

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

■■■■ 2024
Signature Confirmation

Client ID ■■■■
Case ID ■■■■
Request # 241016

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ■■■■ 2024, the Department of Social Services (the "Department") sent ■■■■ (the "Appellant") a Notice of Action ("NOA) informing her that her benefits under the Supplemental Nutrition Assistance Program ("SNAP") will increase to 183.00 per month beginning ■■■■ 2024.

On ■■■■ 2024, the Appellant requested an administrative hearing to contest the amount of SNAP benefits authorized by the Department.

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

On ■■■■ 2024, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals were present at the hearing:

■■■■ Appellant
Christopher Filek, Eligibility Services Specialist/Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's [REDACTED] [REDACTED] 2024 calculation of the Appellant's SNAP benefits as \$183.00 beginning [REDACTED] [REDACTED] 2024 was correct.

FINDINGS OF FACT

1. The Appellant receives benefits under the SNAP for herself, a household of one. (Stipulated)
2. The Appellant's certification period under the SNAP began [REDACTED] [REDACTED] 2024 and ends on [REDACTED] [REDACTED] 2026. (Exhibit 5: SNAP Computation Sheet and Exhibit 6: Notice of Action)
3. The Appellant is age [REDACTED]-[REDACTED] ([REDACTED] (Appellant Testimony))
4. The Appellant receives gross Social Security Retirement ("SSA") of \$2,978.00 per month. (Stipulated)
5. The Appellant lives alone at [REDACTED] ("home residence"). The Appellant does not have a mortgage on the home residence. The Appellant has life use of the home residence. The Appellant carries homeowners insurance on the home residence that covers the structure and personal belongings with [REDACTED] [REDACTED] [REDACTED] and pays \$1,554.00 annually. The Appellant's 2024 current real estate tax bill on the home residence is \$7,228.60 for which she must pay to the [REDACTED]. The Appellant owes delinquent real estate taxes for tax years 2021-2022 totaling \$11,120.35 and entered into a payment plan with the city of [REDACTED] agreeing to pay \$1,375.00 monthly beginning [REDACTED] [REDACTED] 2024 until paid in full. The Appellant heats the home with gas and is responsible to pay the gas bill along with all utilities including electricity, water/sewer (approximately \$83.00 per quarter) and telephone. The Appellant does not pay a trash collection bill. (Exhibit 3: Shelter Expenses and Appellant Testimony)
6. On [REDACTED] [REDACTED] 2023, the Appellant incurred costly sewer repairs after the sewer backed up at the home residence. [REDACTED] [REDACTED] snaked the sewer line and lowered a camera in the sewer line costing \$400.00. [REDACTED] [REDACTED] repaired the sewer line after excavating under the home residence garage costing the Appellant \$4,244.82 for repairs. (Exhibit 3: Shelter Expenses and Appellant Testimony)
7. The Appellant has medical coverage under Medicare Part A and Medicare Part B. The Appellant has medical coverage under the Medicare Savings

Plan (“MSP”) as administered by the Department. The Department pays the Appellant’s Medicare Part B monthly premium under the MSP. (Department Representative Testimony)

8. The Appellant has private medical coverage through [REDACTED]. The Appellant pays \$263.25 per month for this plan. (Exhibit 2: Medical Expense Summary & Supporting Documents and Appellant Testimony)
9. The Appellant has private prescription drug plan through [REDACTED]. The Appellant pays \$29.00 per month for this plan. (Exhibit 2: Medical Expense Summary & Supporting Documents and Appellant Testimony)
10. The Appellant has dental coverage through [REDACTED] and pays \$56.73 for this coverage monthly. (Exhibit 3: Medical Expense Summary & Supporting Documents and Appellant Testimony)
11. On [REDACTED] 2023, the Appellant received dental care from [REDACTED] incurring a dental debt of \$2,527.24. The Appellant pays \$125.00 monthly to reduce this dental debt. (Exhibit 2: Medical Expense Summary & Supporting Documents and Appellant Testimony)
12. The Appellant incurred a dental debt of \$3,631.00 for treatment from [REDACTED] (Appellant Testimony, Department Testimony, and Exhibit 5: SNAP Computation Worksheet)
13. The Appellant does not take prescription drugs. The Appellant subscribes to numerous vitamins, supplements, and skin care online to manage her health and well-being through natural remedies. Reference Chart below. (Exhibit 2: Medical Expense Summary & Supporting Documents and Appellant Testimony)

