

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

[REDACTED] 2024
Signature confirmation

Case: [REDACTED]
Client: [REDACTED]
Request: 239646

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2024 and [REDACTED] 2024, the Department of Social Services issued [REDACTED] (the "Appellant") *Notices of Action* terminating her household's Supplemental Nutrition Assistance Program ("SNAP") benefits effective [REDACTED] 2024.

On [REDACTED] 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") received the Appellant's request for an administrative hearing.

On [REDACTED] 2024, the OLCRAH scheduled a hearing for [REDACTED], 2024. The OLCRAH granted the Appellant's request for a postponement of the hearing.

On [REDACTED] 2024, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, and Section 273.15 (a) of Title 7 of the Code of Federal Regulations ("C.F.R."), the OLCRAH held a hearing by telephone conferencing. The following individuals participated:

[REDACTED], Appellant
Kirsten Bellisle, Department Representative
Eva Tar, Hearing Officer

The hearing record closed [REDACTED] 2024.

STATEMENT OF ISSUE

The issue is whether the Department correctly determined that the Appellant's household was ineligible to receive SNAP benefits effective [REDACTED], 2024.

FINDINGS OF FACT

1. The Appellant's SNAP certification period ran from [REDACTED] 2023 through [REDACTED], 2024. (Dept. Exhibit G)
2. On [REDACTED], 2024, the Department received the Appellant's completed and signed *Periodic Report Form* on which she reported changes in her household's income. (Dept. Exhibits A and K)
3. The Appellant lives with her fiancé and their [REDACTED]-year-old child. (Appellant Testimony)
4. From [REDACTED] 2024 through [REDACTED] 2024, the Appellant worked for [REDACTED]. (Dept. Exhibits L and M)
5. In [REDACTED] 2024, the Appellant grossed \$381.48 in wages at [REDACTED]. (Dept. Exhibit C and M)
6. In [REDACTED] 2024, the Appellant grossed \$682.65 in wages from [REDACTED] over a five-week pay period. (Dept. Exhibit M)
7. In [REDACTED] 2024, the Appellant's fiancé grossed \$3,854.40 in wages from [REDACTED] over a five-week pay period. (Dept. Exhibit M)
8. The Appellant's rent is \$300.00 per month. (Appellant Testimony)
9. The Appellant does not pay for heat or utilities. (Appellant Testimony)
10. The Appellant pays for her telephone. (Dept. Exhibit E)
11. The Appellant and/or her fiancé do not pay child support. (Dept. Exhibit A)
12. The Appellant does not pay for childcare. (Appellant Testimony)
13. The SNAP's gross monthly income limit in Connecticut for a household of three containing no elderly or disabled members equals \$4,144.00 per month. (Hearing summary)
14. On [REDACTED], 2024 and [REDACTED], 2024, the Department issued *Notices of Action* terminating the SNAP benefits of the Appellant's household effective [REDACTED] 2024. (Dept. Exhibits E and F)
15. Title 7, Section 273.15 (c)(1) of the Code of Federal Regulations ("C.F.R.") provides: "Within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision...." Subsection (c)(4) provides: "The household may request and is entitled to receive a postponement of the scheduled hearing. The postponement shall not exceed 30 days and the time limit for action on the decision may be extended for as many days as the hearing is postponed...."

On [REDACTED] 2024, the OLCRAH received the Appellant's hearing request. This hearing decision would have become due by no later than [REDACTED] 2024, but for the Appellant's request for an 11-day postponement, extending the deadline for the issuance of this decision to [REDACTED] 2024. This final decision is timely.

CONCLUSIONS OF LAW

1. The Department is the state agency for the administration of the SNAP pursuant to the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008. Conn. Gen. Stat. § 17b-2.

The Department has the authority under State statute to administer the SNAP in Connecticut.

2. "The commissioner shall make periodic investigations to determine eligibility and may, at any time, modify, suspend or discontinue an award previously made when such action is necessary to carry out the provisions of the ... , ... , ... , ... or supplemental nutrition assistance program." Conn. Gen. Stat. § 17b-80 (a).

The Department has the authority under Conn. Gen. Stat. § 17b-80 (a) to review the Appellant's SNAP case, and, at any time, modify or discontinue an award previously made to comply with the provisions of the SNAP.

3. Title 7, Code of Federal Regulations ("C.F.R."), Section 273.1 (a) provides: "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 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. (i) ... ; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s);" 7 C.F.R. § 273.1 (b)(1)(ii).

The Appellant, her fiancé, and their minor child are a SNAP household of three.

4. "Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee...." 7 C.F.R. § 273.9 (b)(1)(i).

The wages of the Appellant and her fiancé are counted earned income.

5. "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....” 7 C.F.R. § 273.10 (c)(1)(i).

Title 7, Code of Federal Regulations, Section 273.10 (c)(1)(ii) provides:

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. ... 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).

In accordance with 7 C.F.R. § 273.10 (c)(i)(ii), the Appellant’s wages from [REDACTED] [REDACTED] are not used in determining her SNAP household’s [REDACTED] 2024 anticipated gross income as that employment terminated in early-[REDACTED] 2024.

