

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

[REDACTED] 2024
Signature Confirmation

[REDACTED]
[REDACTED]
Request # 235322

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2024, the Department of Social Services (the "Department") issued [REDACTED] the "Appellant") a notice of action ("NOA") reducing the benefits under the Supplemental Nutrition Assistance Program ("SNAP") from \$95.00 per month to \$23.00 per month effective [REDACTED] 2024.

On [REDACTED] 2024, the Appellant requested an Administrative Hearing to contest the calculation of the amount of benefits under the SNAP.

On [REDACTED] 2024, the Office of Legal Counsel, Regulations and Administrative Hearings ("OLCRAH") issued the Appellant a notice scheduling the Administrative Hearing for [REDACTED] 2024.

On [REDACTED] 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 telephonically.

The following individuals participated in the hearing by phone:

[REDACTED], Appellant
Daphne Harris, Department Representative
Jessica Gulianello, Hearing Officer

The hearing record remained open until the close of business on [REDACTED] 2024, at the Appellant's request to submit additional information. Additional documents were received from both parties and the hearing record was closed accordingly.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's calculation of the Appellant's amount of benefits under the SNAP is correct.

FINDINGS OF FACT

1. The Appellant had been approved for benefits under the SNAP through [REDACTED] 2024. (*Department's Testimony*)
2. On [REDACTED] 2024, the Department mailed the Appellant a notice of renewal of eligibility requesting completion. (*Department's Testimony*)
3. On [REDACTED] 2024, the Department received the completed notice of renewal of eligibility ("W-1ER") form from the Appellant. (*Hearing Summary, Department's Testimony*)
4. The Appellant received assistance from a social worker at the [REDACTED] Department of Human Services ("[REDACTED]") Senior Center to complete the W-1ER form and authorized the Department to share information about his renewal with [REDACTED]. (*Exhibit 2: W-1ER form signed & dated [REDACTED] 2024 - received by the Department on [REDACTED] 2024, Appellant's Testimony*)
5. On [REDACTED] 2024, the Department reviewed the above-noted completed W-1ER renewal form and conducted a telephone interview. (*Exhibit 7: Case Notes dated [REDACTED] 2024, Hearing Summary, Department's Testimony*)
6. The Appellant is [REDACTED] years old (DOB: [REDACTED]) and he requested continued benefits under the SNAP for himself only. (*Exhibit 2: W-1ER form signed & dated [REDACTED] 2024 - received by the Department on [REDACTED] 2024, Hearing Record*)
7. The Appellant reported that he continues to receive retirement benefits from the Social Security Administration ("SSA") in the gross amount of \$1,261.00 per month. (*Hearing Record*)
8. The Appellant owns several assets including a checking account, a savings account, an IRA, and real property (a condominium). (*Exhibit 2: W-1ER form signed & dated [REDACTED] 2024 - received by the Department on [REDACTED] 2024, Hearing Record*)

9. The Appellant [REDACTED] that had been distributed by [REDACTED]. The Appellant subsequently had the funds transferred into a 401K currently held with [REDACTED]. (Exhibit B: 1099-R: [REDACTED], Appellant's Testimony)
10. The Appellant is subject to a required minimum distribution ("RMD") amount from the above-noted IRA annually due to his age. (Appellant's Testimony)
11. On [REDACTED], 2023, the Appellant withdrew a lump sum amount of \$5,600.00. (Exhibit 4: [REDACTED] Retirement account statement: [REDACTED]/2023-[REDACTED]/2023, Hearing Record)
12. The above-noted withdrawal met the annual RMD amount, as well as the Appellant's anticipated expenses including \$2,600 allocated to purchase a new [REDACTED]. (Appellant's Testimony)
13. In preceding years, the Appellant had taken lump sum withdrawal amounts from the above-noted IRA as follows:

Calendar Year:	Lump Sum Distribution Amount:
2022	\$5,500.00
2021	\$3,000.00
2020	\$2,000.00

(Exhibit B: B: 1099-R: 2020-2023: [REDACTED])

