

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly calculated the Appellant's monthly SNAP benefits as \$77.00 beginning [REDACTED] 2024.

FINDINGS OF FACT

1. The Appellant receives SNAP benefits for himself, a household of one. (Hearing Record)
2. The Appellant is [REDACTED] years old and not disabled. (Appellant Testimony)
3. The Appellant receives gross unemployment compensation benefits ("UCB") of \$379.00 per week. The Appellant's net UCB equals \$330.00 per week after both federal and state taxes are taken out. (Stipulated)
4. On [REDACTED] 2024, the Department received a Periodic Report Form ("PRF") signed by the Appellant on [REDACTED] 2024 noting no changes to report. The preprinted PRF notes "There is no income for this case" under Earned Income and Unearned Income sections. The Appellant comments, "No changes have occurred." The PRF is void of any reference to UCB or changes in child support. (Exhibit 3: Periodic Report Form)
5. On [REDACTED] 2021, the Department processed the Appellant's PRF and recalculated the Appellant's SNAP benefits to include weekly UCB. (Hearing Record)
6. The Department determined the Appellant's monthly gross UCB income as \$1,629.70. The Department converts weekly income into monthly income by multiplying the weekly income by 4.3. $\$379.00 \text{ UCB/week} \times 4.3 = \$1,629.70$ gross monthly UCB. (Department Representative Testimony, Exhibit 7: Federal SNAP – Income Test, Exhibit 8: SNAP Computation Sheet, and Exhibit 9: Notice of Action)
7. The Appellant has a child support obligation on arrearages which he pays to the [REDACTED] Child Support Processing Center. The Appellant has not paid child support since the loss of employment. UCB does not collect child support from his weekly benefit. (Appellant Testimony and Exhibit 5: UCB Details)
8. The Department calculated the Appellant's child support payment at the time of initial application as \$23.07 bi-weekly using the Department's [REDACTED]. The Appellant receives a child support allowance of \$49.61 under the SNAP. $23.07 \text{ biweekly} \times 2.15 \text{ weeks} = \49.6005 (Department Representative Testimony and Exhibit 9: Notice of Action)
9. The Appellant lives alone and pays \$875.00 per month for rent. Heat is not included in the rent. The Appellant pays for electric heat and telephone. (Appellant's Testimony)

10. The Appellant received the standard utility allowance of \$912.00 under the SNAP because he incurs a separate heating expense. (Department Representative Testimony, Exhibit 7: Federal SNAP – Income Test, and Exhibit 8: SNAP Computation Sheet)
11. The Department determined the Appellant's shelter disregard as \$672.00. (Exhibit 7: Federal SNAP – Income Test and Exhibit 8: SNAP Computation Sheet)
12. The Appellant received the standard disregard of \$198.00 under the SNAP. (Exhibit 7: Federal SNAP – Income Test and Exhibit 8: SNAP Computation Sheet)
13. On [REDACTED] 2024, the Department determined the Appellant eligible for \$77.00 per month under the SNAP effective [REDACTED] 2024. (Hearing Record)
14. 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 [REDACTED] 2024. Therefore, this decision is due no later than [REDACTED] 2024.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the 2024 Supplement to the Connecticut General Statutes ("Conn. Gen. Stats.") provides as follows:

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 273.12(a)(5)(iii)(B) of the Code of Federal Regulation ("C.F.R.") provides as follows:

Submission of periodic reports by non-exempt households. Households that are certified for longer than 6 months, except those households described in § 273.12(a)(5)(iii)(A), must file a periodic report between 4 months and 6 months, as required by the State agency. Households in which all adult members are elderly or have a disability with no earned income and are certified for periods lasting between 13 months and 24 months must file a periodic report once a year. In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households that have reported changes that will reduce or terminate benefits will receive adequate notice of action on the report in the first month of the new reporting period.

