

██████████,

APPELLANT

v.

██████████

████████████████████

██████████

* BEFORE KRISTIN E. BLUMER,
* AN ADMINISTRATIVE LAW JUDGE
* OF THE MARYLAND OFFICE
* OF ADMINISTRATIVE HEARINGS
*
* OAH No.: DHS-██████████-01-23-26729

* * * * *

DECISION

STATEMENT OF THE CASE
ISSUE
SUMMARY OF THE EVIDENCE
FINDINGS OF FACT
DISCUSSION
CONCLUSION OF LAW
REMAND ORDER

STATEMENT OF THE CASE

On a date not specified in the record, in the month of September 2023, ██████████ (Appellant) applied for Supplemental Nutrition Assistance Program (SNAP) benefits. On a date not specified in the record, the ██████████ (local department) notified the Appellant that her request was denied because she did not meet the financial eligibility requirements of the program. On September 28, 2023, the Appellant filed a request for a fair hearing. 7 C.F.R. § 273.15(h) (2023);¹ *see also* Code of Maryland Regulations (COMAR) 07.01.04.03A.

On November 6, 2023, I held a hearing on the Webex video conferencing platform.
7 C.F.R. § 273.15(a); COMAR 07.01.04.21B; COMAR 07.01.04.10E; COMAR

¹ The federal regulations that apply to the SNAP are found in Title 7 of the Code of Federal Regulations (C.F.R.). All citations to the C.F.R. are to the 2023 print volume published by the Office of the Federal Register National Archives and Records Administration.

28.02.01.20B(1)(c). [REDACTED], Administrative Appeals Representative, represented the local department and appeared by video. The Appellant represented herself and appeared by telephone.

The contested case provisions of the Administrative Procedure Act, the federal SNAP fair hearing regulations, the procedural regulations of the Department of Human Services (DHS), and the Rules of Procedure of the Office of Administrative Hearings govern procedure. Md. Code Ann., State Gov't §§ 10-201 through 10-226 (2021 & Supp. 2023); 7 C.F.R. § 273.15; COMAR 07.01.04; COMAR 28.02.01.

ISSUE

Did the local department properly deny the Appellant's application for SNAP benefits?

SUMMARY OF THE EVIDENCE

Exhibits

The Appellant did not offer any exhibits.

The local department did not offer any exhibits.

Testimony

The Appellant testified on her own behalf.

Ms. [REDACTED] testified on behalf of the local department.

FINDINGS OF FACT

I find the following facts by a preponderance of the evidence:

1. On a date not specified in the record, in the month of September 2023, the Appellant applied for SNAP benefits for herself and her two eighteen-year-old children.
2. The local department denied the application on the basis that the Appellant received unearned social security income and earned income from employment. Additionally,

the local department denied the application because one of the Appellant's children received earned income from employment and was no longer in school.

3. On October 16, 2023, the Appellant reapplied for SNAP benefits for herself and her two children.

4. The local department again denied the application on the same basis.

5. On October 26, 2023, the Appellant reapplied for SNAP benefits for herself and one child.

6. The local department again denied the application on the same basis.

7. On a date not specified in the record, the Appellant verbally advised a staff member of the local department that she had stopped working; on a date not specified in the record, in the month of November 2023, the Appellant provided proof of unemployment as a result of this conversation.

8. On a date not specified in the record, the Appellant verbally advised a staff member of the local department that one of her children no longer lived with her; on a date not specified in the record, the Appellant provided a letter from her sister to this effect as a result of this conversation.

9. On a date not specified in the record, in the month of November 2023, Ms. [REDACTED] sent a corrective action requiring the local department to reprocess the Appellant's application, taking into account the Appellant's updated unemployment status and change to household composition.

10. The local department had not acted on the corrective action as of November 6, 2023, the date of the hearing in this matter.

DISCUSSION

The purpose of SNAP is to provide “nutrition assistance to help eligible low-income households buy the food they need for good health.” COMAR 07.03.17.01; *see also* 7 C.F.R. § 271.1(a). Local departments of social services administer SNAP under the supervision of the DHS and in accordance with State and federal law. Md. Code Ann., Hum. Servs. § 5-501(c) (Supp. 2023); *see also* 7 C.F.R. pt. 272. Through the SNAP Manual, the Secretary of DHS provides guidance to local departments relating to the interpretation of State and federal regulations.²

The standard of proof in this case is by a preponderance of the evidence. Md. Code Ann., State Gov’t § 10-217 (2021); COMAR 07.01.04.12C(2). To prove something by a “preponderance of the evidence” means “to prove that something is more likely so than not so” when all the evidence is considered. *Coleman v. Anne Arundel Cnty. Police Dep’t*, 369 Md. 108, 125 n.16 (2002); *see also Mathis v. Hargrove*, 166 Md. App. 286, 310 n.5 (2005). An applicant bears the burden of proof to show entitlement to SNAP benefits when the applicant appeals the local department’s denial of an application for SNAP. COMAR 07.01.04.03A; COMAR 07.01.04.12B(1).

Benefits under SNAP are established through a complex formula, which takes into consideration many factors, including the size of the household and the household resources, income, and, in some cases, expenses. *See* 7 C.F.R. § 273.10; COMAR 07.03.17.25. After the local department determines the household has met the non-financial eligibility requirements for SNAP, the local department then must consider the financial eligibility requirements.³ The

² The SNAP Manual is updated through Family Investment Administration Action Transmittals. These transmittals will be cited if applicable.

