

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# ██████████

NOTICE OF DECISION

PARTY

██████████
████████████████████
████████████████████

PROCEDURAL BACKGROUND

On ██████████, 2024, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) recertifying his for the Supplemental Nutritional Assistance Program (“SNAP”) benefits for ██████████, 2024, through ██████████, 2025.

On ██████████, 2024, the Appellant requested an administrative hearing because he disagreed with the Department’s calculation of his SNAP benefits.

On ██████████, 2024, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184 inclusive of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals participated in the hearing:

██████████, Appellant
Claudene Reid, Fair Hearing Liaison, Department’s Representative
Joseph Davey, Administrative Hearing Officer

The hearing record was left open until ██████████, 2024, for the submission of additional evidence from the Department. Evidence was received on ██████████, 2024, and the record closed accordingly.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly calculated the Appellant's SNAP benefits effective [REDACTED], 2024.

FINDINGS OF FACT

1. The Appellant is forty-seven years old and lives alone. (Exhibit 1: Impact Case Notes dated [REDACTED] - [REDACTED], Appellant's testimony, Hearing Record)
2. On [REDACTED], 2017, the Department's Investigations Division conducted an in-person fraud interview with the Appellant. During the interview, the Appellant admitted to allowing an individual named [REDACTED] to use his SNAP benefits during the period of [REDACTED] 2015 through [REDACTED] 2016. Mr. [REDACTED] was not on the SNAP and was not authorized to use the Appellant's EBT card. During the fraud interview, the Appellant signed a waiver of administrative disqualification hearing and agreed to repay the \$2,817.00 in SNAP benefits the Department identified as being used in the commission of an Intentional Program Violation ("IPV"). In addition, the Appellant was disqualified from the SNAP for a period of 12 months beginning [REDACTED], 2017, and ending [REDACTED], 2018. (Exhibit 1, Exhibit 8: Fraud Case Notes dated [REDACTED] - [REDACTED])
3. The Department's most recent review of the Appellant's eligibility certified his SNAP benefits for the period of [REDACTED], 2023, through [REDACTED], 2024. (Exhibit 1, Hearing Record)
4. On [REDACTED], 2024, the Appellant submitted an online renewal for his SNAP benefits. (Exhibit 1, Hearing Record)
5. The Appellant does not have any rental or utility expenses. (Exhibit 1, Appellant's testimony)
6. The Appellant is not disabled. (Exhibit 1, Appellant's testimony)
7. The Appellant has no income. (Exhibit 1, Appellant's testimony)
8. The Appellant owes court-ordered child support but is not making payments. (Appellant's testimony)
9. On [REDACTED], 2024, the Department waived the Appellant's SNAP interview and completed his renewal. The Appellant was recertified for the SNAP and was approved for the maximum benefit of \$291.00 per month for a household of one member. The Department applied a benefit recoupment of \$58.00 per month to the Appellant's SNAP benefit to collect on his outstanding SNAP IPV overpayment. The Appellant's SNAP benefit after recoupment is \$233.00 per month [$\$291.00 - \$58.00 = \233.00]. (Exhibit 1, Exhibit 3: Benefit Issuance Details, Exhibit 4: Overpayment Detail, Department's testimony)

10. On [REDACTED], 2024, the Department issued a NOA to the Appellant approving his SNAP benefits for the period of [REDACTED], 2024, through [REDACTED], 2025, with a monthly SNAP benefit of \$233.00. (Exhibit 5: W-0001N Notice of Action form dated [REDACTED] 4)
11. As of [REDACTED], 2024, the Appellant still owes \$838.63 of his total \$2,817.00 SNAP IPV overpayment. (Exhibit 4)
12. The issuance of this decision is timely under the Code of Federal Regulations (“C.F.R.”) 273.15 (c)(1) which provides in part that “[w]ithin [REDACTED] 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....” The Appellant requested an administrative hearing on [REDACTED], 2024. Therefore, this decision is due not later than [REDACTED], 2024. (Hearing Record)

CONCLUSIONS OF LAW

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

The Department has the authority to administer the SNAP program in Connecticut and determine benefit amounts.