Federal regulation provides as follows:

In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households will receive adequate notice of action on the report in the first month of the new reporting period. The State agency shall provide the household a reasonable period after the end of the last month covered by the report in which to return the report. The State agency shall provide the household a reasonable period after the end of the last month covered by the report in which to return the report. Benefits should be issued in accordance with the normal issuance cycle if a complete report was filed timely.

7 C.F.R. § 273.12(a)(5)(iv)

Federal regulation provides as follows:

The State agency shall take prompt action on all changes to determine if the change affects the household's eligibility or allotment. However, the State agency has the option to disregard a reported change to an established deduction in accordance with paragraph (c)(4) of this section. If a household reports a change in income, and the new circumstance is expected to continue for at least one month beyond the month in which the change is reported, the State agency may act on the change in accordance with paragraphs (c)(1) and (c)(2) of this section. The time frames in paragraphs (c)(1) and (c)(2) of this section apply to these actions. During the certification period, the State agency shall not act on changes in the medical expenses of households eligible for the medical expense deduction which it learns of from a source other than the household and which, in order to take action, require the State agency to contact the household for verification. The State agency shall only act on those changes in medical expenses that it learns about from a source other than the household if those changes are verified upon receipt and do not necessitate contact with the household. Even if there is no change in the allotment, the State agency shall document the reported change in the casefile, provide another change report form to the household, and notify the household of the receipt of the change report. If the reported change affects the household's eligibility or level of benefits, the adjustment shall also be reported to the household. The State agency shall also advise the household of additional verification requirements, if any, and state that failure to provide verification shall result in increased benefits reverting to the original allotment. The State agency shall document the date a change is reported, which shall be the date the State agency receives a report form or is advised of the change over the telephone or by a personal visit. Restoration of lost benefits shall be provided to any household if the State agency fails to take action on a change which increases benefits within the time limits specified in paragraph (c)(1) of this section. 7 C.F.R. 273.12(c)

On [REDACTED] [REDACTED] 2024, the Department correctly reviewed the Appellant's SNAP continued eligibility and monthly allotment upon receipt of the PRF signed by the Appellant on [REDACTED] [REDACTED] 2024.

3. "A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: an individual living alone." 7 C.F.R. § 273.1(a)(1)

The Department correctly determined the Appellant a household of one.

4. "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)

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)

The Department determined the Appellant's UCB as household income that is counted under the SNAP.

5. Federal regulation provides as follows:

Determining Income-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 C.F.R. § 273.10(c)(1)(i)

Federal regulation provides as follows:

Income only in month received. 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 Department correctly determined the Appellant gross monthly UCB as \$1,629.70. ($\$379.00 \times 4.3 = \$1,629.70$)

The Department correctly determined the Appellant's gross household income as \$1,629.70.

6. "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: *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 C.F.R. § 273.9(d)(1)(i)

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

The Department correctly determined the standard disregard as \$198.00. Refer to Conclusions of Law ("COL") # 11.

7. Federal regulation provides as follows:

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 nonhousehold member, including payments made to a third party on behalf of the nonhousehold member (vendor payments) and amounts paid toward child support arrearages. Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction. A State agency that chooses to provide a child support deduction rather than an exclusion in accordance with this paragraph (d)(5) must specify in its State plan of operation that it has chosen to provide the deduction rather than the exclusion.

7 C.F.R. § 273.9(d)(5)

The Department correctly allowed the continuation of the child support deduction under the SNAP since the Appellant did not report any changes to child support at the time of the PRF. The Department correctly allowed a child support deduction of \$49.61. Refer to COL #11.

