

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

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

Case # ██████████
Client # ██████████
Request # 239986

NOTICE OF DECISION
PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2024, the Department of Social Services (the "Department") issued a notice of action to ██████████ (the "Appellant") stating his Supplemental Nutrition Assistance Program ("SNAP") benefits for ██████████ 2024 and ongoing will be \$23.00.

On ██████████, 2024, the Appellant requested an administrative hearing to contest the amount of his SNAP benefit.

On ██████████, 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████, 2024.

On ██████████, 2024, following sections 17b-60, 17-61, and 4-176e to 4-184 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing by telephone.

The following individuals participated in the hearing:

██████████ Appellant
Brad Wheeler, the Department's Representative
Scott Zuckerman, Hearing Officer

The hearing record remained open for the submission of additional evidence from the Department. On ██████████ 2024, the hearing record closed.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly determined the Appellant's SNAP benefit amount.

FINDINGS OF FACT

1. On [REDACTED], 2024, the Department received the Appellant's Periodic Review Form ("PRF"). The household consists of the Appellant. The Appellant reported new earned income. The Appellant is employed by [REDACTED] and is paid weekly. The Appellant is employed by [REDACTED] and is paid bi-weekly. The Appellant's certification period is [REDACTED], 2023, through [REDACTED], 2024. (Exhibit 1: PRF, [REDACTED]/24; Appellant's testimony)
2. On [REDACTED], 2024, the Department processed the Appellant's PRF and discontinued his benefits due to his income being over the monthly gross limit for the program. (Exhibit 2: NOA, [REDACTED]/24)
3. On [REDACTED] 2024, the Appellant provided wage stubs for pay dates [REDACTED] 2024, through [REDACTED] 2024, from [REDACTED]. The Appellant indicated his hours are as needed and wages fluctuate. The wages were as follows: [REDACTED]/2024 \$600.00; [REDACTED]/24 \$90.00; [REDACTED]/24 \$500.00; [REDACTED]/24 \$500.00; [REDACTED]/24 \$650.00; [REDACTED]/24 \$250.00; [REDACTED] 24 \$230.00; [REDACTED]/24 \$0.00; [REDACTED]/24 \$0.00 and [REDACTED]/24 \$0.00) (Ex. 9: [REDACTED] Wage stubs and Ex. 7: Case Notes)
4. The Appellant has the following Biweekly wages from [REDACTED]: [REDACTED]/24 \$154.85; [REDACTED]/24 \$418.50. (Exhibit 8: The Work Number, [REDACTED])
5. The Appellant did not report a change in his rent, which at renewal in [REDACTED] 2023 was \$0.00. (Record; Appellant's testimony)
6. The Department afforded the Appellant the Standard Utility Allowance ("SUA"). (Record; Department's testimony)
7. On [REDACTED] 2024, the Department, after a review of wages, the Department acted increasing the Appellant's SNAP benefit to \$23.00 effective [REDACTED] 2024. (Exhibit 4: Notice of Action, [REDACTED]/24)
8. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15 (c) (1) which provides that 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 the local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] 2024, with this decision due on [REDACTED] 2024. However, the hearing record remained open for additional information from the Department which caused a 2-day delay. Because this 2-day delay was due to the Appellant's request the decision is due [REDACTED], 2024, and is therefore timely. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes §17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to determine the Appellant's ongoing SNAP eligibility and her benefit amount.

2. 7 C.F.R. § 273.9 (a) provides that participation in the Program shall be limited to those households whose income incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households that contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Households, that do not contain an elderly or disabled member, shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households that are categorically eligible as defined in §273.2 (j) (2) or 273.2 (j) (4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

7 C.F.R. § 271.2 defines an elderly or disabled member as a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.

The Department correctly determined that the Appellant's household does not contain a disabled individual or an elderly individual and is therefore subject to the gross income and net income eligibility standards.

3. 7 C.F.R. § 273.12 (a) (1) provides certified change reporting households are required to report the following changes in circumstances: (i) (A) A change of more than \$100 in the amount of unearned income, except changes relating to public assistance (PA) or general assistance (GA) in project areas in which GA and SNAP cases are jointly processed. The State agency is responsible for identifying changes during the certification period in the amount of PA, or GA in jointly processed cases. If GA and SNAP cases are not jointly processed, the household is responsible for reporting changes in GA of more than \$100. (B) A change in the source of income, including starting or stopping a job or changing jobs, if the change in employment is accompanied by a change in income. (C) One of the following, as determined by the State agency (different options may be used for different categories of households as long as no household is required to report under more than one option; the State may also utilize different options in different project areas within the State): (1) A change in the wage rate or salary or a change in full-time or part-time employment status (as determined by the employer or as defined in the State's PA program), provided that the household is certified for no more than 6 months; or (2) A change in the amount earned of more than \$100 a month from the amount last used to calculate the

household's allotment, provided that the household is certified for no more than 6 months. (ii) All changes in household composition, such as the addition or loss of a household member. (iii) Changes in residence and the resulting change in shelter costs. (vi) Changes in the legal obligation to pay child support. However, the State agency may remove this reporting requirement if it has chosen to use information provided by the State's CSE agency in determining a household's legal obligation to pay child support, the amount of its obligation, and amounts the household has actually paid in accordance with § 273.2(f)(1)(xii).

