

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3725

██████████ 2023
Signature Confirmation

Case ID # ██████████
Client ID # ██████████
Request # 217721

NOTICE OF DECISION

PARTY

██████████
██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services (the “Department”) denied ██████████ (the “Appellant”) adjustment request for replacement of electronic cash benefits from the State Supplemental Aid to the Aged, Blind, or Disabled (“AABD”) program.

On ██████████, 2023, the Appellant requested an administrative hearing to dispute the denial of the replacement of stolen AABD cash benefits from her Electronic Benefits Transfer (“EBT”) account for the month of ██████████ 2023.

On ██████████, 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2023.

On ██████████ 2023, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals participated in the hearing:

██████████, Appellant
Princess O'Reggio, Department's Representative, Observer
Kristin Krawetzky, Department's Associate Fiscal Administrative Officer
Kristin Haggan, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's adjustment request for the replacement of AABD cash benefits for the month of █████ 2023.

FINDINGS OF FACT

1. On █████ 2016, the Department issued an EBT card ending in █████ to the Appellant. (*Department's Testimony, Hearing Summary*)
2. The Appellant is the only person authorized to use the EBT card. The Appellant has not provided the PIN number for her EBT card to anyone else. (*Appellant's Testimony*)
3. On █████, 2023, the Department deposited \$128.00 into the Appellant's EBT cash fund. The Appellant did not have access to this benefit until █████ 2023. (*Department's Testimony, Appellant's Testimony, Exhibit 1: Client's EBT Transaction History*)
4. On █████ 2023, at 1:06 AM, someone other than the Appellant used the EBT card ending in █████ to complete an ATM cash withdrawal in the amount of \$123.00 at █████. The Appellant's EBT card was not lost or stolen from her wallet. (*Exhibit 1, Appellant's Testimony*).
5. On █████ 2023, the Appellant attempted to withdraw cash at her local bank using the EBT card ending in █████ and was informed that there was only \$5.00 available to her. The Appellant contacted the Department for guidance and was told to contact the EBT customer service line, reset her PIN number, file a police report, and request an administrative hearing. The Appellant contacted the EBT customer service line and reported that an unauthorized person had withdrawn cash benefits from her EBT account. At 11:02 AM, the Appellant filed a police report regarding the unauthorized cash withdrawal. At 1:02 PM, the Appellant changed the PIN number for the EBT card ending in █████ (*Hearing Record, Appellant's Testimony, Exhibit 1, Exhibit 2: Case Notes, Exhibit 4: Police Report*)
6. On █████ 2023, the Appellant opened two adjustment claims to request a replacement of the stolen AABD cash benefits of \$120.00 and \$3.00 (\$120.00 + \$3.00 = \$123.00 total). The Department denied both adjustment claims that day. (*Exhibit 1, Exhibit 3: Transaction Details*)
7. On █████ 2023, the Appellant visited the Bridgeport DSS office and requested a replacement EBT card. (*Appellant's Testimony, Department's Testimony, Exhibit 1*)
8. There were no unauthorized purchases on the Appellant's EBT card ending in █████ between the time the Appellant requested a replacement card and the time the Department deactivated the card. (*Department's Testimony, Hearing Summary, Appellant's Testimony*)

9. The Department issued the Appellant a replacement EBT card which is currently active. (*Appellant's Testimony*)
10. The issuance of this decision is timely under Connecticut General Statute's 17b-61(a), which requires that the agency issue a decision within 90 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED], 2023. The hearing record closed on [REDACTED] 2023. The undersigned reopened the hearing record on [REDACTED], 2023, to request more information from the Department, and then closed the hearing record again on [REDACTED] 2023, resulting in a [REDACTED] delay. Therefore, this decision is due no later than [REDACTED] 2023. (*Hearing Record*)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the Aid to the Aged, Blind, and Disabled ("AABD") State Supplement program.

The Department has the authority to review the Appellant's AABD State Supplemental cash benefit replacement request and determine whether she meets the program's eligibility requirements.

2. "The department's uniform policy manual is the equivalent of a state regulation and, as such, carries the force of law." *Bucchere v. Rowe*, 43 Conn. Supp. 175, 178(1994) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712 (1990)).
3. UPM § 6500.01 provides for an Electronic Benefits Transfer (EBT) Account which is an account in a financial institution into which the Department of Social Services deposits cash and food stamp benefits. The clients access their benefits from these accounts through the use of Department-issued debit cards.

The Department correctly determined the Appellant's AABD cash benefits were paid by means of EBT and accessed through a Department-issued debit card.

4. UPM § 6530.20 (B)(3) provides that the Department will not replace any recipient cash or food stamp benefits that have been correctly deposited into an EBT account in a financial institution. Such benefits are considered to have been properly received and are not subject to replacement except as provided in section A above or sections 6530.15, 6530.35 or 6530.40.

UPM § 6530.15 (C) provides that EBT issued cash and food stamp benefits are treated as lost benefits if they are not accepted into an EBT account of an eligible client due to Department error or a malfunction of the electronic benefits transfer system.

The Department correctly determined the Appellant's AABD cash benefits were correctly deposited into her EBT account and were not lost because of Departmental error or malfunction of the EBT system.

5. UPM § 6530.40 (A)(6) provides that the Department does not provide the replacement of EBT issued cash benefits that were accessed by an individual who has been given the client's debit card and PIN unless that individual is a protective payee who has misused the benefits.

UPM § 6530.20 (A)(3) provides that EBT issued cash and food stamp benefits are treated as stolen benefits if the cash and food stamp benefits are taken by someone other than the client or client's authorized representative between the time the Department's designee receives notice from a household regarding the need for card replacement and the time that the Department's designee deactivates the client's stolen or lost debit card.

The Department correctly determined it could not treat the Appellant's EBT issued cash benefits as stolen because an unauthorized person used said benefits prior to the Appellant requesting a replacement card.

DISCUSSION

There were no unauthorized cash benefits taken by someone other than the Appellant between the time the Department's designee received notice from the Appellant regarding the need for a card replacement and the time the Department's designee deactivated the Appellant's EBT card, therefore, the Appellant is not entitled to the replacement of benefits.

DECISION

The Appellant's appeal is **DENIED.**



Kristin Haggan
Fair Hearing Officer

CC: Annjerry Garcia, SSOM, Bridgeport Regional Office
Robert Stewart, SSOM, Bridgeport Regional Office
Jamel Hilliard, SSOM, Bridgeport Regional Office
Kristin Krawetzky, Associate Fiscal Administrative Officer

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, law, and 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 the Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to the 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 if 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 her designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and 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.