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

PROCEDURAL BACKGROUND

On 2024, the Department of Social Services (the "Department") sent

On 2024, the Department of Social Services (the "Department") sent (the "Appellant") a Notice of Action ("NOA") granting his Supplemental Nutritional Assistance Program ("SNAP") application of \$27.00 for 2024, and \$23.00 for 2024 and ongoing. On 2024, the Appellant requested an administrative hearing to contest the

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
Kirsten Bellisle, Department's Representative
Amy MacDonough, Hearing Officer

amount of SNAP benefits.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly calculated the Appellant's SNAP benefits of \$23.00 monthly.

FINDINGS OF FACT

1.	The household consists of the Appellant [Date of Birth:], his wife,] [Date of Birth:], and two minor children,[Date of Birth:]. The Appellant reported income from Veteran's Benefits, and his wife's employment with The Appellant pays rent of \$1300.00 monthly and pays for heat and cooling separate from his rent. The Appellant pays \$350.00 monthly for court ordered child support and does not pay for childcare or out of pocket medical expenses. (Appellant's Testimony; Department's Testimony; Exhibit 1: Online Application)
2.	On, 2024, the Department completed a phone interview with the Appellant. The Appellant is disabled and receives a gross monthly Veteran's Benefit of \$2,529.01. The Department received the following paystubs for the Appellant's wife: \$476.09/2024, \$483.19/2024, \$469.87/2024, and \$495.69/2024. (Department's Testimony; Exhibit 2: Veteran's Benefit Letter; Exhibit 3:/2024.
3.	On, 2024, the Department issued a NOA to the Appellant granting SNAP benefits in the amount of \$27.00 monthly for 2024, through 2024, and second
4.	On, 2024, the Department received a request for an administrative hearing. (Hearing Record; Appellant's Testimony; Exhibit 6: Notice of Administrative Hearing)
5.	On, 2024, the Department reviewed the Appellant's SNAP application and benefits in preparation for the hearing. The Department determined they failed to request verification of the child support paid by the Appellant. The Department issued a Worker Request for Proofs requesting the following information: Submit proof of your legal obligation to pay child support and the amount in child support that you have paid in each of the previous 3 months. The notice had a due date of 2024. (Department's Testimony; Exhibit 8: Worker Request for Proofs; Exhibit 9)
6.	On 2024, the Department issued a NOA to the Appellant informing him that the SNAP benefit would be \$4.00 monthly, effective 2024. The Department included the Appellant's child support obligation as a deduction, although verification had not been received. The Department found an error in the calculation

of wages for the Appellant's wife, which was corrected. (Department's Testimony; Exhibit 7: NOA; Exhibit 9)

7. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15(c)(1) which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency is notified of the decision. The Appellant requested an administrative hearing on ________, 2024; therefore, this decision is due no later than _________, 2024.

CONCLUSIONS OF LAW

 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 supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

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

- 2. 7 C.F.R. § 273.1(a) 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: (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.
 - 7 C.F.R. § 273.1(b)(1) provides for special household requirements and states the following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. (i) Spouses; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and (iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

The Department correctly determined the Appellant's household size of four (4), himself, spouse and two children.

3. 7 C.F.R. § 273.9(a) provides for income eligibility standards and states that 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 C.F.R. § 271.2 provides in relevant part for the definition of an elderly or disabled member and means a member of a household who: (6) is a veteran with a service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under title 38 of the United States Code.

The Department correctly determined the Appellant meets the definition of disabled; therefore, is subject to the net income limit standards.

- 4. 7 C.F.R. § 273.9(b) provides for definition of income and states household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include: (i) all wages and salaries of an employee.
 - 7 C.F.R. § 273.10(c)(1)(ii) provides for anticipating income and states 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 State agency shall exercise particular caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year. However, in no event shall the State agency automatically attribute to the household the amounts of any past income. The State agency shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.
 - 7 C.F.R. § 273.10(c)(2)(i) provides for income only in month received states 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.

The Department correctly determined that the Appellant's spouse's employment is considered earned income and counted in the calculation of SNAP benefits.

5. 7 C.F.R. § 273.9(b)(2) states unearned income shall include, but not be limited to: (ii) 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 Veterans benefits are considered unearned income and counted in the calculation of SNAP benefits.

6. 7 C.F.R. § 273.9(a)(3) provides 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) provides 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.

7. 7 C.F.R. § 273.9(d)(1)(i) provides *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 <u>paragraph</u> (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 eligible for the \$208.00 standard deduction for a household of four.

- 8. 7 C.F.R. § 273.9(d)(2) provides for earned income deduction and states twenty percent of gross earned income as defined in <u>paragraph (b)(1)</u> of this section. Earnings excluded in <u>paragraph (c)</u> of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in paragraph (c)(17) of this section.
- 9. 7 C.F.R. § 273.9(d)(3) provides for excess medical deduction and states 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.
 - 7 C.F.R. § 273.9(d)(4) provides for dependent care and states payments for dependent care when necessary for a household member to search for, accept or continue employment, comply with the employment and training requirements as specified under § 273.7(e), or attend training or pursue education that is preparatory to employment, except as provided in § 273.10(d)(1)(i). Costs that may be deducted are limited to the care of an individual for whom the household provides dependent care, including care of a child under the age of 18 or an incapacitated person of any age in need of care. The costs of care provided by a relative may be deducted so long as the relative providing care is not part of the same SNAP household as the child or dependent adult receiving care. Dependent care expenses must be separately identified, necessary to participate in the care arrangement, and not already paid by

another source on behalf of the household. If a household incurs attendant care costs that could qualify under both the medical deduction of $\S 273.9(d)(3)(x)$ and dependent care deduction of $\S 273.9(d)(4)$, the costs may be deducted as a medical expense or a dependent care expense, but not both.

