

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

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

Client ID ██████████
Case ID ██████████
Request # 243535

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████ ██████ 2024, the Department of Social Services (the “Department”) issued a notice of action to ██████████ ██████████ (the “Appellant”) informing her that her benefits under the Supplemental Nutritional Assistance Program (“SNAP”) will close on ██████████ ██████ 2024.

On ██████████ ██████ 2024, the Appellant requested an administrative hearing to contest the Department’s decision to close 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, 17b-61 and 4-176e to 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The following individuals were present for the hearing:

██████████ ██████████ Appellant
Sushma Patel, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to close the Appellant's benefits under the SNAP beginning [REDACTED] 2024 is correct.

FINDINGS OF FACT

1. The Appellant receives benefits under the SNAP for a household of three: the Appellant age [REDACTED] and her two young daughters [REDACTED] ("oldest daughter") age [REDACTED] ([REDACTED]) and [REDACTED] ("youngest daughter") age [REDACTED] ([REDACTED]) (Hearing Record)
2. On [REDACTED] [REDACTED] 2024, the Appellant began working full time as a personal care attendant ("PCA") for one client. The Appellant is paid through [REDACTED] [REDACTED] ("payroll service"). (Exhibit 1: Renewal Application, Exhibit 3: Paystubs and Appellant Testimony)
3. The oldest daughter is disabled and receives Supplemental Security Income ("SSI") of \$943.00 per month. (Stipulated)
4. On [REDACTED] [REDACTED] 2024, the Department received the Appellant's renewal document requesting continued benefits under the SNAP for a household of three: Appellant and her two young daughters. On the renewal application, the Appellant reported the following:
 - full time employment as of [REDACTED] [REDACTED] 2024, forty (40) hours per week, as a PCA earning \$18.00 per hour;
 - weekly gross pay of \$650.00;
 - SSI income for her oldest daughter of \$943.00 per month;
 - child support income of \$70.65 for her oldest daughter ended on [REDACTED] [REDACTED] 2024;
 - subsidized monthly rent \$780 Appellant portion & \$816 subsidy;
 - pays utility costs and received energy assistance in the past.(Exhibit 1: Renewal Application)
5. The Appellant receives Section 8 and pays \$780.00 per month rent. The heat is included in the rent. The Appellant pays for electricity and phone separate from her rent. (Appellant Testimony and Exhibit 1: Renewal Application)
6. The Appellant makes a car payment of \$560.00 per month and pays car insurance of \$285.00 per month. (Appellant Testimony)

7. On [REDACTED] [REDACTED] 2024, the Department conducted an application interview with the Appellant and determined the Appellant ineligible for benefits under the SNAP based on her monthly income and household expenses. The Department based their decision on \$943.00 SSI per month, child support income of \$28.26 per month, earnings of \$650.00 per week and shelter expenses of \$780.00 rent and utilities. (Exhibit 5: Case Notes and Exhibit 2: Notice of Action)
8. On [REDACTED] [REDACTED] 2024, the Department determined the Appellant ineligible for continued benefits under the SNAP because the household income exceeds the maximum SNAP benefits for a household of three and issued the Appellant a notice of action. The Department listed the household income as: SSI \$943.00 per month, child support \$28.26 per month, \$650.00 wages per week, rent \$780.00 per month, and energy assistance varies monthly. (Exhibit 2: Notice of Action)
9. On [REDACTED] [REDACTED] 2024, the Appellant submitted copies of the following paystubs as verification of her earnings:

Date Paid	Pay Period	Hours	Rate of Pay	Gross Pay	Net Pay
[REDACTED]/24	[REDACTED]/24 – [REDACTED]/24	40.0	\$20.00	\$800.00	\$657.80
[REDACTED]/24	[REDACTED]/24 – [REDACTED]/24	40.0	\$20.00	\$800.00	\$657.80
[REDACTED]/24	[REDACTED]/24 – [REDACTED]/24	37.5	\$20.00	\$830.00	\$681.53
[REDACTED]/24	[REDACTED]/24 – [REDACTED]/24	40.0	\$20.00	\$800.00	\$657.80
[REDACTED]/24	[REDACTED]/24 – [REDACTED]/24	32.0	\$20.50	\$656.00	\$546.05
Totals		189.5		\$3,886.00	\$3,200.98

(Exhibit 1: Renewal Application, Exhibit 3: Paystubs and Appellant Testimony)