Purchase Date	Vendor	Item	Cost
[REDACTED]/23	www.[REDACTED].com	SagaPro Bladder Health 60 capsules	\$48.56
[REDACTED]/23	www.[REDACTED].com	Thyroid Care Plus 120 capsules	\$36.86
[REDACTED]/23	www.[REDACTED].com	Polyphenol Defense 60 capsules	\$36.86
[REDACTED]/23	www.[REDACTED].com	Natural Healing Gel x 2	\$38.38
[REDACTED]/23	www.[REDACTED].com	Bio-Active Copper Hydrosol x 1	\$19.20
[REDACTED]/23	www.[REDACTED].com	Skin Care Gel x 2	\$23.99
[REDACTED]/23	www.[REDACTED].com	Sovereign Copper	\$23.99
[REDACTED]/23	[REDACTED]	Alkalini-C \$66.50 x 25%	\$49.87
[REDACTED]/23	[REDACTED]	Alkalizing Minerals+ \$80.50 x 25%	\$60.37
[REDACTED]/23	[REDACTED]	Energized Multi+ \$64.50 x 25%	\$48.37
[REDACTED]/23	[REDACTED]	Essential Choline 39.50 x25%	\$29.62
[REDACTED]/23	[REDACTED]	Ionized Magnesium \$41.50 x	\$31.12

		25%	
■/■/24	www.■■■■.com	Noxylane4 Double Strength VIP x 2	\$129.94
■/■/24	www.■■■■.com	Noxylane4 Double Strength VIP x 2	\$129.94

14. The Appellant owns a vehicle, ■■■■■ and pays \$212.00 monthly for car insurance. (Appellant Testimony)

15. The Appellant owns a dog, ■■■■■ for support, safety, and security. The Appellant incurs expenses associated with owning a dog such as dog food, veterinary bills, and costs associated with his care. (Exhibit 7: Veterinary Bills and Medical Notes and Appellant Testimony)

16. On ■■■■ 2024, the Department reviewed the Appellant SNAP benefits after receiving updated shelter expenses and medical receipts from the Appellant on ■■■■ 2024. (Exhibit 5: SNAP Computation Sheet, Exhibit 6: Notice of Action, Exhibit 8: Case Notes, and Department Representative Testimony)

17. The Department determined the Appellant's shelter costs as \$1,504.50. \$1,375.00 monthly property tax arrearage + \$129.50 monthly homeowner's insurance premium (\$1,554.00 annually/12 months = \$129.50). Refer to Finding of Facts ("FOF") # 5. (Hearing Record)

18. The Department determined the total allowable medical expense deduction as \$929.88. \$964.88 – \$35.00 = \$929.88. Reference below and refer to FOFs #s 7 – 12. (Department Representative Testimony and Exhibit 5: SNAP Computation Sheet)

- ■■■■ ■■■■ ■■■■ monthly premium \$263.25
- Prescription Plan monthly premium \$29.00
- ■■■■ ■■■■ monthly premium \$56.73
- Dentures (\$2,527.24/12 months) \$210.60
- ■■■■ ■■■■ Dental (\$3,631.00/12 months) \$302.58
- ■■■■ ■■■■ monthly prescription \$5.30
- ■■■■ ■■■■ Supplements \$43.31
- ■■■■ ■■■■ Supplements \$54.11

19. The Department determined the Appellant eligible for \$183.00 under the SNAP beginning ■■■■ 2024. Reference Calculation below.

Total Household Income	\$2,978.00	Shelter Costs	\$1,504.50*
Minus SNAP standard deduction	(\$198.00)	Plus Standard Utility Allowance (SUA)	\$912.00
Equals	\$2,780.00	Equals Total Shelter Costs	\$2,416.50
Minus Medical Expenses		Minus 50% AGI	\$925.06

	(\$929.88)		
Equals Adjusted Gross Income (AGI)	\$1,850.12	Equals Shelter Hardship	\$1,491.44

*FOF #17: \$1,375.00 monthly property tax arrearage + \$129.50 monthly homeowner's insurance

AGI	\$1,850.12
Minus shelter hardship	\$1,491.44
Equals net adjusted income (NAI)	\$358.68
NAI 358.68 x 30%=107.64	\$108.00
Thrifty Food Plan for HH of 1	\$291.00
Minus 30% of NAI	\$108.00
Equals SNAP benefit	\$183.00