The Department correctly determined that the Appellant does not have childcare expenses or out of pocket medical expenses exceeding \$35.00 monthly to be included as an income deduction.

10.7 C.F.R. § 273.9(d)(5) provides for optional child support deduction and states at its option, the State agency may provide a deduction, rather than the income exclusion provided under <u>paragraph (c)(17)</u> of this section, for legally obligated child support payments paid by a household member to or for a nonhousehold member, including payments made to a third party on behalf of the nonhousehold member (vendor payments) and amounts paid toward child support arrearages. Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction. A State agency that chooses to provide a child support deduction rather than an exclusion in accordance with this <u>paragraph (d)(5)</u> must specify in its State plan of operation that it has chosen to provide the deduction rather than the exclusion.

The Department correctly determined the Appellant's court ordered child support of \$350.00 monthly as an income deduction.

11.7 C.F.R. § 273.9(d)(6)(ii)(A) 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: 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 pays rent of \$1,300.00 monthly.

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

12.7 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 is eligible for the Standard Utility Allowance ("SUA") of \$912.00 because he pays for heat and cooling.

13.7 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 four is \$973.00, effective October 1, 2023.

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

Departments	Corrected
Calculations	Calculations

(=) SNAP Allotment (household of three)	\$23.00	\$4.00
(-) minus 30% Net Monthly Income	\$950.00	\$969.00
of three)	To a control of the c	-
(x) multiplied by .30 (30%) Thrifty Food Plan (household	(round up from \$949.49) \$973.00	(round up from \$968.26 \$973.00
Total Net Monthly Income	\$950.00	\$969.00
(=) Total Net Monthly	\$3,164.99	\$3,227.55
(-) minus Total Shelter Deduction	\$419.67	\$398.82
Adjusted Gross Income	\$3,584.66	\$3,626.37
member 60 or older, or disabled)		
(shelter hardship cannot exceed \$672 unless AU has		
Costs Total Shelter Deduction	\$419.67	\$398.82
(=) equals Excess Shelter	\$419.67	\$398.82
(-) minus 50% Adjusted Gross Income	\$1,792.33	\$1,813.18
(=) equals Total Shelter Costs	\$2,212.00	\$2,212.00
(+) plus Utility Allowance	\$912.00	\$912.00
Rent	\$1,300.00	\$1,300.00
Total Shelter Costs		
(x) multiplied by 0.5 (50% Adjusted Gross Income)	\$1,792.33	\$1,813.18
(=) equals Total Adjusted Gross Monthly Income	\$3,584.66	\$3,626.37
dependent care, or other deductions		
(-) minus medical expenses, child support payments,	\$350.00	\$350.00
(-) minus Standard Deduction	\$208.00	\$208.00
(=) equals Total Income	\$4,142.66	\$4,184.37
(Veterans benefits)		
(=) Adjusted Earned Income (+) plus Unearned Income	\$1,613.65 \$2,529.01	\$1,655.36 \$2,529.01
(-) minus 20%	\$403.41	\$413.84
Monthly Gross Earnings	\$2,017.06	\$2,069.20

The Department incorrectly determined the Appellant's monthly SNAP benefit to be \$23.00.

The Appellant's monthly SNAP benefit is \$4.00.

- 15.7 C.F.R. § 273.12(c) provides for State agency on changes and states in relevant part 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.
 - 7 C.F.R. § 273.12(c)(2)(i) provides for a decrease in benefits and states if the household's benefit level decreases or the household becomes ineligible as a result of the change, the State agency shall issue a notice of adverse action within 10 days of the date the change was reported unless one of the exemptions to the notice of adverse action in § 273.13 (a)(3) or (b) applies. When a notice of adverse action is used, the decrease in the benefit level shall be made effective no later than the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. When a notice of adverse action is not used due to one of the exemptions in § 273.13 (a)(3) or (b), the decrease shall be made effective no later than the month following the change. Verification which is required by § 273.2(f) must be obtained prior to recertification.
- 16.7 C.F.R. § 273.13(a) provides for notice of adverse action and states prior to any action to reduce or terminate a household's benefits within the certification period, the State agency shall, except as provided in <u>paragraph (b)</u> of this section, provide the household timely and adequate advance notice before the adverse action is taken.

The Department correctly issued a Notice of Action to the Appellant on 2024, informing him that his SNAP benefit would be \$4.00 effective 2024.

DISCUSSION

The Department's initial SNAP benefit calculation reflected inaccurate wages of the Appellant's spouse that resulted in a benefit of \$23.00. However, the Department recognized the error and issued a new Notice of Action informing the Appellant of the corrected SNAP amount of \$4.00 monthly, effective 2024.

DECISION

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

Amy MacDonough Fair Hearing Officer

CC: Tonya Beckford, Operations Manager, DSS, Willimantic Regional Office Kirsten Bellisle, Hearing Liaison, DSS, Willimantic 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 <u>specific</u> grounds for the request: for example, indicate <u>what</u> error of fact or law, <u>what</u> new evidence, or <u>what</u> 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.