

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
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██████████

and

████████████████████

Petitioners,

v.

DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES,
Respondent.

Case Nos.:

████████████████████

████████████████████

FINAL ORDER

I. Introduction

On August 2, 2019, Petitioners ██████████ and ██████████ filed separate hearing requests regarding Respondent District of Columbia Department of Human Services' (DHS) decision to terminate their Supplemental Nutrition Assistance Program (SNAP or Food Stamp) benefits effective May 31, 2019. The Office of Administrative Hearings (OAH) opened case ██████████ for ██████████ and case ██████████ for ██████████ and scheduled a hearing for January 7, 2020.

At the January 7, 2020, hearing, OAH consolidated the two cases after establishing that Mr. and Mrs. ██████████ are legally married and reside in the same house. Mr. and Mrs. ██████████

¹ The above two cases are consolidated. The rules of this administrative court permit an Administrative Law Judge to consolidate cases that “involve a common question of law or fact, or when multiple Notices of Violation . . . have been issued to the same Respondent.” 1 DCMR 2820.1.

appeared, and Mr. [REDACTED] testified on their behalf.² [REDACTED], Management and Program Analyst, appeared and testified on behalf of DHS. I admitted into evidence Petitioners' Exhibits 100 and 101.

Based on the testimony and evidence presented in this case, I find that DHS properly included the [REDACTED] in a single household and properly terminated the [REDACTED] SNAP benefits on May 31, 2019.

II. Findings of Fact

As of May 2019, Mr. and Mrs. [REDACTED] resided in the same house and received a total gross monthly income of \$2,740 per month from Mr. [REDACTED] civil service retirement. Mr. and Mrs. [REDACTED] paid \$1,895.83 per month in rent. PX 101.

On May 5, 2019, DHS issued Mr. [REDACTED] a SNAP Termination Notice stating that Mr. [REDACTED] SNAP benefits would terminate on May 31, 2019. because his "income exceeds the maximum allowable limit to be eligible for SNAP." The notice did not explain the legal reasoning as to how Mr. [REDACTED]'s income exceeded the allowable limit.

The [REDACTED] filed their hearing requests with OAH on August 2, 2019. DHS failed to offer an Administrative Review Conference (ARC). The fair hearing at OAH proceeded as scheduled on January 7, 2020.

² [REDACTED] was provided with a [REDACTED] interpreter during the proceedings.

III. Conclusions of Law

This case involves two legal issues. The first issue involves the nature of the [REDACTED] SNAP household. The [REDACTED] argue that they should be allowed to qualify for SNAP benefits separately since they do not purchase food and prepare meals together. In contrast, DHS argues that the [REDACTED] must be included in the same SNAP household because they are legally married. The second issue is whether DHS properly terminated the [REDACTED]'s SNAP benefits on May 31, 2019.

On the first issue, I conclude that federal regulations required DHS to include the [REDACTED] in a single household because they are legally married. On the second issue, I conclude that DHS properly terminated the [REDACTED] SNAP benefits on May 31, 2019, because the [REDACTED] failed to meet both the gross income and the net income eligibility standards for SNAP benefits.

A. SNAP Household

Although SNAP is administered by a District of Columbia agency, SNAP is a federal program and is therefore governed by the regulations of the United States Department of Agriculture (USDA), which are contained in the Code of Federal Regulations (CFR). Per the CFR provision pertaining to required SNAP household combinations, spouses “must be considered as customarily purchasing food and preparing meals with the other[], even if they do not do so, and thus *must be included in the same household*” (emphasis added).³ Therefore, since Mr. and Mrs. [REDACTED] are legally married, federal regulations required DHS to include them in the same SNAP household, regardless of whether or not they purchase food and prepare meals together.

³ 7 C.F.R. § 273.1(b)(1).

B. Income Eligibility for SNAP Benefits

Participation in SNAP is limited to households who meet required income eligibility standards.⁴ Specifically, households that contain an elderly or disabled member “shall meet the net income eligibility standards for SNAP”; households with neither an elderly nor disabled member “shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP.”⁵ “Elderly or disabled” is defined as “60 years of age or older,” or meeting one of several qualifications for being deemed disabled.⁶

The record in this case does not reflect whether the [REDACTED] household contains an elderly or disabled member. However, assuming one member is elderly or disabled—and applying only the more lenient net income eligibility standard—the [REDACTED] still did not meet the required income standard for SNAP participation. In short, the [REDACTED] met neither the gross income nor the net income eligibility standards for SNAP participation in May 2019.