20. The Appellant seeks additional deductions under the SNAP program such as sewer repair bills, expenses associated with owning a dog, and costs of owning a car to increase her monthly SNAP benefits to the maximum allowed. (Appellant Testimony)
21. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2024. Therefore, this decision is due not later than [REDACTED] [REDACTED] 2024.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides as follows:

The Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

2. Title 7 Section 273.12(c) of the Code of Federal Regulations ("CFR") provides as follows:

The State agency shall take prompt action on all changes to determine if the change affects the household's eligibility or allotment. However, the State agency has the option to disregard a reported change to an established deduction in accordance with paragraph (c)(4) of this section. If a household reports a change in income, and the new circumstance is expected to continue for at least one month beyond the month in which the change is reported, the State agency may act on the change in accordance with paragraphs (c)(1) and (c)(2) of this section. The time frames in paragraphs (c)(1) and (c)(2) of this section apply to these actions. During the certification period, the State agency shall not act on changes in the medical expenses of households eligible for the medical

expense deduction which it learns of from a source other than the household and which, in order to take action, require the State agency to contact the household for verification. The State agency shall only act on those changes in medical expenses that it learns about from a source other than the household if those changes are verified upon receipt and do not necessitate contact with the household. Even if there is no change in the allotment, the State agency shall document the reported change in the casefile, provide another change report form to the household, and notify the household of the receipt of the change report. If the reported change affects the household's eligibility or level of benefits, the adjustment shall also be reported to the household. The State agency shall also advise the household of additional verification requirements, if any, and state that failure to provide verification shall result in increased benefits reverting to the original allotment. The State agency shall document the date a change is reported, which shall be the date the State agency receives a report form or is advised of the change over the telephone or by a personal visit. Restoration of lost benefits shall be provided to any household if the State agency fails to take action on a change which increases benefits within the time limits specified in paragraph (c)(1) of this section.

“If the State agency chooses to act on changes that affect a deduction, it may not act on changes in only one direction, i.e., changes that only increase or decrease the amount of the deduction but must act on all changes that affect the deduction.” 7 CFR § 273.12(c)(4)(iii)

On [REDACTED] [REDACTED] 2024, the Department correctly acted on changes in medical expenses and shelter costs reported by the Appellant on [REDACTED] [REDACTED] 2024 to determine its effect on the Appellant’s SNAP allotment.

3. “A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: An individual living alone.” 7 CFR 273.1(a)(1)

The Department correctly determined a household of one, the Appellant.

4. “Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. 7 CFR § 273.9(b)

Federal regulation provides as follows:

Unearned income shall include, but not be limited to: Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in § 272.12; old-age, survivors,

or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week. 7 CFR § 273.9(b)(2)(ii)

The Department correctly determined the Appellant's SSA is counted household income under the SNAP.

5. Federal regulation provides as follows:

For the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by § 273.12.

7 CFR § 273.10(c)(1)(i)

Federal regulation provides as follows:

Income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged. Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the State agency shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15, use the State Agency's PA conversion standard, or use the exact monthly figure if it can be anticipated for each month of the certification period. Nonrecurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income. 7 CFR § 273.10(c)(2)(i)

The Department correctly determined the Appellant's monthly gross income as SSA \$2,978.00 per month.

6. Federal regulation provides as follows:

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

7 CFR 273.9(a)

Federal regulation provides as follows:

The State agency, at its option, may extend categorical eligibility to the following household only if doing so will further the purposes of the Food and Nutrition Act of 2008: Subject to FNS approval, any household (except those listed in paragraph (j)(2)(vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with State money counted for MOE purposes under Title IV-A or Federal money under Title IV-A and that is designed to further purposes three and four of the TANF block grant, as set forth in Section 401 of P.L 104-193, and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.

7 CFR § 273.2(j)(2)(ii)(B)

The 2023 Poverty Guidelines for the 489 Contiguous States and the District of Columbia for a household of one equals \$14,580.00 annually. [Federal Register/Vol. 88, No. 12/Thursday, January 19, 2023/Notices]

\$14,580.00 Federal Poverty Level (FPL) x 200% = 29,160.00 annually
\$29,160.00 200% of annual FPL / 12 months = \$2,430.00 SNAP gross income limit in CT under Expanded Categorical Eligibility

The Appellant is not categorically eligible under expanded categorical eligibility in CT because the Appellant's monthly gross

income of \$2,978.00 exceeds the gross income limit of \$2,430.00 200% of FPL. Although the Appellant is not subject to the gross income limit under the SNAP because the Appellant meets the elderly criteria under the SNAP at the age of ■ the Appellant is subject to the net income limit as an elderly participant.

