550.08	[REDACTED]/23	866.52	[REDACTED]/24	00.93		
Paydate					[REDACTED]/23	540.00	[REDACTED]/24	175.20		
Totals		1,942.20		2,581.92		2,887.38		1,972.59		TBD

(Daughter's Testimony and Exhibit 2: Equifax Income Report)

4. On [REDACTED] 2023, the Department received the Appellant's renewal document requesting continued benefits under the SNAP for a household of three: herself, the daughter, and the grandson. The Appellant listed the household income as social security disability benefits ("SSDI") but failed to list her daughter's job with the employer. (Exhibit 1: Notice of Renewal of Eligibility and Exhibit 7: Case Notes)
5. The Appellant receives gross SSDI of \$973.00 per month beginning [REDACTED] 2024. The Appellant's gross SSDI is reduced by \$50.00 because she was overpaid SSDI in the past and the Social Security Administration ("SSA") has initiated a recoupment action. The Appellant's net SSDI minus \$50.00 recoupment equals \$923.00 effective [REDACTED] 2024. (Stipulated)

6. The Appellant's monthly rent equals \$9.00. The Appellant pays for gas heat separate from her rent. (Appellant Testimony and Exhibit 1: Notice of Renewal of Eligibility)
7. The gross income limit for a household of three under the SNAP equals \$4,144.00 per month. The maximum SNAP allotment for a household of three equals \$766.00 per month. (Department Representative Testimony and Exhibits 4, 5, & 6: Federal SNAP – Income Test)
8. On [REDACTED] 2024, the Department determined the Appellant ineligible for continued benefits under the SNAP because the household income exceeds the maximum SNAP benefits for a household of three and issued the Appellant a notice of action. The Department listed the household income as: the Appellant SSDI \$973.00 per month, daughter's wages as \$14.00 per month, \$15.00 per month, and \$617.38 per week. (Exhibit 4: Federal SNAP – Income Test and Exhibit 9: Notice of Action)
9. On [REDACTED] 2024, the Department reviewed the Appellant's SNAP benefits and determined the Appellant eligible for \$75.00 for [REDACTED] 2024, but not eligible for continued benefits beginning [REDACTED] 2024 because the household income exceeds the maximum SNAP benefit for a household of three. The Department applied the daughter's actual [REDACTED] 2024 wages, \$1,972.59 and the Appellant's net SSDI, \$923.00 to make an eligibility determination for [REDACTED] 2024. Refer to Finding of Fact ("FOF") #3 and #5. (Exhibits 5 & 6: Federal SNAP – Income Test, Exhibit 10: Notice of Action, and Department Representative Testimony)
10. On [REDACTED] 2024, the Department issued the Appellant a notice of action. The notice stated the Appellant eligible for SNAP benefits for [REDACTED] 2024 in the amount of \$75.00 but not eligible beginning [REDACTED] 2024. The Department listed the reasons as: You are not eligible for SNAP because the amount of income we count is higher than the maximum SNAP benefits for your household size and does not meet program requirements. The Department listed the household income as: gross monthly SSDI \$973.00 and the daughter's wages as \$733.76 per week. (Exhibit 10: Notice of Action)
11. The standard deduction for a household of three under the SNAP equals \$198.00 per month. (Exhibits 4, 5, & 6: Federal SNAP – Income Test)
12. The Appellant received an earned income deduction equal to \$503.51.  $\$2,517.56$  gross monthly income x 20% Earned Income Deduction = \$503.51. (Exhibit 6: Federal SNAP – Income Test)

13. The Appellant received the standard utility allowance (“SUA”) of \$912.00. (Exhibit 6: Federal SNAP – Income Test and Department Representative Testimony)
14. The Department determined the Appellant’s total shelter costs as \$921.00 (\$9.00 rent + \$912.00 SUA) and the SNAP shelter deduction as \$00.00. (Exhibit 6: Federal SNAP - Income Test)
15. The Appellant seeks continued SNAP benefits for herself and her grandson now that her daughter is employed. (Appellant Testimony)
16. Under SNAP rules, children under age twenty-two (22) who live with a parent, must be included in the same household as the parent. Therefore, the grandson must be included in the daughter’s household because she is his parent/mother, and the daughter must be included with the Appellant because she is her parent/mother. When the daughter turns age 22 ■■■■■ the household may be separated into two separate households. The daughter may apply for SNAP benefits for herself and her son; and the Appellant may apply for her own benefits under the SNAP separate from her daughter and grandson. (Department Representative Testimony and Exhibit 12: CT SNAP Policy Manual)
17. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on ■■■■■ ■■■■■ 2024. Therefore, this decision is due not later than ■■■■■ ■■■■■ 2024.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statute 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 Section 273.10(f) of the Code of Federal Regulations (“C.F.R.”) provides as follows:

The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

Federal regulation provides as follows:

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(a)

Federal regulation provides as follows:

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).

7 C.F.R. § 273.14(b)(2)

**On [REDACTED] 2024, the Appellant correctly submitted an application for recertification under the SNAP requesting continued benefits for herself, her daughter, and grandson because her recertification period was scheduled to expire on [REDACTED] 2023.**

3. Federal regulation provides as follows:

The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or stepparent(s).

