

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

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

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██████████

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”) indicating her Supplemental Nutritional Assistance Program (“SNAP”) benefits would remain \$23.00 monthly.

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

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, 17-61 and 4-176e to 4-184 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing.

The following individuals participated in the hearing:

██████████, Appellant
Matt Bartolotta, Department’s Representative
Amy MacDonough, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly calculated the Appellant's SNAP benefits for \$23.00 as of [REDACTED] 2024, and ongoing.

FINDINGS OF FACT

1. The Appellant is [REDACTED] years old [Date of Birth: [REDACTED]] and a recipient of SNAP benefits for a household of one, herself. The Appellants SNAP cycle dates are from [REDACTED] 2023, through [REDACTED] 2026. (*Department's Testimony; Appellant's Testimony; Exhibit 6: NOA*)
2. On [REDACTED] 2024, the Department completed the Appellant's renewal for the Husky C, Home and Community Based Services, medical program. The NOA issued to the Appellant indicated that her SNAP benefits would remain at \$23.00 through [REDACTED], 2026. (*Department's Testimony; Exhibit 1: Manual SNAP Calculation; Exhibit 5: Federal SNAP-Income Test; Exhibit 6; Exhibit 7: Case Notes*)
3. The Appellant receives gross income of \$2,389.00 monthly from Social Security and has no other sources of income. The Appellant owns her home and pays property taxes of \$2,990.64 semi-annually, and homeowners' insurance of \$158.25 monthly. The Appellant pays for heating, cooling, electric, gas, water, and garbage. The Department allowed for the Standard Utility Allowance ("SUA") of \$912.00 for her utility expenses. (*Appellant's Testimony; Department's Testimony; Exhibit 2: SOLQ inquiry; Exhibit 3: Real Estate Tax Bill; Exhibit 4: Homeowners Insurance Bill*)
4. Effective [REDACTED] 2023, the SNAP gross income limit for a household of one is \$2,430.00, 200% of the Federal Poverty Level ("FPL"). (*Department's Testimony*)
5. The Appellant reports paying for adult incontinence products and vitamins monthly; however, she has not provided verification of these expenses to the Department. (*Appellant's Testimony; Department's Testimony*)
6. On [REDACTED] 2024, the Appellant requested an administrative hearing regarding the amount of SNAP benefits. (*Hearing Record*)
7. 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 issue a decision. The Appellant requested an administrative hearing on [REDACTED] 2024; therefore, this decision is due no later than [REDACTED], 2024.

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.

7 C.F.R. § 273.15(g) provides in relevant part that at any time within a certification period a household may request a fair hearing to dispute its current level of benefits.

The Department has the authority to review the Appellant's SNAP eligibility and determine benefit amounts.

2. 7 C.F.R. § 273.1 provides for household concepts and states 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 as a household of one.

3. 7 C.F.R. § 273.9(a) provides that the 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 the Food Stamp Program. 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 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. § 273.2(j)(2)(ii) provides the State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purpose of the Food and Nutrition Act of 2008: (A) 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 one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determining to confer categorical eligibility. (B) 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 C.F.R. § 273.2(j)(2)(iii) provides any household in which one member receives or is authorized to receive benefits according to paragraphs (j)(2)(i)(B), (j)(2)(i)(C), (j)(2)(ii)(A) and (j)(2)(ii)(B), of this section and the State agency determines that the whole household benefits.

7 C.F.R. § 271.2(11) provides in relevant part for the definition of elderly member means a member of a household who: (1) is 60 years of age or older.

The Department correctly determined the Appellant's gross income of \$2,389.00 per month is less than 200% of the FPL. The Appellant is eligible for SNAP as an expanded categorically eligible household.

4. 7 C.F.R. § 273.9(b)(2)(ii) provides for income and states 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.

The Department correctly determined that Social Security benefits are considered unearned income and counted in the calculation of SNAP benefits.