10. On [REDACTED] [REDACTED] 2024, the Appellant submitted a request for a fair hearing disputing the Department's decision to close her benefits under the SNAP. (Hearing Record)
11. On [REDACTED] [REDACTED] 2024, the Department reviewed the Appellant's SNAP benefits and determined the Appellant remains ineligible for continued benefits beginning [REDACTED] [REDACTED] 2024 because the household net income exceeds the net income limit under the SNAP. The Department included \$943.00 per month SSI, \$761.30 per week wages (\$761.30 x 4.3 = gross monthly wages \$3,273.59) and removed child support income because it terminated. The Department included \$780.00 rent and energy assistance varies monthly. (Exhibits 5: Case Notes, Exhibit 4: Notice of Action, Exhibit 7: SNAP Income Test, and Department Representative Testimony)
12. On [REDACTED] [REDACTED] 2024, the Department issued the Appellant a notice of action. The notice lists the Appellant's SNAP benefits as closed effective

- ██████ ■ 2024 for the reason “The monthly net income of your household is more than the limit for this program [and] does not meet program requirements.” (Exhibit 4: Notice of Action)
13. The standard deduction for a household of three under the SNAP equals \$198.00 per month. (Exhibits 7: Federal SNAP – Income Test)
 14. The Appellant received an earned income deduction equal to \$654.71. \$3,273.59 gross monthly wages x 20% Earned Income Deduction = \$654.718. (Exhibit 7: Federal SNAP – Income Test)
 15. The Appellant received the standard utility allowance (“SUA”) of \$912.00. (Hearing Record)
 16. The Department determined the Appellant’s total shelter costs as \$1,692.00. (\$780.00 rent + \$912.00 SUA) and the SNAP shelter deduction as \$10.06. (Exhibit 7: Federal SNAP - Income Test)
 17. The Appellant seeks continued SNAP benefits for herself and her two children. Although she continues to work full time, her income and her daughter’s SSI are not enough to afford groceries after paying all her expenses. (Appellant Testimony)
 18. The issuance of this decision is timely under Title 7 Section 273.15(c) of the Code of Federal Regulations, which requires that a decision be issued within 60 days of the request for an administrative hearing. The Appellant requested an administrative hearing on ████████ ■ 2024. Therefore, this decision is due not later than ████████ ■ 2024

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statute 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.
2. Title 7 Section 273.10(f) of the Code of Federal Regulations (“C.F.R.”) provides as follows:

The State agency must certify each eligible household for a definite period of time. State agencies must assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed

12 months except to accommodate a household's transitional benefit period and as specified in paragraphs (f)(1) and (f)(2) of this section.

Federal regulation provides as follows:

No household may participate beyond the expiration of the certification period assigned in accordance with § 273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14(a)

Federal regulation provides as follows:

The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of § 273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in § 273.2(b)(2), and provide the household with a notice of required verification as specified in § 273.2(c)(5).

7 C.F.R. § 273.14(b)(2)

On ■■■■ 2024, the Appellant correctly submitted an application for recertification under the SNAP requesting continued benefits for herself and her two daughters.

3. Federal regulation provides as follows:

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. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or stepparent(s).

7 C.F.R. § 273.1(b)(1)(ii)

The Department correctly determined a SNAP household of three: the Appellant, the oldest daughter, and the youngest daughter.

4. Federal regulation provides as follows:

At recertification the State agency shall verify a change in income if the source has changed or the amount has changed by more than \$50. Previously unreported medical expenses, actual utility expenses and total recurring medical expenses which have changed by more than \$25 shall also be verified at recertification. The State agency shall not verify income if the source has not changed and if the amount is unchanged or has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses, or actual utility expenses claimed by households which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. For households eligible for the child support deduction or exclusion, the State agency may use information provided by the State CSE agency in determining the household's legal obligation to pay child support, the amount of its obligation and amounts the household has actually paid if the household pays its child support exclusively through its State CSE agency and has signed a statement authorizing release of its child support payment records to the State agency. A household would not have to provide any additional verification unless they disagreed with the information provided by the State CSE agency. State agencies that choose to use information provided by their State CSE agency in accordance with this paragraph (f)(8)(i)(A) must specify in their State plan of operation that they have selected this option. For all other households eligible for the child support deduction or exclusion, the State agency shall require the household to verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a non-household member. The State agency shall verify reportedly unchanged child support information only if the information is incomplete, inaccurate, inconsistent or outdated.

7 C.F.R. § 273.2(f)(8)(i)(A)

On [REDACTED] [REDACTED] 2024, the Department incorrectly determined verification of the Appellant's wages were not needed to process the Appellant's request for continued benefits. However, on [REDACTED] [REDACTED] 2024, the Department correctly determined SNAP continued eligibility based on verification of wages submitted by the Appellant on [REDACTED] [REDACTED] 2024.