For May 2019, the [REDACTED] total gross monthly income was \$2,740 from Mr. [REDACTED]’s civil service retirement. Retirement benefits are deemed “unearned income.”⁷ The gross monthly income eligibility standard for a household of two is \$1,784.⁸ Since the [REDACTED] gross monthly income exceeded this amount, their household did not meet the gross income eligibility standard. But this standard did not apply assuming one household member is elderly or disabled.

⁴ 7 C.F.R. § 273.9(a).

⁵ *Id.*

⁶ 7 C.F.R. § 271.2.

⁷ 7 C.F.R. § 273.9(b)(2)(ii).

⁸ U.S. Dep’t of Agriculture, SNAP – Fiscal Year 2019 Cost-of-Living Adjustments 2 (July 27, 2018), <https://fns-prod.azureedge.net/sites/default/files/resource-files/COLAMemoFY19.pdf>.

Net income is determined by applying certain deductions to the gross income.⁹ In this case, the [REDACTED] qualified for a standard deduction and an excess shelter deduction. The standard deduction is set by the USDA and was \$164 for the District of Columbia in fiscal year (FY) 2019.¹⁰ An excess shelter deduction is allowed for shelter expenses that exceed 50% of the household's income after all other deductions are applied.¹¹ In this case, applicable shelter expenses included the [REDACTED] monthly rent of \$1,895.83 and the standard utility allowance (SUA). The District of Columbia sets the SUA each fiscal year and submits the adjusted amount annually for approval by the USDA.¹² For FY 2019, the SUA for the District of Columbia was \$331.¹³ The [REDACTED] allowable shelter expenses in May 2019, totaled \$2,226.83 (\$1,895.83 (rent) + \$331 (SUA) = \$2,226.83). A deduction is allowed for the amount by which the total of \$2,226.83 exceeds 50% of the Appels' income after all other deductions were applied, which equaled \$1,288 (\$2,740 (gross income) - \$164 (standard deduction) = \$2,576; 50% of \$2,576 = \$1,288).

Therefore, The [REDACTED] qualified for an excess shelter deduction of \$939 (\$2,226.83 shelter expenses minus \$1,288 equals \$938.83, which rounds up to \$939). Assuming the household contains an elderly or disabled member, the [REDACTED] were not subject to a shelter deduction limit and so qualified for a deduction in the full amount of \$939.¹⁴ Subtracting, then, the standard deduction of \$164 and the excess shelter deduction of \$939 from the [REDACTED] gross income of \$2740 resulted in a net income of \$1,637. The breakdown in chart form is as follows:

⁹ For a list of all allowable deductions, see 7 C.F.R. § 273.9(d).

¹⁰ 7 C.F.R. § 273.9(d)(1)(iii); SNAP – Fiscal Year 2019 Cost-of-Living Adjustments, *supra* note 6, at 4.

¹¹ 7 C.F.R. § 273.9(d)(6)(ii).

¹² 7 C.F.R. § 273.9(d)(6)(iii)(A), (B).

¹³ U.S. Dep't of Agriculture, SNAP FY 2019 Standard Utility Allowances by State, available at <https://www.fns.usda.gov/snap/eligibility/deduction/standard-utility-allowances>.

¹⁴ 7 C.F.R. § 273.9(d)(6)(ii).

Gross Income

| | |
|----------------------------|----------------|
| Gross Earned Income | \$0 |
| Gross Unearned Income | <u>\$2,740</u> |
| Total Monthly Gross Income | \$2,740 |

Deductions

| | |
|------------------------------|----------------|
| A) 20% of earned income | \$0 |
| B) Standard Deduction | \$164 |
| C) Excess Medical Deduction | \$0 |
| D) Dependent Care | \$0 |
| E) Child Support | <u>\$0</u> |
| G) Subtotal | \$164 |
| H) Gross Income minus Line G | \$2,576 |
| I) Excess Shelter Deduction | |