7 C.F.R. § 273.1(b)(1)(ii)

**The Department correctly determined a SNAP household of three: the Appellant, the daughter, and the grandson.**

4. Federal regulation provides as follows:

At recertification the State agency shall verify a change in income if the source has changed or the amount has changed by more than \$50. Previously unreported medical expenses, actual utility expenses and total recurring medical expenses which have changed by more than \$25 shall also be verified at recertification. The State agency shall not verify income if the source has not changed and if the amount is unchanged or has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses, or actual utility expenses claimed by households which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. For households eligible for the child support deduction or exclusion, the State agency may use information provided by the State CSE agency in determining the household's legal obligation to pay child support, the amount of its obligation and amounts the household has actually paid if the household pays its child support exclusively through its State CSE agency and has signed a statement authorizing release of its child support payment records to the State agency. A household would not have to provide any additional verification unless they disagreed with the information provided by the State CSE agency. State agencies that choose to use information provided by their State CSE agency in accordance with this paragraph (f)(8)(i)(A) must specify in their State plan of operation that they have selected this option. For all other households eligible for the child support deduction or exclusion, the State agency shall require the household to verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a non-household member. The State agency shall verify reportedly unchanged child support information only if the information is incomplete, inaccurate, inconsistent or outdated.

7 C.F.R. § 273.2(f)(8)(i)(A)

**The Department correctly determined verification of the daughter's wages were needed to determine the household's continued eligibility under the SNAP because the daughter was newly employed.**

5. "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)

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

**The Department correctly determined the daughter’s wages as countable household income.**

Federal regulation provides as follows:

Unearned income shall include, but not be limited to: Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in § 272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

7 C.F.R. § 273.9(b)(2)(ii)

Federal regulation provides as follows:

Income shall not include the following: Moneys withheld from an assistance payment, earned income, or other income source, or moneys received from any income source which are voluntarily or involuntarily returned, to repay a prior overpayment received from that income source, provided that the overpayment was not excludable under paragraph (c) of this section. However, moneys withheld from assistance from another program, as specified in § 273.11(k), shall be included as income.

7 C.F.R. § 273.9(b)(5)(i)

**The Department correctly determined the Appellant’s net SSDI as countable income under the SNAP as federal regulation provides that money withheld from an income source used to repay a prior overpayment from that source is excluded.**

6. Federal regulation provides as follows:

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 C.F.R. § 273.10(c)(1)(ii)

Federal regulation provides as follows:

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.

7 C.F.R. § 273.10(c)(2)(i)

**The hearing record is void of evidence supporting the Department's calculation of the daughter's weekly wages as \$733.76 as reported on the ██████████ 2024 Notice of Action. Additionally, the hearing record is void of evidence supporting the Department's calculation of the daughter's gross monthly wages as \$2,517.56 as noted on the ██████████ 2024 Federal SNAP – Income Test.**

**However, because the daughter's earnings fluctuate from week to week, the Department may use a longer period of past time to provide a more accurate indication of anticipated fluctuations in future income as outlined under 7 C.F.R. § 273.10(c)(1)(ii). The daughter's monthly gross wages are calculated as \$2,321.99. Reference calculation below.**



██████████ 2023 gross wages \$2,887.38 + ██████████ 2024 gross wages  
 \$1,972.59 = \$4,859.97 two month/nine week total  
 \$4,859.97 / 9 weeks = \$539.9966 average per week  
 \$539.9966 x 4.3 = \$2,321.9853 or \$2,321.99 monthly gross wages

The Department correctly determined the Appellant's countable SSDI  
 as \$923.00 per month, correctly excluding the amount being  
 recouped by the SSA. \$973.00 gross - \$50.00 recoupment = \$923.00

7. Federal regulation provides as follows:

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  
 established as provided in section 673(2) of the Community Services  
 Block Grant Act (42 U.S.C. 9902(2)).

7 C.F.R. § 273.9(a)

The State agency, at its option, may extend categorical eligibility to the  
 following household only if doing so will further the purposes of the Food  
 and Nutrition Act of 2008:

- 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 determining to confer categorical eligibility.
- B. Subject to FNS approval, 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 three and four of the TANF block grant, as set forth in Section 401 of P.L. 104-193, and requires participants to

have a gross monthly income at or below 200 percent of the Federal poverty level.

7 C.F.R. § 273.2(j)(2)(ii)

The Connecticut SNAP Policy Manual provides for households whose gross income is below 200% of the Federal Poverty Limit (FPL) are eligible under expanded categorical eligibility (“ECE”) because all household members are authorized to receive TFA-funded referral services. Households whose income exceed 200% of the FPL with no elderly or disabled members are not eligible for SNAP.