5. 7 C.F.R. § 273.9(a)(3) provides for income eligibility standards and states the income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii. (i) 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary. (ii) The annual income poverty guidelines shall be divided by 12 to determine the monthly net income eligibility standards, rounding the results upward as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.

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

6. 7 C.F.R. § 273.9(d)(1)(i) provides for standard deductions and states **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.

7 C.F.R. § 273.9(d)(1)(iii) provides for minimum deduction levels and states 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-month period 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.

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

7. 7 C.F.R. § 273.9(d)(6)(ii) provides in relevant part for excess shelter deduction and states 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. (C) provides for excess shelter deduction and states 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.

The Department correctly determined the Appellant pays property taxes and homeowners insurance totaling \$656.69 monthly.

The Department correctly determined the Appellant is eligible for an uncapped shelter deduction based on age.

8. 7 C.F.R. § 273.9(d)(6)(iii)(A) provides for standard utility allowances and states 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 C.F.R. § 273.9(d)(6)(iii)(C) provides for standard utility allowances and states a standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

The Department correctly determined the Appellant eligible for the Standard Utility Allowance (“SUA”) of \$912.00 because she pays for heat and cooling.

9. 7 C.F.R. § 273.9(d)(3) provides for excess medical deductions. 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.

The Department had not received verification of medical expenses exceeding \$35.00 per month to include as an additional deduction from the Appellant's income at the time of the benefit determination.

10. 7 C.F.R. § 273.10(e)(4)(i) provides for Thrifty Food Plan (TFP) and maximum SNAP Allotments and states 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 TFP for a household of one is \$291.00, effective October 1, 2023.

11. 7 C.F.R. § 273.10(e)(1)(i)(A)-(I) provides for calculating net income and benefit levels. The calculations are as follows:

	Calculations
Monthly Gross Earnings	\$0.00
(-) minus 20%	n/a
(=) Adjusted Earned Income	\$0.00
(+) plus Unearned Income (SSA)	\$2,389.00
(=) equals Total Income	\$2,389.00
(-) minus Standard Deduction	\$198.00
(-) minus medical expenses, child support payments, dependent care, or other deductions	\$0.00
(=) equals Total Adjusted Gross Monthly Income	\$2,191.00
(x) multiplied by 0.5 (50% Adjusted Gross Income)	\$1,095.50
Total Shelter Costs	
Property Tax	\$498.44
(+) plus Homeowners insurance	\$158.25

(+) plus Utility Allowance	\$912.00
(=) equals Total Shelter Costs	\$1,568.69
(-) minus 50% Adjusted Gross Income	\$1,095.50
(=) equals Excess Shelter Costs	\$473.19
Total Shelter Deduction (shelter hardship cannot exceed \$672 unless AU has member 60 or older, or disabled)	\$473.19
Adjusted Gross Income	\$2,191.00
(-) minus Total Shelter Deduction	\$473.19
(=) Total Net Monthly Income	\$1,717.81
Total Net Monthly Income	\$516.00
(x) multiplied by .30 (30%)	(rounded up from \$515.34)
Thrifty Food Plan (household of one)	\$291.00
(-) minus 30% Net Monthly Income	\$516.00
(=) SNAP Allotment (household of one)	-\$225.00 / \$0.00

12.7 C.F.R. § 273.10(e)(2)(ii)(C) provides for eligibility and benefits and states 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 SNAP allotment (TFP) for a household of one is \$291.00 effective October 1, 2023. \$23.00 equals 8 percent of \$291.00 (rounded up from \$22.48).

The Department correctly determined a SNAP benefit of \$23.00 monthly for the Appellant.

DECISION

The Appellant's appeal is DENIED.


Amy MacDonough
Fair Hearing Officer

CC: Brian Sexton, Operations Manager, DSS, Middletown Regional Office
Matt Bartolotta, Hearing Liaison, DSS, Middletown 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.