

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”) informing that her Supplemental Nutritional Assistance Program (“SNAP”) benefits would be \$86.00 monthly as of ██████████ 2024.

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

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
Quashondra Thomas, Department’s Representative
Amy MacDonough, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly calculated the Appellant's SNAP benefits of \$86.00 monthly.

FINDINGS OF FACT

1. The Department determined the Appellant [Date of Birth: ██████████] and her minor child [Date of Birth: ██████████] as eligible for benefits under the SNAP program with the certification period beginning ██████████ 2023, through ██████████ 2024. (*Department's Testimony; Exhibit 1: Notice of Renewal; Exhibit 2: Online Renewal*)
2. On ██████████ 2024, the Department issued the Appellant a Notice of Renewal of Eligibility form ("W-1ERL") with a Notice of Renewal of Eligibility ("W-1ER") enclosed. The W-ERL requested that the Appellant return the enclosed W-1ER form to the Department by ██████████ 2024, to prevent delay in the renewal process. The notice indicated that the completed form and required proofs were due by ██████████ 2024. (*Exhibit 1*)
3. On ██████████, 2024, the Department issued a Warning Notice to the Appellant informing her that if the form is not returned, an interview is not completed, and proofs are not received by ██████████ 2024, the benefits may stop. (*Exhibit 3: Warning Notice*)
4. On ██████████ 2024, the Department received the Appellant's online renewal form. The Appellant is employed by ██████████ and reports her rent increased to \$1,450.00 monthly. The Appellant is responsible for a cooling expense separate from her rent and receives the Standard Utility Allowance ("SUA") of \$912.00 from the Department. The Appellant pays \$100.00 weekly to her mother for childcare. The Appellant did not report a childcare expense on her renewal, nor to the Department prior to this hearing. (*Appellant's Testimony; Department's Testimony; Exhibit 2; Exhibit 4: Case Notes; Exhibit 6: SNAP Computation Sheet; Exhibit 8: Federal SNAP Income Test*)
5. On ██████████, 2024, the Department reviewed and processed the Appellant's renewal and determined an interview was not required. The Department obtained income verification for ██████████, from The Work Number. The Department determined the Appellant's gross monthly income of \$2,957.69 ($\$668.71 \frac{\text{██████████}}{24} + \$695.13 \frac{\text{██████████}}{24} + \$696.20 \frac{\text{██████████}}{24} + \$691.30 \frac{\text{██████████}}{24} = \$2,751.34/4 = \$687.83 * 4.3 = \$2,957.69$). (*Exhibit 4; Exhibit 7: The Work Number*)
6. On ██████████ 2024, the Department issued a NOA to the Appellant approving her for a SNAP benefit of \$86.00 monthly, effective ██████████, 2024. (*Exhibit 4; Exhibit 5: NOA*)
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 the 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.

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

2. 7 C.F.R. § 273.1(a)(3) provides for household concept 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: 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) 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. (ii) a person under 22 years of age who is living with his or her natural or adoptive parent(s) or stepparent(s).

The Department correctly determined the Appellant's household size of two (2).

3. 7 C.F.R. § 273.14(a) provides for recertification and states 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(b)(2) provides for application and states 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).

The Department received the Appellant's SNAP renewal form timely, on [REDACTED] 2024.

The Department correctly notified the Appellant of her continued SNAP eligibility on [REDACTED] 2024.

4. 7 C.F.R. § 273.14(b)(3) provides for interview and states as part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of § 273.2(e) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with § 273.2(e)(2).

Program Oversight & Grant Administration ("POGA"), 05/23/2024 provides that FNS extends PHE Unwinding Interview Waiver and states the Department will continue to **not** be required to interview SNAP households at initial application or recertification through **October 31, 2024**, if all the following conditions are met:

- Identity has been verified,
- The SNAP application or recertification is complete, not questionable and all information to establish eligibility is provided,
- Mandatory verifications are provided, complete, and not questionable,
- The household will be approved for continuing eligibility,
- The household does not request an interview.

The Department correctly waived the Appellant's renewal interview.

5. 7 C.F.R. § 273.9(b)(1)(i) provides for the definition of income and states household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. Earned income shall include: all wages and salaries of an employee.

The Department correctly determined the Appellant's income from her employment with [REDACTED] as countable earned income.