14. In 2022, the Appellant withdrew extra funds to cover expenses associated with his vehicle. (Appellant's Testimony)
15. The Appellant owns his condo and he does not have a mortgage. (Appellant's Testimony)
16. On the previously noted W-1ER form, the Appellant had reported that his property taxes decreased from \$580.00 to \$497.00 semi-annually. (Exhibit 2: W-1ER form signed & dated [REDACTED]/2024 - received by the Department on [REDACTED]/2024, Hearing Record)
17. The Department checked the tax collector website while processing the renewal and verified the Appellant's property tax expense as \$457.89 semi-annually. (Exhibit 7: Case Notes dated [REDACTED] 2024)

18. On the previously noted W-1ER form, the Appellant reported that his condo association fees increased from \$310.33 to \$326.66 per month. (*Exhibit 2: W-1ER form signed & dated [REDACTED]/2024 - received by the Department on [REDACTED]/2024, Hearing Record*)
19. The Appellant is responsible for paying for gas, electric, and telephone (cellphone and landline) utility expenses as well as cable, car insurance, and gasoline for his vehicle. (*Appellant's Testimony*)
20. The Appellant testified that he is also responsible for paying property insurance of \$475.00 annually. He anticipates his insurance premium will likely increase as he suffered [REDACTED]. (*Appellant's Testimony*)
21. The hearing record is void of evidence to substantiate that the Appellant had reported the property insurance expenses to the Department before the hearing proceedings. (*Hearing Record*)
22. The Appellant receives Medicare and medical insurance benefits from the Veteran's Administration. He pays miscellaneous copays for medical appointments and dental expenses as needed. The Appellant does not currently have recurring out-of-pocket medical expenses of more than \$35.00 monthly. (*Appellant's Testimony*)
23. On [REDACTED] 2024, the Department updated the Appellant's case details and completed the required renewal under the SNAP. (*Exhibit 7: Case Notes dated [REDACTED]/2024, Hearing Summary, Department's Testimony*)
24. On [REDACTED] 2024, the Department issued the Appellant a NOA. The NOA informed the Appellant that the benefits under the SNAP were approved for \$23.00 per month effective [REDACTED] 2024, through [REDACTED] 2027.

The NOA reflected the following income:

Type:	Amount/Frequency:
Social Security (SSA)	\$1,261.00 Monthly
Retirement Account Distribution (Taxable)	\$466.67 Monthly
Income from Asset Savings Account	\$0.08 Monthly
Income from Asset Checking Account	\$0.06 Monthly

The NOA reflected the following expenses:

Type:	Amount/Frequency:
Property Taxes	\$457.89 Semi-Annually
Homeowner's Condo/ association fee	\$326.66 Monthly
Heating and Cooling	Varies Monthly

(Exhibit 1: NOA dated [REDACTED]/2024, Hearing Record)

25. Effective [REDACTED], 2024, the maximum allotment for a household of one under the SNAP is \$291.00 per month. (Exhibit 9: DSS Program Standards Chart as of [REDACTED]/2024)

26. On [REDACTED] 2024, the OLCRAH received the Appellant's request for a hearing, USPS postmarked dated [REDACTED] 2024. (Exhibit A: Hearing Request, Hearing Record)

27. On [REDACTED] 2024, the Department reviewed the Appellant's case in response to his request for a hearing. The Department determined the aforementioned income of \$0.08 generated from a savings account and \$0.06 generated from a checking account to be erroneous and corrected its error. The Department subsequently issued the Appellant an updated NOA that advised he remained eligible for benefits under the SNAP in the amount of \$23.00 per month based on the following income:

The NOA reflected the following income:

Type:	Amount/Frequency:
Social Security (SSA)	\$1,261.00 Monthly
Retirement Account Distribution (Taxable)	\$466.67 Monthly

(Exhibit 5: NOA dated [REDACTED] 2024, Hearing Record)

28. The Appellant is disputing the amount of benefits under the SNAP as determined by the Department. (Appellant's Testimony)

29. The issuance of this decision is timely under the Code of Federal Regulations § 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 ██████████ 2024. This decision, therefore, was due no later than ██████████ 2024. However, the hearing record which had been anticipated to close on ██████████ 2024, did not close for the admission of evidence until ██████████ 2024, at the Appellant's request. Because this thirty (30) day delay in the close of the hearing record arose from the Appellant's request, this final decision was not due until ██████████ 2024, and it is therefore timely. (*Hearing Record*)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of 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."

The Department has the authority to administer the SNAP.