5. "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)

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

The Department correctly determined the Appellant's wages as countable household income.

Federal regulation provides as follows:

Unearned income shall include, but not be limited to: Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in [§ 271.2](#)); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household), unless the vendor payment is specifically exempt from consideration as countable income under the provisions of [paragraph \(c\)\(1\)](#) of this section. Assistance payments from programs which require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.

7 C.F.R. § 273.9(b)(2)(i)

The Department correctly determined the oldest daughter's SSI as countable income under the SNAP.

6. Federal regulation provides as follows:

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)(1)(ii)

Federal regulation provides as follows:

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

7 C.F.R. § 273.10(c)(2)(i)

On [REDACTED] [REDACTED] 2024, the Department incorrectly calculated the Appellant's weekly gross wages as \$650.00 as reported by the Appellant on her renewal application. The Appellant reported working forty hours per week at \$18.00 per hour, $40 \times \$18.00 = \720.00 per week. However, regulations under the SNAP state verification of income are needed at time of recertification when income has changed more than \$50.00.

On [REDACTED] [REDACTED] 2024, the Department correctly re-evaluated the Appellant's monthly earnings after receiving copies of 5 consecutive weekly paystubs from the Appellant. However, the hearing record is void of evidence supporting the Department's calculation of the Appellant's weekly wages as \$761.30 as reported on the [REDACTED] [REDACTED] 2024 Notice of Action resulting in the inaccurate calculation of the Appellant's monthly gross wages as \$3,273.59 as listed on the [REDACTED] 2024 Federal SNAP – Income Test. ($\$761.30 \times 4.3 = \$3,273.59$)

Because the Appellant's earnings fluctuate sometimes from week to week, the Department may use a longer period of past time to provide a more accurate indication of anticipated fluctuations in

future income as outlined under 7 C.F.R. § 273.10(c)(1)(ii). The correct monthly gross wages equal \$3,341.96. Reference calculation below.

Date Paid	Gross Weekly Wages
■/■/24	\$800.00
■/■/24	\$800.00
■/■/24	\$830.00
■/■/24	\$800.00
■/■/24	+\$656.00
Total:	\$3,886.00

\$3,886.00 gross income / 5 weeks = \$777.20 per week
\$777.20 x 4.3 = \$3,341.96 gross monthly income

The Department correctly determined the oldest daughter's countable SSI as \$943.00 per month.

7. Federal regulation provides as follows:

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

7 C.F.R. § 273.9(a)

The State agency, at its option, may extend categorical eligibility to the following household only if doing so will further the purposes of the Food and Nutrition Act of 2008:

- 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)(ii)

The Connecticut SNAP Policy Manual provides for households whose gross income is below 200% of the Federal Poverty Limit (FPL) are eligible under expanded categorical eligibility (“ECE”) because all household members are authorized to receive TFA-funded referral services. Households whose income exceed 200% of the FPL with no elderly or disabled members are not eligible for SNAP.

“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 Hawaii.” 7 C.F.R. § 273.9(a)(3)

The Department of Health and Human Services lists the 2023 Poverty Guideline for the 48 Contiguous States and the District of Columbia as \$24,860.00 annually for a household of three (3). [Federal Register, Vol. 88, No 12/Thursday, January 19, 2023]

**\$24,860.00 annual federal poverty level (“FPL”) / 12 months =
\$2,071.6666 monthly FPL
\$2,071.6666 FPL x 200% = \$4,143.333 or \$4,144.00**

The SNAP gross income limit for a household of three equals \$4,144.00 per month (200% of FPL) under ECE. The household’s monthly gross income of \$4,284.96 exceeds the SNAP gross income limit of \$4,144.00 therefore the household is not categorically eligible but subject to the net income eligibility standards because the household contains a disabled member. Reference calculation below.

Appellant’s monthly gross wages \$3,341.96 + Oldest daughter SSI \$943.00 = \$4,284.96 monthly household countable income

8. "Deductible expenses include only certain dependent care, shelter, medical and, at State agency option, child support costs as described in § 273.9." 7 C.F.R. § 273.10(d)

Federal regulation provides as follows:

Deductions shall be allowed only for the following household expenses:

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.