8. Federal regulation provides as follows:

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)

Federal regulation provides as follows:

A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard. 7

C.F.R. § 273.9(d)(6)(iii)(C)

Effective October 1, 2023 through September 30, 2024, the FY 2024 Standard Utility Allowance for Connecticut is \$912.00. (United States Department of Agriculture, Food and Nutrition Services, Fiscal Year 2024 Standard Utility Allowances (SUA) by State Table, January 18, 2024)

Effective October 1, 2023 through September 30, 2024 the maximum shelter deduction for the 48 States & District of Columbia for a household of 1 is \$672.00. (United States Department of Agriculture, Food and Nutrition Service, Memorandum SNAP – Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023)

The Department correctly determined the Appellant's monthly shelter costs as \$1,787.00, \$875.00 rent + \$912.00 SUA = \$1,787.00.

The Department correctly determined the Appellant's excess shelter costs as \$672.00, the maximum allowed for a household. Refer to COL #11.

9. Federal regulation provides as follows:

Calculating net income and benefit levels-Net monthly income. To determine a household's net monthly income, the State agency shall:

- A. Add 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 un 273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated 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 costs. 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 costs 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)

The Department correctly determined the household's net adjusted income as \$710.09. \$1382.09 adjusted gross income - \$672.00 maximum shelter deduction = \$710.09 Refer to COL # 11.

10. 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)

The Department correctly determined 30% of the net adjusted income as \$214.00. \$710.09 NAI x 30% = \$213.027 Refer to COL # 11.

11. Federal regulation provides as follows:

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

7 C.F.R. § 273.10(e)(4)(i)

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

Effective October 1, 2023 through September 30, 2024 the maximum SNAP allotment for the 48 states and District of Columbia for a household of one is \$291.00. (United States Department of Agriculture, Food and Nutrition Services, Memorandum SNAP – Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023)

The Department correctly determined the Appellant eligible for \$77.00 monthly allotment under the SNAP effective [REDACTED] 2024 as calculated below.

SNAP Benefit Calculation [REDACTED] 1

INCOME	
Earned Income	\$00.00
Less 20%	-\$00.00
Total	00.00
Unearned Income (UCB)	+1,629.70
Gross Income	\$1,629.70
Less standard deduction	-\$198.00
Less child support	\$49.61
Adjusted gross income (AGI)	\$1,382.09
SHELTER COSTS	
Rent	\$875.00
SUA	\$912.00
Total shelter costs	\$1,787.00
SHELTER HARDSHIP	
Shelter costs	\$1,787.00
Less 50% AGI	\$691.04
Total shelter hardship cannot exceed \$672.00	(\$1095.96) \$672.00
ADJUSTED NET INCOME	
Adjusted gross income	\$1,382.09
Less shelter hardship	-\$672.00
Net Adjusted Income (NAI)	\$710.09
BENEFIT CALCULATION	
Thrifty Food Plan for # Person/s	\$291.00
Less 30% of \$710.09 NAI = \$213.027	-\$214.00
SNAP award	\$77.00

12. Federal regulation provides as follows:

If the household's benefit level decreases or the household becomes ineligible as a result of the change, the State agency shall issue a notice of adverse action within 10 days of the date the change was reported unless one of the exemptions to the notice of adverse action in § 273.13 (a)(3) or (b) applies. When a notice of adverse action is used, the decrease in the benefit level shall be made effective no later than

the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. When a notice of adverse action is not used due to one of the exemptions in § 273.13 (a)(3) or (b), the decrease shall be made effective no later than the month following the change. Verification which is required by § 273.2(f) must be obtained prior to recertification.

On [REDACTED] [REDACTED] 2024, the Department correctly determined the Appellant's SNAP benefit decreased from \$291.00 to \$77.00 due to the receipt of unemployment. The Department correctly determined the effective date of the change as [REDACTED] [REDACTED] 2024, the month following the [REDACTED] [REDACTED] 2024 notice of action.

DECISION

The Appellant's appeal is denied.

Lisa A. Nyren

Lisa A. Nyren
Fair Hearing Officer

CC: Angelica Branfalt, SSOM RO #11
Nawaz Shaikh, FHS RO #11
Javier Rivera, FHL RO #11

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.