

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

M [REDACTED] B [REDACTED],
Petitioner,

v.

DHS, DIVISION OF FAMILY AND
CHILDREN SERVICES,
Respondent.

Docket No.: [REDACTED]
[REDACTED]-OSAH-DFCS-FSP-20-Malihi

Agency Reference No.: [REDACTED]



AMENDED FINAL DECISION

I. Introduction

Petitioner M [REDACTED] B [REDACTED] filed a hearing request on February 1, 2023, in response to the decision of Respondent Department of Human Services, Division of Family and Children Services (“DFCS”) to deny her application for Supplemental Nutrition Assistance Program (“SNAP”) benefits on January 11, 2023. A hearing was held on June 6, 2023. Petitioner represented herself and was accompanied by her husband, R [REDACTED] B [REDACTED]. Kimberly Sanders¹ and April Williams appeared for Respondent. For the reasons herein, the denial is **REVERSED**, and the matter is **REMANDED** for recalculation and reconsideration of eligibility.

II. Findings of Fact

1.

Petitioner’s assistance unit or “AU,” consists of herself and her husband, Mr. B [REDACTED]. They are both over the age of 60, and their only income is from Social Security. They were previously approved for SNAP benefits. (Testimony of Petitioner, Mr. B [REDACTED]; Exhibit P-1.)

2.

¹ The Final Decision that was entered on June 23, 2023, has been amended to indicate that Kimberly Sanders appeared for the Respondent.

Georgia participates in the Elderly Simplified Application Project, also known as Senior SNAP. As of February 1, 2023, under this program, Senior SNAP households are eligible for a 36-month certification period. Previously, the certification period was 12 months. As explained by DFCS at the hearing, Petitioner and her husband are no longer eligible for benefits because, to determine the excess medical deduction, their medical expenses must now be divided by 36 months as opposed to 12 months. As a result of the calculation of the excess medical deduction, DFCS finds Petitioner to be over the income limit for SNAP.² (Testimony of Ms. Sanders, Ms. Williams; Exhibit R-1, R-2, R-3.)

III. Conclusions of Law

1.

Because this matter concerns a termination of benefits that Petitioner previously received, Respondent bears the burden of proof. Ga. Comp. R. & Regs. 616-1-2-.07(1). The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21(4).

2.

SNAP (formerly known as the “Food Stamp Program”) is governed by the Food and Nutrition Act of 2008. 7 U.S.C. § 2011 et seq.; 7 C.F.R. § 271.1 et seq. Respondent has issued guidelines for SNAP in its Economic Support Services Manual, Volume III (hereinafter Food Stamp Manual).

3.

“The Georgia Senior SNAP program is an elderly simplified application process designed to make it easier for seniors to receive SNAP benefits.” Department of Human Services,

² The calculation of monthly shelter expenses—in particular, the costs related to disaster repairs—was performed similarly, by dividing by 36. To the extent that this calculation might have impacted the Petitioner’s eligibility, it should also be reconsidered. Because the parties focused on the effect of the excess medical deduction, this Final Decision is similarly focused on that calculation.

<https://dfcs.georgia.gov/snap-food-stamps/senior-snap> (last visited June 22, 2023). In this case, however, the explanation provided by DFCS for denying Petitioner's benefits is the implementation of the 36-month certification period, which was intended to streamline the process, not thwart it. It is unclear from the record exactly which excess medical expenses were considered and why the same total amount, which previously was divided by 12, should have been divided by 36. In other words, it seems that a step is missing from the calculation. If, as DFCS explains, the same total amount that was divided by 12 is now divided by 36, there appears to be a disconnect between the purpose of the program and its implementation. Logic dictates that the total amount of medical expenses for one year (which appropriately would be divided by 12) would not be the same number as the total amount of medical expenses for three years (which appropriately would be divided by 36).

4.

As set forth in Policy 3614 of the Food Stamp Manual, the determination of the excess medical deduction depends on the type of expense. A one-time-only expense (such as a hospital stay) can be applied as a lump-sum deduction toward one month's worth of benefits, or averaged out over the months of the certification period, and the AU has the option to choose. A recurring expense, such as the monthly costs for prescription drugs, Medicare premiums, insurance premiums, doctor visits, and transportation costs, is allowed as a deduction by either varying the basis of issuance (actual expenses each month) or averaging ongoing expenses.³ Again, the AU

³ To arrive at the appropriate total amount to average by 36, one might, for example, estimate that certain expected medical expenses will recur throughout the 36-month period, not just a 12-month period. See 7 U.S.C. § 2014(e)(5)(B)(ii). To arrive at the appropriate total amount to average by 12, one might, for example, estimate that certain expected medical expenses will recur throughout the 12-month period, not just a 12-month period. See 7 U.S.C. § 2014(e)(5)(B)(ii). Therefore, if the Petitioner accrued \$12,000.00 in ongoing medical expenses during the past 12 months, one could reasonably expect that the continuing medical expenses would remain at that rate. Accordingly, utilizing this methodology, the Petitioner should be expected to spend \$12,000.00 in 12 months, \$24,000.00 in 24 months, and \$36,000.00 in 36 months or 3 years (\$12,000.00 per year x 3 years = \$36,000.00). The total projected medical expenses for 3 years could then be divided by the eligibility period of 36 months to determine the average

has the option to choose the method. The expectation is that the method most advantageous to the AU will be utilized. A combination of the two methods may be appropriate, as demonstrated in Example 3 on Page 3614-6 of the Food Stamp Manual. As noted, the record is unclear in this case as to what particular expenses were considered over what period of time, and why DFCS used the same total amount for averaging by 36 that it previously used when averaging by 12. What is clear, however, is that DFCS's method of calculation appears to have had the unintended consequence of denying benefits to seniors who previously relied on them. Food Stamp Manual 3614-2, 3614-3; Exhibit R-2; see also 7 C.F.R. §§ 273.9(d)(3); 273.10(d)(3). Respondent did not meet its burden to show that the calculation of the excess medical deduction, and thus the termination of benefits, was proper.

5.

As stated in Policy 3725, “[t]he Senior SNAP program is administered by the Senior SNAP Unit, a centralized unit that processes all senior SNAP applications and renewals, and that maintains the eligibility functions of the project.” The County DFCS Office is encouraged to consult with the Senior SNAP Unit regarding the appropriate method for calculation. Food Stamp Manual 3725-1; Exhibit R-2. If the advice of an attorney would be useful, Petitioner and Mr. B [REDACTED] may wish to contact Georgia Legal Services, Brunswick Division, 1607 Union Street, Brunswick, GA 31520, (912) 264-7301, to determine whether free legal assistance may be available to them.

monthly medical expenses.

IV. Decision

For the reasons indicated, the denial is **REVERSED**, and this matter is **REMANDED** for recalculation of the excess medical deduction (and, to the extent necessary, as stated in footnote 1, recalculation of the costs related to disaster repairs) and reconsideration of Petitioner's eligibility and any retroactive benefits, as appropriate. Respondent is directed to complete the recalculation and reconsideration within 15 days of the date of this Final Decision.

SO ORDERED, this 26th day of June, 2023.

Michael Malihi

Michael Malihi, Judge