7. Federal regulation 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. 7 CFR § 273.9(a)(2)(i)

“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.” 7 CFR § 273.9(a)(3)

“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. 7 CFR § 273.9(a)(3)(ii)

Because the Appellant is not categorically eligible under ECE, the Appellant is subject to the net income limit under the SNAP. \$14,580.00 annual FPL / 12 months = \$1,215.00 net income limit

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

9. Federal regulation provides as follows:

- i. Disallowed expenses. Any expense, in whole or part, covered by educational income which has been excluded pursuant to the provisions of [§ 273.9\(c\)\(3\)](#) shall not be deductible. For example, the portion of rent covered by excluded vendor payments shall not be calculated as part of the household's shelter cost. In addition, an expense which is covered by an excluded vendor payment that has been converted to a direct cash payment under the approval of a federally authorized demonstration project as specified under [§ 273.9\(c\)\(1\)](#) shall not be deductible. However, that portion of an allowable medical expense which is not reimbursable shall be included as part of the household's medical expenses. If the

household reports an allowable medical expense at the time of certification but cannot provide verification at that time, and if the amount of the expense cannot be reasonably anticipated based upon available information about the recipient's medical condition and public or private medical insurance coverage, the household shall have the nonreimbursable portion of the medical expense considered at the time the amount of the expense or reimbursement is reported and verified. A dependent care expense which is reimbursed or paid for by the Job Opportunities and Basic Skills Training (JOBS) program under title IV-F of the Social Security Act ([42 U.S.C. 681](#)) or the Transitional Child Care (TCC) program shall not be deductible. A utility expense which is reimbursed or paid by an excluded payment, including HUD or FmHA utility reimbursements, shall not be deductible.

- ii. Expenses shall only be deductible if the service is provided by someone outside of the household and the household makes a money payment for the service. For example, a dependent care deduction shall not be allowed if another household member provides the care, or compensation for the care is provided in the form of an in-kind benefit, such as food.

7 CFR § 273.10(d)(1)

Federal regulation provides as follows:

Billed Expenses. Except as provided in paragraph (d)(3) of this section a deduction shall be allowed only in the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense. For example, rent which is due each month shall be included in the household's shelter costs, even if the household has not yet paid the expense. Amounts carried forward from past billing periods are not deductible, even if included with the most recent billing and actually paid by the household. In any event, a particular expense may only be deducted once.

7 CFR § 273.10(d)(2)

Federal regulation provides as follows:

Averaging Expenses. Households may elect to have fluctuating expenses averaged. Households may also elect to have expenses which are billed less often than monthly averaged forward over the interval between scheduled billings, or, if there is no scheduled interval, averaged forward over the period the expense is intended to cover. For example, if a household receives a single bill in February which covers a 3-month supply of fuel oil, the bill may be averaged over February, March, and

April. The household may elect to have one-time only expenses averaged over the entire certification period in which they are billed. Households reporting one-time only medical expenses during their certification period may elect to have a one-time deduction or to have the expense averaged over the remaining months of their certification period. Averaging would begin the month the change would become effective. For households certified for 24 months that have one-time medical expenses, the State agency must use the following procedure. In averaging any one-time medical expense incurred by a household during the first 12 months, the State agency must give the household the option of deducting the expense for one month, averaging the expense over the remainder of the first 12 months of the certification period, or averaging the expense over the remaining months in the certification period. One-time expenses reported after the 12th month of the certification period will be deducted in one month or averaged over the remaining months in the certification period, at the household's option. 7 CFR § 273.10(d)(3)

Federal regulation provides as follows:

Anticipating expenses. The State agency shall calculate a household's expenses based on the expenses the household expects to be billed for during the certification period. Anticipation of the expense shall be based on the most recent month's bills, unless the household is reasonably certain a change will occur. When the household is not claiming the utility standard, the State agency may anticipate changes during the certification period based on last year's bills from the same period updated by overall price increases; or, if only the most recent bill is available, utility cost increases or decreases over the months of the certification period may be based on utility company estimates for the type of dwelling and utilities used by the household. The State agency shall not average past expenses, such as utility bills for the last several months, as a method of anticipating utility costs for the certification period. At certification and recertification, the household shall report and verify all medical expenses. The household's monthly medical deduction for the certification period shall be based on the information reported and verified by the household, and any anticipated changes in the household's medical expenses that can be reasonably expected to occur during the certification period based on available information about the recipient's medical condition, public or private insurance coverage, and current verified medical expenses. The household shall not be required to file reports about its medical expenses during the certification period. If the household voluntarily reports a change in its medical expenses, the State agency shall verify the change in accordance with § 273.2(f)(8)(ii) if the change would increase the household's allotment. The State agency has the option of either requiring verification prior to acting on the change, or requiring the verification prior to the second normal monthly allotment after the change is reported. In

