

4.

Ms. D stated that she doesn't understand why her husband's benefits have decreased over the years. She objects to the reductions, maintaining that the household does not have sufficient income to cover their expenses. (Testimony of D.D.)

III. Conclusions of Law

1.

Because Respondent sought to reduce Petitioner's Food Stamp benefits, Respondent bears the burden of proof. Ga. Comp. R. & Regs. r. 616-1-2-.07. The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. r. 616-1-2-.21.

2.

The Supplemental Nutrition Assistance Program ("SNAP") (formerly known as the "Food Stamp Program") is governed by the Food and Nutrition Act of 2008, 7 U.S.C. § 2011. To qualify for assistance, an individual must meet financial eligibility requirements regarding gross income and net income.

3.

Gross income is the household's total income before any deductions have been made. The gross income eligibility standard is 130% of the federal poverty level. 7 C.F.R. § 273.9(a)(1)(i). For an assistance unit of one person, the gross monthly income limit is \$1,245.00. Petitioner's gross monthly income is \$1066.00, which meets this eligibility standard.

4.

Net income is the gross income minus any allowable deductions. The net income limit is 100% of the federal poverty level. 7 C.F.R. § 273.9(a)(2)(i). For an assistance unit of one person, the net income limit is \$958.00. However, if a member of the household is disabled, the household is exempt from this requirement.

5.

To calculate an assistance unit's net income, Respondent subtracts the following deductions, if applicable, from the assistance unit's gross income:

- 20% earned income deduction
- standard deduction
- excess medical deduction
- dependent care deduction
- child support deduction
- excess shelter deduction

7 C.F.R. § 273.9(d).

6.

federal law indicates that states may choose to provide an exemption to the law, but thus far Georgia has not opted to permit an exemption. *See 21 U.S.C. § 862a; 7 C.F.R. § 273.11(m); ESS Manual at 3310-1.*

Petitioner's only income is from Social Security Income. As Social Security Income is unearned income, Petitioner is not eligible for the 20% earned income deduction. 7 C.F.R. § 273.9(b)(2).

7.

The standard deduction is "equal to 8.31 percent of the monthly net income eligibility standard for each household size . . . rounded up to the nearest whole dollar," but may not be less than \$134.00. 7 C.F.R. § 273.9(d)(1)(i), (iii). In Georgia, the standard deduction for an assistance unit of one person is \$152.00. In this case, after the standard deduction Petitioner has a household income of \$904.00. *Economic Support Services Manual at 3613-1.*

8.

Petitioner did not qualify for a deduction for medical expense or child care or support. However, the excess shelter deduction did apply in this case. The excess shelter deduction consists of monthly shelter expenses in excess of 50 percent of the household's income after all other deductions have been allowed. 7 C.F.R. § 273.9(d)(6)(ii).

9.

Here, Petitioner's excess shelter deduction is calculated as follows:

Petitioner's reported rent or mortgage payment is \$495.00 per month, combined with other costs associated with shelter his monthly shelter payment is \$838.00.

Respondent calculates Petitioner's monthly income after other applicable deductions.

\$1056.00	(gross monthly income)
<u>- \$152.00</u>	(standard deduction)
= \$904.00	(monthly income after other applicable deductions)

Finally, fifty percent of this total ($\$904.00 \times 50\% = \452.00) is subtracted from her total monthly shelter costs.

\$838.00	(total monthly shelter costs)
<u>- \$452.00</u>	(50% of monthly income after other deductions)
= \$386.00	(excess shelter deduction)

The resulting sum of \$386.00 represents the amount of Petitioner's excess shelter deduction. 7 C.F.R. §§ 273.9(d)(6)(ii), 273.10(e).

10.

Petitioner's net monthly income is calculated by subtracting the standard deduction and the excess shelter deduction from the assistance unit's gross income, as follows:

\$1056.00	(gross monthly income)
- \$152.00	(standard deduction)
<u>- \$386.00</u>	(excess shelter deduction)
= \$518.00.	(net monthly income)

In this case, Petitioner's net monthly income is \$518.00.

11.

Generally, the amount of Petitioner's food stamps allotment is determined by taking 30% of his net income ($\$518.00 \times 30\% = \155.00) and subtracting that amount from the maximum food stamps allotment for an assistance unit of one person. 7 C.F.R. § 273.10(e)(2)(ii).

12.

Petitioner's allotment, then, must be determined using the following equation:

$$\begin{array}{r} \$200.00 \quad (\text{maximum food stamps allotment}) \\ - \underline{\$155.00} \quad (30\% \text{ of net monthly income}) \\ = \$45.00 \quad (\text{actual food stamps allotment}) \end{array}$$

The results of these equations are consistent with the Basis of Coupon Issuance Table published in the Respondent's policy manual. Food Stamp Manual, Appendix A. Petitioner notes that this amount is not sufficient; however, the undersigned does not have discretion to assign a greater amount to the household.³

IV. Decision

In accordance with the foregoing Findings of Fact and Conclusions of Law, Respondent's action in reducing Petitioner's monthly allotment to \$45.00 is **AFFIRMED**.

SO ORDERED this 29th day of October, 2013.

RONIT WALKER
Administrative Law Judge

³ The caseworker has sent Petitioner a listing of alternative resources for food in the community.