**Deduction allowed on shelter expenses
that exceed 1/2 of Line H**

| | |
|-------------------------------------|---------------------|
| Rent | \$1,895.83 |
| Standard Utility Allowance | \$331 |
| Other Allowable Shelter cost | <u>\$0</u> |
| Total | \$2,226.83 |
| Minus 1/2 Line H | <u>\$1,288</u> |
| | \$938.83 |
| Shelter Cost Deduction (rounded up) | <u>\$939</u> |
| Line H minus Shelter Cost Deduction | \$1,637 |
| Total Net Monthly Income | \$1,637 |

The net monthly income eligibility standard for a household of two is \$1,372.¹⁵ Since the [REDACTED] monthly net income of \$1,637 exceeded this amount, their household did not meet the net income eligibility standard.

Based on the above amounts and calculations, the [REDACTED] met neither the gross income nor the net income eligibility standard in May 2019. Therefore, DHS properly terminated the

¹⁵ SNAP – Fiscal Year 2019 Cost-of-Living Adjustments, *supra* note 6, at 2.

[REDACTED] SNAP benefits on May 31, 2019 because the [REDACTED] income exceeded the allowable limit for SNAP eligibility. If the [REDACTED] believe they qualify for more deductions—and are in fact subject only to a net income eligibility standard—they can submit required documentation of relevant expenses to DHS along with a new SNAP application.

IV. Order

Based on the above findings of fact, conclusions of law, and the entire record in this matter, it is this **10th day of January 2020**:

ORDERED that Respondent Department of Human Services properly included Petitioners [REDACTED] and [REDACTED] in a single SNAP household for the purpose of determining household eligibility; and it is further

ORDERED that Respondent Department of Human Services' May 5, 2019 determination terminating Petitioner [REDACTED]'s household SNAP benefits is **AFFIRMED**; and it is further

ORDERED that any party may ask for reconsideration or relief from this Order as described below; and it is further

ORDERED that any party may appeal this Order by following the instructions below.

Calonette M. McDonald
Administrative Law Judge

After an administrative law judge has issued a Final Order, a party may ask the judge to change the Final Order and may ask the District of Columbia Court of Appeals to change the Final Order. There are important time limitations described below for doing so.

HOW TO REQUEST THE ADMINISTRATIVE LAW JUDGE TO CHANGE THE FINAL ORDER

Under certain limited circumstances and within certain time limits, a party may file a written request with the Office of Administrative Hearings (OAH) asking the administrative law judge to change a final order. OAH Rule 2828 explains the circumstances under which such a request may be made. Rule 2828 and other OAH rules are available at www.oah.dc.gov and at OAH's office. Rule 2828 states that a request to change a final order "shall state whether an appeal [to the District of Columbia Court of Appeals] has been filed. If an appeal has been filed, OAH has no jurisdiction to decide" the request unless the Court of Appeals has remanded the case to OAH for that purpose.

A request to change a final order does not affect the party's obligation to comply with the final order and to pay any fine or penalty. If a request to change a final order is received at OAH **within 10 calendar days** of the date the Final Order was filed (**15 calendar days** if OAH mailed the final order to you), the period for filing an appeal with the District of Columbia Court of Appeals does not begin to run until the Administrative Law Judge rules on the request. **A request for a change in a final order will not be considered if it is received at OAH more than 120 calendar days of the date the Final Order was filed (125 calendar days if OAH mailed the Final Order to you).**

HOW TO APPEAL THE FINAL ORDER TO THE DISTRICT OF COLUMBIA COURT OF APPEALS

Pursuant to D.C. Official Code § 2-1831.16(c)-(e), any party suffering a legal wrong or adversely affected or aggrieved by this Order may seek judicial review by filing a Petition for Review and six copies with the District of Columbia Court of Appeals at the following address:

Clerk
District of Columbia Court of Appeals
430 E Street, NW, Room 115
Washington, DC 20001

The Petition for Review (and required copies) may be mailed or delivered to the Court of Appeals, and must be received there within 30 calendar days of the mailing date of this Order, pursuant to D.C. App. R. 15(a)(2). There is a \$100 fee for filing a Petition for Review. Persons who are unable to pay the filing fee may file a motion and affidavit to proceed without the payment of the fee when they file the Petition for Review. Information on petitions for review can be found in Title III of the Court of Appeals' Rules, which are available from the Clerk of the Court of Appeals, or at www.dcappeals.gov.