7 C.F.R. § 273.12 (a) (5) (iii) details the Periodic Report Form process and provides for (A) Exempt households. The State agency must not require the submission of periodic reports by households certified for 12 months or less in which all adult members are elderly or have a disability with no earned income.

The Department correctly determined the Appellant's household is a certified non-exempt change reporting household required to submit a Periodic Report Form.

4. 7 C.F.R. § 273.12 (a) (5) (iii) (B) provides for the 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.

7 C.F.R. § 273.12 (a) (5) (iii) (C) provides the periodic report form must request from the household information on any changes in circumstances in accordance with paragraphs (a)(1)(i) through (a)(1)(vii) of this section and conform to the requirements of paragraph (b)(2) of this section.

The Department properly sent the Appellant a PRF between four months and six months of his certification period and instructed him to report changes of more than \$100.00 in his income, household composition, and residency.

5. 7 C.F.R. § 273.9 (b) provides 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) (1) provides earned income shall include: (i) All wages and salaries of an employee.

The Appellant's earned income is used in the calculation of his SNAP benefit.

6. 7 C.F.R. § 273.10 (c) provides for determining income (1) *Anticipating income*. (i) For the purpose of determining the household's eligibility and level of benefits, the State agency shall consider 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. This money 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 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) (2) (i) provides for converting income into monthly amounts. 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, using the State Agency's PA conversion standard or use the exact monthly figure if it can be anticipated for each month of the certification period. Nonrecurring lump sum payments shall be counted as a resource starting in the month received and shall not be counted as income.

The Department correctly determined the Appellant's monthly gross earned income from [REDACTED] as \$1212.60 (\$600.00 + \$90.00 + \$500.00 + \$500.00 + \$650.00 + \$250.00 + \$230.00 + \$0.00 + \$0.00 + \$0.00 = \$2810.00 / 10 weeks = \$282.00 weekly x 4.3 weeks = \$1212.60).

The Department incorrectly determined the Appellant's gross monthly earned income from [REDACTED] as \$632.10. The correct gross income is \$616.34 (\$154.85 + \$418.50 = \$573.35 / 2 = \$286.67 x 2.15 weeks = \$616.34).

The Department incorrectly determined the Appellant's Total gross income is \$1844.70. The correct total gross income is \$1828.94 (\$1212.60 + \$616.34).

7. 7 C.F.R. § 273.9 (d) (1) provides for the standard deduction. (i) 48 States, the 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) (iii) provides for Minimum deduction levels. Notwithstanding paragraphs (d)(1)(i) and (d)(1)(ii) of this section, the standard deduction for FY 2009 for each household in the 48 States and the District of Columbia, Alaska, Hawaii, Guam, and the U.S. Virgin Islands shall not be less than \$144, \$246, \$203, \$289, and \$127, respectively. Beginning FY 2010 and each fiscal year thereafter, the amount of the minimum standard deduction is equal to the unrounded amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12 months ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

7 C.F.R. 273.9(d)(2) provides for Earned income deduction. Twenty percent of gross earned income as defined in [paragraph \(b\)\(1\)](#) of this section. Earnings excluded in [paragraph \(c\)](#) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in [paragraph \(c\)\(17\)](#) of this section.

The Department correctly determined the Appellant is entitled to a \$198.00 standard deduction for a household of one.

The Department correctly determined the Appellant is entitled to a 20% earned income deduction.

The Department incorrectly determined the Appellant's adjusted gross income as \$1277.76. The correct adjusted gross income is \$1265.15(\$1828.94 total gross income - \$365.79 [20% earned income] - \$198.00 standard deduction = \$1265.15).

8. 7 C.F.R. § 273.9 (d) (6) (ii) provides for the excess shelter deduction. Monthly shelter expenses of more than 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in §271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For the 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 the fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utility component of the Consumer Price Index for All Urban Consumers for the 12 months 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.