2. Title 7 of the Code of Federal Regulations ("C.F.R") § 273.10(f) provides as follows: Certification periods. 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.
3. 7 C.F.R § 273.10(f)(1) provides as follows: Households in which all adult members are elderly or disabled. The State agency may certify for up to 24 months households in which all adult members are elderly or disabled. The State agency must have at least one contact with each household every 12 months. The State agency may use any method it chooses for this contact.

The Department had previously determined the Appellant to be eligible for benefits under the SNAP for a certification cycle with an expiration date of ██████████ 2024.

4. 7 C.F.R § 273.14(a) provides as follows: General. 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.

5. 7 C.F.R § 273.14(b)(1)(i) provides as follows: The State agency shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The State agency shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly processed PA and GA households need not receive a separate SNAP notice if they are recertified for SNAP benefits at the same time as their PA or GA redetermination.

The Department complied with the Federal Regulations and correctly issued the Appellant a notice of expiration (NOE) timely on [REDACTED] 2024.

6. 7 C.F.R § 273.14(b)(2) provides as follows: Application. 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. 7 C.F.R § 273.2(c)(7) provides as follows: Signing an application or reapplication form. In this paragraph, the word “form” refers to applications and reapplications.
8. 7 C.F.R § 273.2(c)(7)(i) provides as follows: Requirement for a signature. A form must be signed to establish a filing date and to determine the State agency's deadline for acting on the form. The State agency shall not certify a household without a signed form.

The Appellant complied with the Federal Regulations and submitted the completed W-1ER Renewal form requesting continued benefits under the SNAP received by the Department on [REDACTED] 2024.

9. 7 C.F.R § 273.2(f)(2)(i) provides as follows: The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level.

The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision.

10.7 C.F.R § 273.14(b)(3) provides as follows: Interview. As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of § 273.2(e) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with § 273.2(e)(2).

The Department complied with the Federal Regulations and conducted a telephone interview on [REDACTED] 2024.

11.7 C.F.R § 273.1(a) provides as follows: General household definition. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

The Department complied with the Federal Regulations and correctly determined the SNAP household to be comprised of one individual, the Appellant.

12.7 C.F.R. § 271.2 provides as follows: Elderly or disabled member means a member of a household who:

1. Is 60 years of age or older;
2. Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act;
3. Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act;
4. Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66;
5. Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.

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

The Department complied with the Federal Regulations and correctly determined that the Appellant at the age of [REDACTED] is classified as an elderly member under the SNAP.

- 13.7 C.F.R. § 273.9(b) provides as follows: Definition of income. Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.
- 14.7 C.F.R § 7 C.F.R 273.9(b)(2)(i) provides as follows: 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.

- 15.7 C.F.R 273.9(b)(2)(ii) provides as follows: 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.
- 16.7 C.F.R § 273.9(b)(2)(v) provides as follows: Payments from Government-sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit.
- 17.7 C.F.R § 273.10(c)(1)(i) 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.
- 18.7 C.F.R § 273.10(c)(1)(ii) 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.

19.7 C.F.R § 273.10(c)(2)(i) 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.

20.7 C.F.R § 273.10(c)(3) provides as follows: Income averaging.

(i) Income may be averaged in accordance with methods established by the State agency to be applied Statewide for categories of households. When averaging income, the State agency shall use the household's anticipation of monthly income fluctuations over the certification period. An average must be recalculated at recertification and in response to changes in income, in accordance with § 273.12(c), and the State agency shall inform the household of the amount of income used to calculate the allotment. Conversion of income received weekly or biweekly in accordance with paragraph (c)(2) of this section does not constitute averaging.

(ii) Households which, by contract or self-employment, derive their annual income in a period of time shorter than 1 year shall have that income averaged over a 12-month period, provided the income from the contract is not received on an hourly or piecework basis. These households may include school employees, sharecroppers, farmers, and other self-employed households. However, these provisions do not apply to migrant or seasonal farmworkers. The procedures for averaging self-employed income are described in § 273.11. Contract income which is not the household's annual income and is not paid on an hourly or piecework basis shall be prorated over the period the income is intended to cover.

(iii) Earned and unearned educational income, after allowable exclusions, shall be averaged over the period which it is intended to cover. Income shall

be counted either in the month it is received, or in the month the household anticipates receiving it or receiving the first installment payment, although it is still prorated over the period it is intended to cover.