2. 7 C.F.R. § 273.1(a)(1) provides for General household definition. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone.

The Department correctly determined the Appellant’s household size of one person.

3. 7 C.F.R. § 271.2(1)-(5) states that an Elderly or disabled member means a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act; (4) Receives federally or State-administered supplemental benefits under section 212(a) of Pub. L. 93-66; (5) Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act.

The Department correctly determined that the Appellant is not disabled or elderly.

4. 7 C.F.R. § 273.9(b) states that “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)(2)(ii) provides that Unearned income shall include but not be limited to Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in §272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

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

7 C.F.R. § 273.10(c)(1)(ii) provides in part that income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household during the certification period. However, the State agency shall not use past income as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the State agency and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income. Similarly, if the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income.

The Department correctly determined the Appellant had no earned or unearned income.

5. 7 C.F.R. § 273.9(a) provides for income eligibility standards. Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP.

The Department correctly determined the Appellant's household must meet the gross and net income eligibility standards.

6. 7 C.F.R. § 273.9(d)(1)(i) provides for the standard deduction. *48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands*. Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under paragraph (a)(2) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

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

7. 7 C.F.R. § 273.9(d)(6)(ii)(A) provides the following: Excess shelter deduction. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in § 271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses: (A) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

The Department correctly determined the Appellant has no shelter expenses.

8. 7 C.F.R. § 273.9(a)(3) provides that 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 C.F.R. § 273.9(a)(3)(ii) provides that 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 C.F.R. § 273.9(a)(1)(i) provides that the gross income eligibility standards for SNAP shall be as follows: (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

7 C.F.R. § 273.9(a)(4) provides that the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS website, at www.fns.usda.gov/snap.

The 2023 Poverty Guidelines for the 48 Contiguous States and the District of Columbia for a household of one is \$14,580.00 annually. [Federal Register/Vol. 88, No. 12/ Thursday, January 19, 2023, page 3424]

Effective June 19, 2009, the Department implemented SNAP changes referred to as Expanded Categorical Eligibility (“ECE”). Effective July 1, 2009, the gross income limit for the SNAP increased to 185% of the Federal Poverty Level (“FPL”) for SNAP households that do not contain an elderly or disabled household member. Effective October 1, 2022, the gross income limit for the SNAP increased to 200% of the FPL for households that do not contain an elderly or disabled member.

The Department correctly determined the gross monthly income limit for a household of one person is \$2,430.00 ($\$14,580.00 \times 200\% = \$29,160.00 / 12 = \$2,430.00$).

The Department correctly determined the Appellant’s income of \$0.00 is under the \$2,430.00 limit for a household of one person.

9. 7 C.F.R. § 273.10(e)(1)(i) provides the following: Calculating net income and benefit levels-(1) Net monthly income. To determine a household’s net monthly income, the State agency shall: (A) Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household’s total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with §273.11(a)(2)(iii). (B) Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with §273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income. (C) Subtract the standard deduction. (D) If the household is entitled to an excess medical deduction as provided in §273.9(d)(3), determine if total medical expenses exceed #35. If so, subtract that portion which exceeds \$35.(E) Subtract allowable monthly dependent care expenses if, any, as specified under § 273.9(d)(4) for each dependent. (F) If the State agency has chosen to treat legally obligated child support payments as a

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

7 C.F.R. § 273.10(e)(2)(ii)(A) provides the following: 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".

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

The Appellant's net income effective [REDACTED] 2024 and projected through [REDACTED] 2025 is calculated as follows:

