

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

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

██████████
██████████
██████████

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”) granting her Supplemental Nutrition Assistance Program (“SNAP”) benefits of \$164.00 monthly, effective ██████████, 2024.

On ██████████ 2024, the Appellant requested an administrative hearing to contest the Department’s calculation of 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 an in person administrative hearing.

The following individuals participated in the hearing:

██████████, Appellant
Carmen Ferrer, Department’s Representative, by phone
Marie Bernard, Department’s Representative, in person observer
Amy MacDonough, Hearing Officer

The hearing record remained open for the submission of additional information from the Department. On ██████████, 2024, the Department provided the following information:

two (2) SNAP computation sheets, unearned income details, benefit issuance search, and a benefit issuance search result, and the record closed.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly calculated the Appellant's SNAP benefits of \$164.00 monthly.

FINDINGS OF FACT

1. The Department found the Appellant [Date of Birth: ██████████] eligible for SNAP benefits for the certification period of ██████████ 2021, through ██████████ 2024, for a household of one, herself. (*Exhibit 1: Notice of Renewal of Eligibility; Exhibit 7: Completed Renewal*)
2. On ██████████ 2024, the Department issued the Appellant a Notice of Renewal of Eligibility for the SNAP program. The notice requested the Appellant provide a signed form by ██████████ 2024, to avoid a delay in the renewal process. The form also indicated that it must be received by ██████████, 2024, to receive uninterrupted benefits, and a completed form and all required proofs must be submitted by ██████████ 2024, or benefits may stop. (*Exhibit 1*)
3. On ██████████ 2024, the Department received a completed renewal form from the Appellant. The Appellant receives income of \$1,193.00 monthly from Social Security Disability Insurance ("SSDI") and has a rental obligation of \$169.00. (*Exhibit 4: Case Note; Exhibit 7*)
4. On ██████████ 2024, the Department completed a phone interview with the Appellant. The Department issued a NOA approving the Appellant for a SNAP benefit of \$164.00 monthly, effective ██████████ 2024. The Department issued a Proofs We Need ("W-1348") requesting the following information: proof of medical expenses, "please provide verification of how much you pay in dental fees. You may also provide verification of any MA {medical} bills that you have." The requested information was not required for SNAP eligibility; however, providing it may increase the SNAP benefits. The notice provided a due date of ██████████ 2024. (*Department's Testimony; Exhibit 2: W-1348; Exhibit 4; Exhibit 5: NOA*)
5. On ██████████ 2024, the Appellant went to the Department's regional office to update information on her rent and assets. The Appellant reported a rental obligation of \$270.00 monthly. (*Exhibit 4*)
6. On ██████████ 2024, the Department issued a NOA; however, the notice only indicated an approval for the Medicare Savings Program ("MSP"), Qualified Medicare

Beneficiaries medical program and did not indicate any information regarding the Appellant's SNAP benefits. (*Department's Testimony; Exhibit 4; Exhibit 6: NOA*)

7. In ██████ 2024, the Department removed the property taxes that were incorrectly listed on the Appellant's case. The Appellant reported car property tax which was entered as home property tax in error. (*Appellant's Testimony; Department's Testimony*)
8. The Appellant does not pay medical bills exceeding \$35 monthly; however, she paid a one-time medical bill for eyeglasses in ██████ 2024, and pays for dental bills every 6 months. The Department received verification of the eyeglasses bill. (*Appellant's Testimony; Department's Testimony*)
9. On ██████ 2024, the Department reviewed the Appellant's SNAP and determined that the Appellant was receiving an incorrectly SNAP amount of \$164.00 monthly. The Department unsuccessfully attempted to correct the SNAP benefits and requested assistance from the IT department to correct the error. The Department determined the Appellant as eligible for SNAP of \$197.00 monthly. (*Department's Testimony; Exhibit 3: Eligibility Determination Results; Exhibit 4*)
10. On ██████ 2024, the Department issued an additional \$33.00 for the month of ██████ 2024 and \$33.00 for ██████ 2024, to bring the Appellant's monthly benefits to \$197.00 ($\$164.00 + \$33.00 = \197.00). (*Department's Testimony; Exhibit 4; Exhibit 12: Benefit Issuance Search*)
11. 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 the receipt of a request for a fair hearing, the State agency shall issue a decision. The Appellant requested an administrative hearing on ██████ 2024; therefore, this decision is due no later than ██████ 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.

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

2. 7 C.F.R. § 273.1 provides for household concepts and states a household is composed of one of the following individuals are 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. § 271.2(11) provides in relevant part for the definition of 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 of the Social Security Act.

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)(2)(ii) provides 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. (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) 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 rent of \$270.00 monthly.

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

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 in relevant part 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. 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. (viii) eye glasses prescribed by a physician skilled in eye disease or by an optometrist.

The Department correctly determined the Appellant paid a one-time medical bill for eyeglasses.

The Department correctly determined the Appellant failed to provide verification of monthly medical bills in excess of \$35 as an additional deduction.

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:

	Departments Calculations	Calculations
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Earned Income	\$0.00	\$0.00
(+) Unearned Income (SSDI)	\$1,193.00	\$1,193.00
Gross Monthly Income	\$1,193.00	\$1,193.00
(-) minus Standard Deduction (household of one)	\$198.00	\$198.00
Total Adjusted Gross Monthly Income	\$995.00	\$995.00
(x) multiplied by .5 (50% Adjusted Gross Income)	\$497.50	\$497.50
Shelter Cost		
Rent	\$169.00	\$270.00
(+) Standard Utility Allowance (SUA)	\$912.00	\$912.00
Total Shelter Costs	\$1,081.00	\$1,182.00
(-) minus 50% Adjusted Gross Income	\$497.50	\$497.50
Excess Shelter Costs	\$583.50	\$684.50
Total Shelter Deduction (cap at \$672.00 unless 60 or older or disabled)	\$583.50	\$684.50
Adjusted Gross Monthly Income	\$995.00	\$995.00
(-) minus Total Shelter Deduction	\$583.50	\$684.50
Total Net Monthly Income	\$411.50	\$310.50
Total Net Monthly Income (x) multiplied by .30	\$124.00 \$123.45	\$94.00 (rounded up from \$93.15)
Thrifty Food Plan (household of one)	\$291.00	\$291.00
(-) minus 30% Net Monthly Income	\$124.00	\$94.00
SNAP Allotment for Household	\$167.00	\$197.00

On ██████ 2024, the Department incorrectly determined a SNAP benefit of \$164.00 monthly for the Appellant.

The correct SNAP benefit is \$197.00 monthly for the Appellant.

DISCUSSION

The Department acknowledged a system error in the amount of SNAP benefits being generated to the Appellant and has contacted the IT department to correct this error. On ██████ 2024, the Department manually issued the Appellant underpayments in the amount of \$33.00 for ██████ 2024, and ██████ 2024, to ensure she receives the correct total SNAP benefit of \$197.00.

DECISION

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

ORDER

1. The Department is ordered to manually issue SNAP benefits of \$33.00 monthly in addition to the \$164.00 issued by the system, for a total of \$197.00 monthly, until the Department has corrected the system error.
2. The Department is ordered to review and recalculate the Appellant's SNAP benefit for [REDACTED] 2024, using the cost-of-living adjustments to ensure the Appellant continues to receive the correct SNAP amount while the system error is being fixed.


Amy MacDonough
Fair Hearing Officer

CC: Shahar Thadal, Operations Manager, DSS, Stamford Regional Office
Carmen Ferrer, Hearing Liaison, Stamford 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.