the case of a reported change that would decrease the household's allotment, or make the household ineligible, the State agency shall act on the change without requiring verification, though verification which is required by § 273.2(f)(8) shall be obtained prior to the household's recertification. If a child in the household reaches his or her second birthday during the certification period, the \$200 maximum dependent care deduction defined in § 273.9(d)(4) shall be adjusted in accordance with this section not later than the household's next regularly scheduled recertification.

7 CFR § 273.10(d)(4)

10. Federal regulation provides as follows:

Deductions shall be allowed only for the following household expenses:

Standard deduction. 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 un 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 CFR § 273.9(d)(1)(i)

In accordance with the Food and Nutrition Act of 2008, the cost-of-living adjustments are effective October 1, 2023 through September 30, 2024. The minimum standard deduction for household size of one equals \$198.00 for the 48 States and D.C. [United States Department of Agriculture, Food and Nutrition Service, Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023]

The Department correctly determined the Appellant eligible for the standard deduction of \$198.00 under the SNAP.

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. Costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible;
 - B. 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. Eyeglasses 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 childcare 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.

7 CFR § 273.9(d)(3)

The Department correctly determined the Appellant qualified for the excess medical deduction. However, the Department incorrectly determined the amount of the excess medical deduction as \$929.88 per month. Further clarification is needed to determine the correct amount of the excess medical deduction.

The Department correctly determined the following allowable medical costs under the excess medical deduction based on household medical expenses expected to be billed during the current certification period totaling \$348.98:

████████████████████	\$263.25
Prescription Plan	\$29.00
██████████ Dental	\$56.73
Total monthly premiums	\$348.98

The Department incorrectly determined the ██████████ 2023 ██████████ one-time cost of \$2,527.24 as an allowable medical expense. Federal regulation states a deduction shall be allowed only in the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense. Expenses carried forward from past billing periods are not deductible even if included with the most recent billing and actually paid by the household. As this dental expense incurred prior to the Appellant's certification period of ██████████ 2024 through ██████████ 2026, it is not an allowable medical cost under the current certification period for SNAP.

Based on the hearing record, whether the ██████████ one-time dental bill of \$3,631.00 is an allowable medical expense cannot be determined because the date of the service, type of service, payment due date, and insurance coverage are not known. Although the cost of dentures is an allowable expense, the date of service is needed to determine if this expense may be included under the current excess medical deduction for SNAP as a one-time expense or averaged throughout the certification period and whether insurance paid for any portion of this bill.

Federal regulation states the household's monthly medical deduction for the certification period shall be based on the information reported and verified by the household, and any anticipated changes in the household's medical expenses that can be reasonably expected to occur during the certification period based on available information about the recipient's medical

condition, public or private insurance coverage, and current verified medical expenses. A review of the Appellant dental costs (\$2,527.24 & \$3,631.00) prior to the current certification is necessary to determine if such expenses can be reasonably expected to occur during the current certification period.

The Department incorrectly determined monthly medical expenses from [REDACTED] [REDACTED] \$54.11 and [REDACTED] [REDACTED] \$43.31 as allowable medical costs. Products purchased from [REDACTED] [REDACTED] and [REDACTED] [REDACTED] are vitamins, supplements, and skin care for the Appellant and her dog and are not prescribed by a licensed practitioner or qualified health professional therefore not considered under the medical expense deduction. The Department correctly excluded expenses under [REDACTED] [REDACTED] [REDACTED] [REDACTED] as a qualifying medical expense.

The Department correctly determined the cost of caring for the Appellant's dog [REDACTED] is not a qualifying medical expense or deduction under the SNAP.