7 C.F.R. § 273.9(d)(1)(iii)

United States Department of Agriculture Food and Nutrition Services provides as follows:

Effective October 1, 2023 through September 30, 2024 the standard deduction for the 48 States & District of Columbia for a household of 3 is \$198.00. [United States Department of Agriculture, Food and Nutrition Service, Fiscal Year (FY) 2024 Cost-of-Living Adjustments, August 3, 2023]

Federal regulation provides as follows:

Earned income deduction. Twenty percent of gross earned income as defined in paragraph (b)(1) of this section. Earnings excluded in paragraph (c) 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.

7 C.F.R. § 273.9(d)(2)

Federal regulation provides as follows:

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

- A. Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.
- B. Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.
- C. The cost of fuel for heating; cooling (i.e., the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.
- D. The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.
- E. Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been

or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

7 C.F.R. § 273.9(d)(6)(ii)

United States Department of Agriculture Food and Nutrition Services provides as follows:

For the period October 1, 2023 through September 30, 2024, the maximum shelter deduction for the 48 States and DC equals \$672.00. [United States Department of Agriculture, Food and Nutrition Service, Memorandum SNAP – Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023]

Federal regulation provides as follows:

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)(A)

The Department correctly determined the standard disregard as \$198.00 for a household of three.

The Department correctly determined the household qualified for an earned income (“EI”) deduction, however the EI deduction calculated by the Department was based on inaccurate wages. The correct EI deduction as \$668.39. $\$3,341.96$ correct gross earnings x 20% = \$668.392 EI deduction.

The Department correctly determined monthly car loan payments and car insurance are not qualifying deductions under the SNAP.

The Department correctly determined the Appellant's shelter costs as \$1,692.00 per month. \$780.00 rent + \$912.00 SUA = \$1,692.00

The Department incorrectly determined the shelter hardship as \$10.06. Based on the Appellant's household income, the Appellant does not qualify for a shelter hardship deduction as it is \$00.00.

Reference calculation under Conclusions of Law #10.

9. Federal regulation provides the following:

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)(1)(i)

“In calculating net monthly income, the State agency shall use one of the following two procedures: Round down each income and allotment calculation that ends in 1 through 49 cents and round up each calculation that ends in 50 through 99 cents.” 7 C.F.R. § 273.10(e)(1)(ii)(A)

Federal regulation provides as follows:

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

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

10. Federal regulation provides for the Thrifty Food Plan (TFP) and Maximum SNAP Allotments:

Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be

prescribed in a table posted on the FNS web site, at www.fns.usda.gov/fsp.

7 CFR § 273.10(e)(4)(i)

United States Department of Agriculture Food and Nutrition Services provides as follows:

Effective October 1, 2023 through September 30, 2024 the maximum monthly SNAP allotment for the 48 States & District of Columbia for a household three equals \$766.00. [United States Department of Agriculture, Food and Nutrition Services, Memorandum SNAP – Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023]

Federal regulation provides as follows:

For an eligible household with three or more members which is entitled to no benefits (except because of the proration requirements of paragraph (a)(1) and the provision precluding issuance of less than \$10 in an initial month of paragraph (e)2(ii)(B)) of this section: the State agency shall deny the household’s application on the grounds that its net income exceeds the level at which benefits are issued.

7 C.F.R. § 273.10(e)(2)(iii)(A)

On [REDACTED] 2024, the Department correctly reviewed the Appellant’s eligibility and determined the Appellant ineligible for continued benefits under the SNAP. On [REDACTED] 2024, the Department denied the Appellant’s application for recertification because the Appellant’s household net adjusted income of \$1,026.00 exceeds \$766.00, the level at which benefits are issued.

SNAP calculation	
Appellant’s Wages	\$3,341.96
Oldest Daughter’s SSI	\$943.00
Gross household income	\$4,284.96
Less earned income disregard	-\$668.39
Less standard deduction	-\$198.00
Adjusted gross income	\$3,418.57
<u>SHELTER COSTS</u>	
Rent	780.00
SUA	+\$912.00
Total shelter costs	\$1,692.00
<u>SHELTER HARDSHIP</u>	

Shelter costs	\$1,692.00
Less 50% of adjusted gross income	<u>-\$1,291.30</u>
Calculated shelter hardship	\$00.00
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$3,418.57
Less shelter hardship	<u>-\$00.00</u>
Net Adjusted Income (NAI)	\$3,418.57
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 3	\$766.00
Less 30% of NAI (3,418.57 x .3 = \$1,025.571)	<u>-\$1,026.00</u>
SNAP award	(-\$260.00) \$00.00

DECISION

The Appellant's appeal is denied.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Sushma Patel, DSS RO#52
Brian Sexton, SSOM DSS RO#52

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.