The Department correctly determined the Appellant's gross retirement benefits of \$1,261.00 per month from the SSA is countable income in the calculation of his eligibility for benefits under the SNAP.

The Appellant takes an annual withdrawal from this IRA held with [REDACTED] to meet the RMD amount and to cover his anticipated expenses. The evidence confirms that the distribution is a recurring annual withdrawal; however, the withdrawal amount varies based on his projected expenses. The Department correctly prorated the annual amount of \$5,600.00 over the twelve (12) months it is intended to cover ($\$5,600.00 / 12 \text{ months} = \466.67 per month). Furthermore, the Department correctly determined it is countable income in the calculation of the Appellant's eligibility for benefits under the SNAP.

21.7 C.F.R § 273.10(d) provides as follows: "Determining deductions. Deductible expenses include only certain dependent car, shelter, medical and, at State agency option, child support cost as described in § 273.9."

22.7 C.F.R § 273.10(d)(1)(i) provides as follows: Income deductions. Deductions shall be allowed only for the following household expenses: Standard deduction - *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.

23. United States Department of Agriculture ("USDA"), Food and Nutrition Services ("FNS") Memorandum SNAP – Fiscal Year 2024 Cost-of-Living Adjustments, August 03, 2023) provides as follows: For the period of October 01, 2023, through September 20, 2024, the standard deduction for the 48 States and DC for a household of one equals \$198.00.

The Department correctly applied the standard deduction of \$198.00 for a household of one under the SNAP.

24.7 CFR § 273.9(d)(3) Excess medical deduction. That portion of medical expenses in excess of \$35 per month, excluding special diets, incurred by any household

member who is elderly or disabled as defined in § 271.2. Spouses or other persons receiving benefits as a dependent of the SSI or disability and blindness recipient are not eligible to receive this deduction but persons receiving emergency SSI benefits based on presumptive eligibility are eligible for this deduction. Allowable medical costs are:

(i) Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by State law or other qualified health professional.

(ii) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the State.

(iii) Prescription drugs, when prescribed by a licensed practitioner authorized under State law, and other over-the-counter medication (including insulin), when approved by a licensed practitioner or other qualified health professional.

(A) Medical supplies and equipment. Costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible;

(B) Exclusions. The cost of any Schedule I controlled substance under The Controlled Substances Act, 21 U.S.C. 801 et seq., and any expenses associated with its use, are not deductible.

(iv) Health and hospitalization insurance policy premiums. The costs of health and accident policies such as those payable in lump sum settlements for death or dismemberment or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible;

(v) Medicare premiums related to coverage under Title XVIII of the Social Security Act; any cost-sharing or spend down expenses incurred by Medicaid recipients;

(vi) Dentures, hearing aids, and prosthetics;

(vii) Securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills;

(viii) Eye glasses prescribed by a physician skilled in eye disease or by an optometrist;

(ix) Reasonable cost of transportation and lodging to obtain medical treatment or services;

(x) Maintaining an attendant, homemaker, home health aide, or child care services, housekeeper, necessary due to age, infirmity, or illness. In addition, an amount equal to the one person benefit allotment shall be deducted if the household furnishes the majority of the attendant's meals. The allotment for this meal related deduction shall be that in effect at the time of initial certification. The State agency is only required to update the allotment amount at the next scheduled recertification; however, at their option, the State agency may do so earlier. If a household incurs attendant care costs that could qualify under both the medical deduction of § 273.9(d)(3)(x) and the dependent care deduction of § 273.9(d)(4), the costs may be deducted as a medical expense or a dependent care expense, but not both.

The Department correctly determined that the Appellant does not qualify for a medical deduction as he does not currently have recurring out-of-pocket medical expenses in excess of \$35.00 per month.

25.7 C.F.R § 273.9(d)(6)(ii) provides the following: 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.

26. 7 C.F.R § 273.9(d)(6)(iii)(A) 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.
27. For the period of October 01, 2023, through September 30, 2024, the standard utility allowance for Connecticut equals \$912.00. (United States Department of Agriculture, Food and Nutrition Service SNAP SUA Table FY2024, September 29, 2023)
28. 7 C.F.R § 273.9(d)(6)(iii)(C) 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.

The Department correctly determined the Appellant eligible for the Standard Utility Allowance (SUA) because he incurs heating and cooling expenses separate from his condominium charges. The Department correctly determined the current SUA is \$912.00.