6. 7 C.F.R. § 273.10(c)(2)(i) provides for income only in month received and 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.

7 C.F.R. § 273.10(c)(3)(i) provides for income averaging and states income may be averaged in accordance with methods established by the State agency to be applied Statewide for categories of households. When averaging income, the State agency shall use the household's anticipation of monthly income fluctuations over the certification period. An average must be recalculated at recertification and in response to changes in income, in accordance with § 273.12(c), and the State agency shall inform the household of the amount of income used to calculate the allotment. Conversion of income received weekly or biweekly in accordance with paragraph (c)(2) of this section does not constitute averaging.

The Department correctly calculated the Appellant's gross monthly income from [REDACTED] of \$2,957.69 (\$668.71+ \$695.13+ \$696.20+ \$691.30= \$2,751.34 / 4= \$687.83* 4.3= \$2,957.69).

7. 7 C.F.R. § 273.9(a) provides for income eligibility standards and states 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 for definition and states elderly or disabled member means a member of a household who: (1) is 60 years of age or older; (2) receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act.

The Department correctly determined the Appellant does not meet the criteria of elderly or disabled; therefore, is subject to the net income limit standards.

8. 7 C.F.R. § 273.9(a)(2) states the net income eligibility standards for SNAP shall be as follows: (i) The income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

7 C.F.R. § 273.9(a)(3) 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) 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.

The Department correctly determined the SNAP net income limit for a household of two (2) as \$1,644.00.

The Department correctly determined the Appellant's net income is below the SNAP net income limit.

9. 7 C.F.R. § 273.9(d)(1) provides in relevant part for standard deduction and states (i) **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. (iii) **Minimum deduction levels**. 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 \$198.00 standard deduction for a household of two.

- 10.7 C.F.R. § 273.9(d)(2) provides for earned income deduction and states 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.

The Department correctly determined the household eligible for the 20% earned income deduction from the Appellant's gross earned income.

11.7 C.F.R. § 273.9(d)(6)(ii) provides 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.

The Department correctly determined the Appellant pays rent of \$1,450.00 monthly.

12.7 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.

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

- 13.7 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 § 273.9(d)(3)(x) and dependent care deduction of § 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 did not report dependent care expenses at the time of her renewal.

- 14.7 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 two is \$535.00, effective October 1, 2023.

- 15.7 C.F.R. § 273.10(e)(1)(i)(A)-(I) calculations

	Calculations
Monthly Gross Earnings (wages from █████)	\$2,957.69
(-) minus 20%	\$591.53
(=) Adjusted Earned Income	\$2,366.16
(+) unearned income	\$0.00
(=) Total Income	\$2,366.16

(-) minus Standard Deduction	\$198.00
(-) minus medical expenses, child support payments, dependent care	\$0.00
(=) Total Adjusted Gross Monthly Income	\$2,168.16
(x) multiplied by 0.5 (50% Adjusted Gross Income)	\$1,084.08
Total Shelter Costs	
Rent	\$1,450.00
(+) plus Utility Allowance	\$912.00
(=) equals Total Shelter Costs	\$2,362.00
(-) minus 50% Adjusted Gross Income	\$1,084.08
(=) equals Excess Shelter Costs	\$1,277.92
Total Shelter Deduction (shelter hardship cannot exceed \$672 unless AU member 60 or older, or disabled)	\$672.00
Adjusted Gross Income	\$2,168.16
(-) minus Total Shelter Deduction	\$672.00
(=) equals Total Net Monthly Income	\$1,496.16
Total Net Monthly Income (x) multiplied by .30 (30%)	\$449.00 <i>(rounded up from \$448.84)</i>
Thrifty Food Plan (household of two)	\$535.00
(-) minus 30% Net Monthly Income	\$449.00
(=) SNAP Allotment (household of two)	\$86.00

The Department correctly determined a SNAP benefit of \$86.00 monthly for the Appellant.

DECISION

The Appellant's appeal is DENIED.


Amy MacDonough
Fair Hearing Officer

CC: Annjerry Garcia, Operations Manager, DSS, Bridgeport Regional Office
Robert Stewart, Operations Manager, DSS, Bridgeport Regional Office
Jamel Hilliard, Operations Manager, DSS, Bridgeport Regional Office
Quashondra Thomas, Hearing Liaison, DSS, Bridgeport 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.