6. “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” 7 C.F.R. § 273.10 (c)(2)(i).

For the purposes of the SNAP, the anticipated gross monthly income of the Appellant and her fiancé based on their [REDACTED] 2024 gross income equals \$3,901.86. [\$4,537.05 (the couple’s gross wages over a five-week pay period in [REDACTED] 2024) divided by five, multiplied by 4.3 weeks per month]

7. “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....” 7 C.F.R. § 273.9 (a).

As a condition of SNAP eligibility, the Appellant’s SNAP household is subject to the Program’s gross income and net income eligibility standards.

8. Title 7 of the Code of Federal Regulations, Section § 273.9 (d)(1)(i) provides for a standard deduction for the 48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands.

In 2024, the SNAP standard deduction for a household of three in Connecticut equaled \$198.00.

9. “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....*” 7 C.F.R. § 273.9 (d)(6)(iii)(A). (emphasis added)

The Appellant’s SNAP household is not entitled to claim the SUA as she does not pay for heat or cooling costs.

The Appellant’s SNAP household is not entitled to claim the LUA as she only pays for her telephone; she does not pay for at least two utilities as listed in 7 C.F.R. § 273.9 (d)(6)(iii)(A).

10. “The State agency may require use of the telephone standard for the cost of basic telephone service even if actual costs are higher....” 7 C.F.R. § 273.9 (d)(6)(iii)(D).

In 2024, the Telephone Utility Allowance (“TUA”) equaled \$34.00 in Connecticut.

The Appellant’s SNAP household is entitled to claim the TUA as the Appellant incurs a telephone expense independent of her rent.

11. Title 7, Section 273.10 (e) of the Code of Federal Regulations provides for calculating net income and benefit levels. Subsection (e)(1)(i) provides:

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....

(C) Subtract the standard deduction.

(D) ...

(E) ...

(F) ...

(G) ...

(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....*

7 C.F.R. § 273.10 (e)(1)(i). (emphasis added)

For the purposes of the SNAP, the household’s monthly shelter expenses equal \$334.00. [\$300.00 (rent) plus \$34.00 (TUA)]

For the purposes of the SNAP, the monthly adjusted gross income of the household equals \$2,923.49. [\$3,901.86 (anticipated wages of both parents) minus \$780.37 (20% earned income deduction) minus \$198.00 (standard deduction for three)]

For the purposes of the SNAP, the shelter hardship of the household equals \$0.00. [\$334.00 (shelter expenses) minus \$1,461.74 (50% of adjusted gross income) results in a negative number]

The net monthly income of the Appellant’s SNAP household equals \$2,923.49.

12. Title 7, Section 273.10 (e)(4) of the Code of Federal Regulations addresses the Thrifty Food Plan and maximum SNAP allotments.

The Thrifty Food Plan for a qualified household of three in Connecticut with no applied income equals \$766.00 per month effective October 1, 2023.

13. Title 7, Section 273.10 (e)(2)(ii)(A) of the Code of Federal Regulations provides:
 Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways:

- (1) The State agency shall round the 30 percent of net income up to the nearest higher dollar; or
- (2) The State agency shall not round the 30 percent of net income at all. Instead, after subtracting the 30 percent of net income from the appropriate Thrifty Food Plan, the State agency shall round the allotment down to the nearest lower dollar.

7 C.F.R. § 273.10 (e)(2)(ii)(A).

14. The SNAP benefits of the household for the [REDACTED] 2024 service month are calculated as follows:

<u>SNAP CALCULATION</u>	
<i>For [REDACTED] 2024</i>	
<u>INCOME</u>	
Anticipated Gross monthly Earned Income (both parents)	\$3,901.86
Less 20 percent earned income deduction	- 780.37
Less standard deduction (for three)	- 198.00
Adjusted gross income -	\$2,923.49
<u>SHELTER EXPENSES</u>	
Rent	\$300.00
Plus Telephone Utility Allowance (“TUA”)	+ 34.00
Total shelter costs -	\$334.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$334.00
Less 50% of adjusted gross income	- 1,461.74
Total shelter hardship -	\$0.00

<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$2,923.49
Less shelter hardship	- 0.00
Net Adjusted Income -	\$2,923.49
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for three <i>(maximum monthly benefit for SNAP household of three with no income)</i>	\$766.00
Less 30% of Net Adjusted Income <i>(rounded to nearest dollar)</i>	- 877.00
SNAP BENEFIT:	= (if negative number, use \$0.00)

The Department correctly determined that the Appellant's household was ineligible to receive SNAP benefits for the [REDACTED] 2024 service month.

The Department correctly discontinued the Appellant's SNAP benefits effective [REDACTED], 2024.

DECISION

The Appellant's appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

cc: Kirsten Bellisle, DSS-Willimantic
Tonya Beckford, DSS-Willimantic

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 Legal Counsel, Regulations, and Administrative Hearings, 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 his 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.