The Appellant reported housing costs of \$497.00 semi-annually for property taxes and \$326.66 monthly for condo fees on his W-1ER Renewal form. The case notes reflect that the Department checked the Tax Collector's Website and verified the property tax amount as \$457.89 semi-annually.

$\$457.89 / 6 \text{ months (equivalent to semi-annually)} = \$76.31 \text{ per month for property taxes.}$

Property taxes of $\$76.31$ + condo fees of $\$326.66$ = housing costs of $\$402.97$ per month.

Housing costs of $\$402.97$ + the SUA of $\$912.00$ = total shelter costs of $\$1,314.97$ per month.

It should be noted that the Appellant disclosed during the proceedings that he is also responsible for property insurance of $\$475.00$ annually. The hearing record is void of evidence to substantiate that this expense had been reported to the Department before the hearing. The Appellant may follow up with the Department to report said expense so that the Department may follow up accordingly.

29.7 C.F.R § 273.9(a) provides as follows: Income eligibility standards. 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)).

30.7 C.F.R § 273.9(a)(2)(i) provides as follows: The net income eligibility standards for SNAP shall be as follows: The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

31.7 C.F.R § 273.9(a)(3) provides as follows: 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 for Hawaii.

(i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.

(ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.

32.7 C.F.R § 273.9(a)(4) provides as follows: The monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at www.fns.usda.gov/snap

33.7 C.F.R § 273.10(e)(1)(i) 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 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.

34.7 C.F.R § 273.10(e)(2)(i)(A) provides as follows: Households which contain an elderly or disabled member as defined in § 271.2, shall have their net income, as

calculated in paragraph (e)(1) of this section (except for households considered destitute in accordance with paragraph (e)(3) of this section), compared to the monthly income eligibility standards defined in § 273.9(a)(2) for the appropriate household size to determine eligibility for the month.

35.7 C.F.R § 273.10(e)(2)(ii)(A)(1) 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.

36.7 C.F.R § 273.10(e)(2)(ii)(C) provides as follows: Except during an initial month, all eligible one-person and two-person households shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.

37.7 C.F.R § 273.10(e)(4)(i) provides as follows: 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.

The maximum SNAP allotment of \$291.00 x 8 % = \$23.28 or \$23.00 minimum SNAP allotment.

SNAP Calculation ████████ 2024

<u>COUNTABLE INCOME</u>	
Earned Income:	\$0.00
Unearned Income:	\$1,727.67
Retirement Benefits: \$1,261.00 + IRA Disbursement: \$466.67=	
Total Income	\$1,727.67
Minus standard deduction (For a household of 1)	-\$198.00
Minus child support expenses	\$0
Minus medical expenses in excess of \$35 (only if age 60 and older or disabled)	\$0
Adjusted Gross Income	= \$1,529.67
<u>SHELTER COSTS</u>	
Rent/Mortgage	\$0.00
Property Taxes \$457.89.00 semiannually / 6 months =	\$76.31
Condo Association Fees	\$326.66
Standard Utility Allowance: (SUA)	\$912.00
Total shelter costs	\$1,314.97
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,314.97
Less 50% of adjusted gross income	\$764.84
Total shelter hardship	\$550.13
	(Cannot exceed \$569 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$1,529.67
Less shelter hardship	\$550.13
Net Adjusted Income ("NAI")	\$979.54
<u>BENEFIT CALCULATION</u>	

Thrifty Food Plan Amount 1 SNAP Member	\$291.00
Less 30% of NAI (rounded up)	$(\$979.54 \times .3) = \293.86 Rounded up to \$294.00
SNAP award Calculation: Thrifty Food Plan: - 30% NAI= SNAP Amount OR *\$23	\$294.00- \$292.00= \$0.00 SNAP Award: \$23.00

The Department correctly determined that the Appellant's Net Adjusted Income (NAI) exceeds the Thrifty Food Plan (TFP). The Department correctly determined that the Appellant is categorically eligible for the current minimum benefit amount of \$23.00 per month under the SNAP.

DECISION

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

Jessica Gulianello

Jessica Gulianello
Hearing Officer

CC: Daphne Harris, Alexis Rodriguez, DO ■
Shahar A. Thadal SSOM

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.