³ Non-financial eligibility factors, for example, residency and citizenship, are not involved in this case. *See* 7 C.F.R. § 273.3 (residency); COMAR 07.03.17.08 (residency); 7 C.F.R. § 273.4 (citizenship and alien status); COMAR 07.03.17.09 (citizenship and immigrant status).

financial eligibility requirements are dependent on the size of the household. 7 C.F.R. § 273.1; COMAR 07.03.17.03, .04. In general, the amount of SNAP benefit increases with the size of a household.

A household that includes a disabled⁴ or elderly⁵ member must meet only the net income standard. 7 C.F.R. § 273.9(a); COMAR 07.03.17.42A, .43. A household that does not include a disabled or elderly member must meet both the gross and net income standards. 7 C.F.R. § 273.9(a); COMAR 07.03.17.42B. Therefore, the local department needs to determine the size of the household and whether the household includes any disabled or elderly members.

Gross income means all income from any source, with certain exclusions. COMAR 07.03.17.30A, D; *see also* 7 C.F.R. § 273.9(b), (c). Income includes earned income, such as wages and self-employment income, and unearned income, such as Social Security Administration benefits and pensions. COMAR 07.03.17.30B, C; *see also* 7 C.F.R. § 273.9(b)(1), (2).

To calculate a household's net monthly income, the local department must first determine a household's gross monthly income and subtract certain deductions, as applicable. COMAR 07.03.17.43; *see also* 7 C.F.R. § 273.10(e)(1). Such deductions may include an earned income deduction, a standard deduction, an excess medical deduction, a dependent care deduction, a utility allowance, and/or a deduction for excess shelter costs. COMAR 07.03.17.43; *see also* 7 C.F.R. § 273.9(d). Finally, the local department calculates a household's monthly SNAP allotment by subtracting thirty percent of the household's net monthly income⁶ from the maximum allotment for the household size. COMAR 07.03.17.44A; *see also* 7 C.F.R. § 273.10(e)(2)(ii)(A).

⁴ COMAR 07.03.17.02B(6) (defining "Disabled" as an individual who receives SSI).

⁵ COMAR 07.03.17.02B(7) (defining "Elderly" as an individual who is sixty years old or older).

⁶ The income remaining after the applicable deductions are applied.

The Positions of the Parties

The Appellant contests the local department's denial of her applications for SNAP benefits in September and October 2023, because the local department attributed employment income to the Appellant which she no longer earned and failed to consider the proof she submitted regarding her loss of employment and the change in her household composition.

The local department conceded that the Appellant's applications were not correctly processed after the Appellant informed it that her circumstances had changed. The local department further admitted that the Appellant's documentation regarding these changes were noted in the local department's system.

For the reasons that follow, the Appellant has met her burden to demonstrate that the local department improperly denied the Appellant's SNAP applications.

Analysis

I credit the Appellant's testimony that she provided the local department with updated information regarding her applications for SNAP benefits. The local department conceded that it did not properly handle the Appellant's applications after she properly provided documentation of her changed circumstances. Although a corrective action was issued to rectify the improper denial, that corrective action had not been acted upon by the date of the hearing in this matter.

Therefore, the most appropriate course of action is to remand this matter to the local department so that it can reevaluate the Appellant's SNAP benefit applications, taking into consideration the updated information provided by the Appellant regarding her loss of employment and changes in household composition.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact and Discussion, I conclude, as a matter of law, that the [REDACTED] improperly denied the Appellant's

September and October 2023 applications for Supplemental Nutrition Assistance Program benefits, because it did not consider her loss of employment and changes in household composition.

REMAND ORDER

I **ORDER** as follows:

1. The decision of the [REDACTED] to deny the Appellant's application for Supplemental Nutrition Assistance Program benefits for September and October 2023 is **REVERSED**;
2. The matter is hereby **REMANDED** to the [REDACTED] with instructions that it redetermine the Appellant's Supplemental Nutrition Assistance Program eligibility for September and October 2023 based on the verifications that she provided in October and November 2023 regarding her loss of employment and changes in household composition;
3. The [REDACTED] shall process the Appellant's application and issue the proper notice of determination to the Appellant within fifteen (15) days of the date of this Decision and Order;
4. The [REDACTED] shall notify the Office of Administrative Hearings of its compliance with this Decision and Order within ten (10) days of the date of its issuance of any notice of determination to the Appellant; and
5. The Appellant shall retain the right to appeal any subsequent benefit determination made by the [REDACTED].

November 21, 2023
Date Decision Mailed

Signature Appears on Original

Kristin E. Blumer
Administrative Law Judge

REVIEW RIGHTS

A party aggrieved by this final decision may file a written petition for judicial review with the Circuit Court for Baltimore City, if any party resides in Baltimore City or has a principal place of business there, or with the circuit court for the county in which any party resides or has a principal place of business. The petition must be filed within thirty (30) days of the date of this decision. Md. Code Ann., State Gov't § 10-222(c) (2021); Md. Rules 7-201 through 7-210. A separate petition may be filed with the court to waive filing fees and costs on the ground of indigence. Md. Rule 1-325. The Office of Administrative Hearings is not a party to any review process.

KEB/dlm
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[REDACTED]

[REDACTED] (Emailed)
[REDACTED]

[REDACTED],

APPELLANT

v.

[REDACTED]

[REDACTED]

[REDACTED]

* BEFORE KRISTIN E. BLUMER,
* AN ADMINISTRATIVE LAW JUDGE
* OF THE MARYLAND OFFICE
* OF ADMINISTRATIVE HEARINGS
*
* OAH No.: DHS-[REDACTED]-01-23-26729

* * * * *

FILE EXHIBIT LIST

The Appellant did not offer any exhibits.

The local department did not offer any exhibits.