“The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska and Hawaii.” 7 C.F.R. § 273.9(a)(3)

The Department of Health and Human Services lists the 2023 Poverty Guideline for the 48 Contiguous States and the District of Columbia as \$24,860.00 annually for a household of three (3). [Federal Register, Vol. 88, No 12/Thursday, January 19, 2023]

**\$24,860.00 annual federal poverty level (“FPL”) / 12 months =  
\$2,071.6666 monthly FPL  
\$2,071.6666 FPL x 200% = \$4,143.333 or \$4,144.00**

**The Department correctly determined the SNAP gross income limit for a household of four equals \$4,144.00 per month (200% of FPL) under ECE.**

**The Department correctly determined the household as categorically eligible under ECE because the household’s monthly gross countable income of \$3,244.99 is less than the SNAP gross income limit under ECE for a household of three of \$4,144.00.**

**Daughter’s monthly gross wages \$2,321.99 + Appellant’s SSDI \$923.00 = \$3,244.99 monthly household countable income**

8. “Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs as described in § 273.9.” 7 C.F.R. § 273.10(d)

Federal regulation provides as follows:

Deductions shall be allowed only for the following household expenses:

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.

7 C.F.R. § 273.9(d)(1)(iii)

United States Department of Agriculture Food and Nutrition Services provides as follows:

Effective October 1, 2023 through September 30, 2024 the standard deduction for the 48 States & District of Columbia for a household of 3 is \$198.00. [United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2024 Cost-of-Living Adjustments, August 3, 2023]

Federal regulation provides as follows:

*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.

7 C.F.R. § 273.9(d)(2)

Federal regulation provides as follows:

*Excess shelter deduction.* Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in §271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For 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.
- 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.
- D. The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.
- E. Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

7 C.F.R. § 273.9(d)(6)(ii)

United States Department of Agriculture Food and Nutrition Services provides as follows:

For the period October 1, 2023 through September 30, 2024, the maximum shelter deduction for the 48 States and DC equals \$672.00. [United States Department of Agriculture, Food and Nutrition Service, Memorandum SNAP – Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023]

Federal regulation provides as follows:

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..

7 C.F.R. § 273.9(d)(6)(iii)(A)

**The Department correctly determined the standard disregard as \$198.00 for a household of three.**

**The Department correctly determined the household qualified for an earned income (“EI”) deduction, however the EI deduction calculated by the Department was based on inaccurate wages. The correct EI deduction as \$464.40. \$2,321.99 gross earnings x 20% = \$464.398 EI deduction. Refer to Conclusion of Law #6.**

**The Department correctly determined the Appellant’s shelter costs as \$921.00 per month. \$9.00 rent + \$912.00 SUA = \$921.00**

9. Federal regulation provides the following:

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)(1)(i)

“In calculating net monthly income, the State agency shall use one of the following two procedures: 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.” 7 C.F.R. § 273.10(e)(1)(ii)(A)

Federal regulation provides as follows:

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: the state agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

10. Federal regulation provides for the Thrifty Food Plan (TFP) and Maximum SNAP Allotments:

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](http://www.fns.usda.gov/fsp).

7 CFR § 273.10(e)(4)(i)

United States Department of Agriculture Food and Nutrition Services provides as follows:

Effective October 1, 2023 through September 30, 2024 the maximum monthly SNAP allotment for the 48 States & District of Columbia for a household three equals \$766.00. [United States Department of Agriculture, Food and Nutrition Services, Memorandum SNAP – Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023]

Federal regulation provides as follows:

For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements of paragraph (a)(1) and the provision precluding issuance of less than \$10 in an initial month of paragraph (e)2(ii)(B)) of this section: the State agency shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued.

7 C.F.R. § 273.10(e)(2)(iii)(A)

**On ██████████ 2024, the Department correctly denied the Appellant's application for recertification because the Appellant's household net adjusted income of \$775.00 exceeds \$766.00, the level at which benefits are issued.**

<b>SNAP calculation</b>	
Daughter's Wages	\$2,321.99
Appellant's SSDI	\$923.00
Gross household income	\$3,244.99
Less earned income disregard	-\$464.40
Less standard deduction	-\$198.00
Adjusted gross income	\$2,582.59
<b><u>SHELTER COSTS</u></b>	
Rent	9.00
SUA	<u>+\$912.00</u>
Total shelter costs	\$921.00
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$921.00
Less 50% of adjusted gross income	<u>-\$1,291.30</u>
Calculated shelter hardship	\$00.00
<b><u>ADJUSTED NET INCOME</u></b>	
Adjusted gross income	\$2,582.59
Less shelter hardship	<u>-\$00.00</u>
Net Adjusted Income (NAI)	\$2,582.59
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 4 Person/s	\$766.00
Less 30% of NAI (2,554.20 x .3 = \$766.26)	<u>-\$775.00</u>
SNAP award	<b>(-\$9.00)</b> \$00.00



**DECISION**

The Appellant's appeal is denied.

*Lisa A. Nyren*  
Lisa A. Nyren  
Fair Hearing Officer

CC: Sarah Chmielecki, SSOM RO #20  
Tim Latifi, SSOM RO #20  
Ralph Filek, SSOM RO #20  
Adrena Boria, FHL RO #20

### **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.