SNAP BENEFIT CALCULATION

INCOME	
Earned Income	\$0.00
Less 20%	-\$0.00
= Adjusted earned income	\$0.00
+ Unearned income	\$0.00
= Total income	<u>\$0.00</u>
- Standard deduction	-\$198.00
- Medical expenses -\$35.00	-\$0.00
-Dependent care expenses	\$0.00
=Adjusted gross income	\$-198.00
SHELTER COSTS	
Rent	\$0.00
Mortgage	\$0.00
Property Taxes	\$0.00
Homeowner's Insurance	\$0.00
+ SUA	\$0.00
Total shelter costs	\$0.00
SHELTER HARDSHIP	
Shelter costs	\$0.00
Less 50% of adjusted gross income	-\$99.00
= Total shelter hardship (max \$624.00 if not disabled or elderly)	\$0.00
ADJUSTED NET INCOME	
Adjusted gross income	\$-198.00
Less shelter hardship	-\$0.00
Net Adjusted Income (NAI)	\$-198.00
BENEFIT CALCULATION	
Thrifty Food Plan for one person	\$291.00
Less 30% of NAI (rounded up to nearest whole dollar)	\$0.00
SNAP award	\$291.00

The Department correctly calculated the Appellant's net income for [REDACTED] 2024 through [REDACTED] 2025.

The Department correctly determined the Appellant's monthly SNAP benefit is \$291.00 for [REDACTED] 2024 through [REDACTED] 2025.

10.7 C.F.R. § 273.18(a)(1)(i) provides that a recipient claim is an amount owed because of: (i) Benefits that are overpaid.

7 C.F.R. § 273.18(a)(2) provides that this claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency must establish and collect any claim by following these regulations.

7 C.F.R. § 273.16(b)(12) provides that even though only the individual is disqualified, the household, as defined in § 273.1, is responsible for making restitution for the amount of any overpayment. All intentional Program violation claims must be established and collected in accordance with the procedures set forth in § 273.18.

7 C.F.R. § 273.18(b)(1) provides for types of claims. There are three types of claims: (1) Intentional Program violation (IPV) any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in § 273.16.

7 C.F.R. § 273.18(c)(1)(i) provides for Calculating the claim amount for (1) Claims not related to trafficking. (i) As a State agency, you must calculate a claim back to at least twelve months prior to when you become aware of the overpayment and for an IPV claim, the claim must be calculated back to the month the act of IPV first occurred.

The Department correctly determined the Appellant is responsible to repay the SNAP benefits he was overpaid as the result of an IPV.

11.7 C.F.R. § 273.18(g)(i)(ii) provides for collection methods. (1) Allotment reduction. The following is our allotment reduction policy: As a State agency, you must . . . (i) Automatically collect payments for any claim by reducing the amount of monthly benefits that a household receives unless . . . the claim is being collected at regular intervals at a higher amount or another household is already having its allotment reduced for the same claim (see paragraph (g)(1)(vi) of this section). As a State agency, you must . . . (ii) For an IPV claim, limit the amount reduced to the greater of \$20 per month or 20 percent of the household's monthly allotment or entitlement unless . . . the household agrees to a higher amount.

7 C.F.R. § 273.18(g)(2)(i) provides that as a State agency, you must allow a household to pay its claim using benefits from its EBT benefit account.

The Department correctly deducted 20% of the Appellant's monthly SNAP benefit (20% of \$291.00 = \$58.20 rounded to \$58.00. \$291.00 - \$58.00 = \$233.00) from his EBT benefit account to collect on his remaining SNAP IPV overpayment.

DECISION

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

A handwritten signature in black ink, appearing to read 'J. Davey', is written over a horizontal line.

Joseph Davey
Administrative Hearing Officer

CC: Claudene Reid, Fair Hearing Liaison, Greater Hartford Regional Office
Josephine Savastra, SSOM, Greater Hartford Regional Office
Lindsey Collins, SSOM, Greater Hartford Regional Office
Robert Stewart, SSOM, Greater Hartford Regional Office
Wilfredo Medina, Eligibility Services Supervisor, Greater Hartford Regional 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 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.