Excess shelter deduction. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in § 271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12-month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

- A. Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.
- B. Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

- C. The cost of fuel for heating; cooling (i.e., the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.
- D. The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.
- E. Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

7 CFR § 273.9(d)(6)(ii)

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

7 CFR § 273.9(d)(6)(iii)(A)

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

7 CFR § 273.9(d)(6)(iii)(C)

The Department incorrectly determined the Appellant's total shelter costs as \$2,416.50. The correct total shelter costs equal \$1,643.88 per month.

\$7,228.60 annual property tax / 12 months = \$602.38 monthly property tax obligation

\$1,554.00 annual homeowners insurance premium / 12 months = \$129.50 monthly homeowners insurance obligation

The Department correctly determined the Appellant qualified for the SUA of \$912.00 under her shelter costs.

\$602.38 tax + \$129.50 insurance + \$912.00 SUA = \$1,643.88 total shelter costs

The Department incorrectly included the Appellant's monthly delinquent tax bill of \$1,375.00 as part of the Appellant's counted shelter costs under the SNAP. Federal regulation states a deduction shall be allowed only in the month the expense is billed or otherwise

becomes due, regardless of when the household intends to pay the expense. Like medical costs, expenses carried forward from past billing periods are not deductible even if included with the most recent billing and actually paid by the household. The period of delinquency for the delinquent tax bill is 2021-2022 and cannot be applied to the current SNAP calculation. However, the Appellant's current annual tax bill is \$7,228.60 or \$602.38 per month is a counted shelter cost under the SNAP.

The Department correctly determined the cost of sewer repairs in [REDACTED] 2023 is not a qualifying shelter expense. Charges for the repair of a home which was substantially damaged or destroyed are not considered a qualifying shelter expense under the SNAP unless the repairs were a direct result of a natural disaster such as fire or flood. The Department correctly excluded the sewer repairs from the shelter costs.

The Department correctly determined the cost of vehicle insurance is not qualifying deduction under the SNAP and excluded it from the SNAP calculation.

11. Federal regulation provides as follows:

To determine a household's net monthly income, the State agency shall:

- A. Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with § 273.11(a)(2)(iii).
- B. Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with § 273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income.
- C. Subtract the standard deduction.
- D. If the household is entitled to an excess medical deduction as provided in § 273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.
- E. Subtract allowable monthly dependent care expenses, if any, as specified under § 273.9(d)(4) for each dependent.
- F. If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with §

- 273.9(d)(5), subtract allowable monthly child support payments in accordance with § 273.9(d)(5).
- G. Subtract the homeless shelter deduction, if any, up to the maximum of \$143.
- H. Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section.
- I. Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

7 CFR § 273.10(e)(1)(i)

Federal regulation provides as follows:

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

7 CFR § 273.10(e)(2)(ii)(A)(1)

Federal regulation provides as follows:

Thrifty Food Plan (TFP) and Maximum SNAP Allotments. Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in § 271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in § 272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States

and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at www.fns.usda.gov/fsp.

7 CFR § 273.10(e)(4)(i)

In accordance with the Food and Nutrition Act of 2008, the cost-of-living adjustments are effective October 1, 2023 through September 30, 2024. The maximum SNAP allotment for household size of one equals \$291.00 for the 48 States and D.C. [United States Department of Agriculture, Food and Nutrition Service, Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023]

Based on the hearing record, the Appellant's net monthly income cannot be determined without an accurate determination of qualifying medical expenses and corrections made to the Appellant's allowable shelter costs.

Based on the hearing record whether the Appellant's net monthly income is below \$1,215.00, the SNAP net monthly income limit for a household of one, cannot be determined.

Based on the hearing record whether the Department's calculation of SNAP benefits as \$183.00 per month beginning [REDACTED] 2024 is correct, cannot be determined.

DECISION

The Appellant's appeal is remanded back for further review.

ORDER

1. The Department must review medical expense documentation submitted by the Appellant on [REDACTED] 2024 and prior for qualifying medical costs under the medical expense deduction as per federal regulations. Refer to Conclusion of Law # 10 excess medical deduction for guidance.
2. The Department must correct the shelter costs by replacing the delinquent property tax monthly payment of \$1,375.00 as this is not a qualifying shelter expense, with the current property tax payment of \$602.38 monthly (\$7,228.60 annually). Refer to Conclusion of Law # 10 excess shelter deduction for guidance.

3. Upon review of the medical expense deduction and shelter deduction, the Department must recalculate SNAP eligibility and issue a corrected Notice of Action.
4. Compliance is due 14 days from the date of this decision.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Brian Sexton, SSOM RO #50
Christopher Filek, FHL RO #50

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.