7 C.F.R. § 273.9(d) (6) (iii) provides for the Standard Utility Allowance (SUA). (A) With FNS approval, a State agency may develop the following standard utility allowances (standards) to be used in place of actual costs in determining a household's excess shelter deduction: an individual standard for each type of utility expense; a standard utility allowance for all utilities that includes heating or cooling costs (HCSUA); and, a limited utility allowance (LUA) that includes electricity and fuel for purposes other than heating or cooling, water, sewerage, well and septic tank installation and maintenance, telephone, and garbage or trash collection. The LUA must include expenses for at least two utilities. However, at its option, the State agency may include the excess heating and cooling costs of public housing residents in the LUA if it wishes to offer the lower standard to such households. The State agency may use different types of standards but cannot allow households the use of two standards that include the same expense. In States in which the cooling expense is minimal, the State agency may include the cooling expense in the electricity component. The State agency may vary the allowance by factors such as household size, geographical area, or season. Only utility costs identified in paragraph (d)(6)(ii)(C) of this section must be used in developing standards.

The Department determined that 50% of the Appellant's adjusted gross income is \$638.88 (\$1277.76* 0.50). The correct 50% adjusted gross income is \$632.58 (\$1265.15 * 0.50).

The Department properly determined the Appellant is not eligible for an uncapped shelter deduction based on disability or age.

The Department correctly allowed the Appellant a SUA.

9. 7 C.F.R. § 273.10 (e) (1) (i) provides that 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. (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). (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.

The Department correctly determined the Appellant's shelter cost as \$912.00. (\$0.00 rent + \$912.00 SUA).

The Department incorrectly determined the Appellant's shelter hardship to be \$273.12 (\$912.00 - \$638.00). The correct shelter hardship is \$279.42* (\$912.00 - \$632.58) (* \$672.00 maximum).

The Department incorrectly determined the Appellant's net adjusted income to be \$1,004.64 (\$1,277.76 - \$273.12). The correct net adjusted income is \$985.73 (\$1265.15 - \$279.42)

10. 7 C.F.R. § 273.10 (e) (2) (ii) (A) provides except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways: (1) The State agency shall round the 30 percent of net income up to the nearest higher dollar.

The Department incorrectly determined that 30 percent of the Appellant's net adjusted income, rounded up, is \$302.00. The correct 30 percent of the Appellant's net adjusted income rounded up is \$296.00 (\$985.73 * 0.30).

11. 7 C.F.R. § 271.2 defines the Thrifty Food Plan ("TFP") as the diet required to feed a family of four persons consisting of a man and a woman 20 through 50, a child 6 through 8, and a child 9 through 11 years of age, determined in accordance with the Secretary's calculations. The cost of such a diet shall be the basis for uniform allotments for all households regardless of their actual composition. In order to develop maximum SNAP allotments, the Secretary shall make household size and other adjustments in the Thrifty Food Plan considering economies of scale and other adjustments as required by law.

7 C.F.R. § 273.10(e) (4) (i) provides for the TFP and Maximum Food Stamp Allotments. Maximum food stamp allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS website, at www.fns.usda.gov/fsp.

7 C.F.R. § 273.10(e) (4) (ii) provides in relevant part that effective October 1, 1996, the maximum SNAP allotments must be based on 100% of the cost of the TFP as defined in §271.2 of this chapter for the preceding June, rounded to the nearest lower dollar increment.

7 C.F.R. § 273.10(e)(2)(ii)(C) provides that 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.

The maximum TFP for a one-person household effective [REDACTED] 2023, through [REDACTED] 2024, is \$291.00.

The minimum monthly allotment is \$23.00 (\$291.00 x 8%).

12. The Appellant's [REDACTED] SNAP benefit was computed as follows:

SNAP BENEFIT CALCULATION	
EARNED INCOME	
[REDACTED]	\$1212.60
[REDACTED]	\$616.34
Less Twenty percent	-\$365.79
Adjusted Earned Income	\$1463.15
Less standard deduction	-\$198.00
Adjusted Gross Income	=\$1265.15
SHELTER COSTS	
Rent	\$0.00
SUA	+\$912.00
Total shelter costs	=\$912.00
SHELTER HARDSHIP	
Shelter costs	\$912.00
Less 50% of adjusted gross income	-\$632.58

Total shelter hardship	\$279.42 (Cannot exceed \$672 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$1265.15
Less shelter hardship	-\$279.42
Net Adjusted Income (NAI)	= \$985.73
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for one person	\$291.00
Less 30% of NAI	-\$296.00
	\$0.00
SNAP award	= \$23.00

The Department correctly determined the Appellant's █████ 2024 SNAP benefit to be \$23.00.

DECISION

The Appellant's appeal is denied.

Scott Zuckerman
Scott Zuckerman
Hearing Officer

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

RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within 15 days of the mailing date of the decision on the grounds there was an error of fact, law, and 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 requested 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 the 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 the 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 if 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 the 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 to 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 per §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.