

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT06105-3725

██████████ 2019
Signature Confirmation

Case ID # ██████████
Client ID # ██████████
Request # 144050

NOTICE OF DECISION

PARTY

██████████

PROCEDURAL BACKGROUND

The Department of Social Services (the "Department") requested an Administrative Disqualification Hearing ("ADH") to seek the disqualification of ██████████ (the "Defendant") from participating in the Supplemental Nutrition Assistance Program ("SNAP") for a period of twelve (12) months. The Department alleged that the Defendant committed an Intentional Program Violation ("IPV"). The Department further seeks to recover an alleged overpayment of SNAP benefits in the amount of \$2375.41.

On ██████████ 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") notified the Defendant of the initiation of the ADH process via signature confirmation delivery. The notification outlined a Defendant's rights in these proceedings. ADH was scheduled for ██████████ 2019.

On ██████████ 2019, a notice was left by U.S. Postal Service for the Appellant to claim her notification. On ██████████ 2019, notification was returned to OLCRAH unclaimed.

On ██████████ 2019, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Disqualification Hearing. The Defendant was not present at the hearing. The Defendant did not show good cause for failing to appear.

The following individuals were present at the hearing:

William Carrasquillo, Department's Representative via Telephone
Swati Sehgal, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Defendant committed an IPV of the SNAP program, is subject to disqualification from program participation for 12 months, and whether the resulting overpayment of benefits is subject to recovery.

FINDINGS OF FACT

1. The Defendant is a recipient of SNAP benefits. (Hearing Record).
2. The Defendant has had no prior Intentional Program Violations (Hearing Record, Exhibit 6: USDA Electronic Disqualification Recipient System printout).
3. The Defendant resides [REDACTED]. (Department's Summary)
4. On [REDACTED] 2018, at 6:47 am the Defendant's Electronic Bank Transfer ("EBT") card was used at [REDACTED] CT to access SNAP benefits from the Defendant's account in the amount of \$48.37. (Exhibit 3: EBT Transaction History)
5. On [REDACTED] 2018, at 6:48 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$41.89. (Exhibit 3: EBT Transaction History).
6. On [REDACTED] 2018, at 7:00 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$45.06. (Exhibit 3)
7. On [REDACTED], 2018, at 2:53 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$48.3. (Exhibit 3)
8. On [REDACTED] 2018, at 2:54 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$23.71. (Exhibit 3)

9. On [REDACTED] 2018, at 12:54 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$23.93. (Exhibit 3)
10. On [REDACTED] 2018, at 2:16 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$37.20. (Exhibit 3)
11. On [REDACTED] 2018, at 2:11 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$36.66. (Exhibit 3)
12. On [REDACTED] 2018, at 2:12 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$19.88. (Exhibit 3)
13. On [REDACTED] 2018, at 2:23 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$46.83. (Exhibit 3)
14. On [REDACTED] 2018, at 7:05 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$48.98. (Exhibit 3)
15. On [REDACTED] 2018, at 7:49 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$44.39. (Exhibit 3)
16. On [REDACTED] 2018, at 7:14 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$38.98. (Exhibit 3)
17. On [REDACTED] 2018, at 8:26 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$45.88. (Exhibit 3)
18. On [REDACTED], 2018, at 8:27 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$26.89. (Exhibit 3)
19. On [REDACTED] 2018, at 12:15 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$49.89. (Exhibit 3)

20. On [REDACTED] 2018, at 1:17 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$29.53.(Exhibit 3)
21. On [REDACTED] 2018, at 5:07 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$15.39.(Exhibit 3)
22. On [REDACTED] 2018, at 7:22 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$27.06.(Exhibit 3)
23. On [REDACTED], 2018, at 7:24 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$61.03.(Exhibit 3)
24. On [REDACTED] 2018, at 3:41 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$52.98.(Exhibit 3)
25. On [REDACTED] 2018, at 7:01 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$40.99.(Exhibit 3)
26. On [REDACTED], 2018, at 7:02 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$41.19.(Exhibit 3)
27. On [REDACTED], 2018, at 12:41 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$57.94.(Exhibit 3)
28. On [REDACTED], 2018, at 4:49 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$39.86.(Exhibit 3)
29. On [REDACTED] 2018, at 4:49 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$22.64.(Exhibit 3)
30. On [REDACTED] 2018, at 6:58 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] CT to access SNAP benefits from the Defendant's account in the amount of \$63.59. (Exhibit 3)

31. On [REDACTED] 2018, at 8:17 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$48.29. (Exhibit 3)
32. On [REDACTED] 2018, at 12:42 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$40.99. (Exhibit 3)
33. On [REDACTED] 2018, at 7:54 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$49.89. (Exhibit 3)
34. On [REDACTED] 2018, at 7:54 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$59.35. (Exhibit 3)
35. On [REDACTED], 2018, at 7:55 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$63.11. (Exhibit 3)
36. On [REDACTED] 2018, at 2:33 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$43.11. (Exhibit 3)
37. On [REDACTED], 2018, at 2:33 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$32.83. (Exhibit 3)
38. On [REDACTED] 2018, at 1:38 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$47.87. (Exhibit 3)
39. On [REDACTED] 2018, at 1:38 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$49.98. (Exhibit 3)
40. On [REDACTED] 2018, at 1:39 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$55.09. (Exhibit 3)
41. On [REDACTED] 2018, at 8:17 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$39.59. (Exhibit 3)

42. On [REDACTED] 2018, at 8:18 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$28.11. (Exhibit 3)
43. On [REDACTED] 2018, at 11:25 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$49.78. (Exhibit 3)
44. On [REDACTED] 2018, at 6:48 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$41.13. (Exhibit 3)
45. On [REDACTED], 2018, at 9:17 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$54.12. (Exhibit 3)
46. On [REDACTED] 2018, at 8:40 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$49.88. (Exhibit 3)
47. On [REDACTED] 2018, at 8:41 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$22.65. (Exhibit 3)
48. On [REDACTED] 2018, at 9:16 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$46.11. (Exhibit 3)
49. On [REDACTED], 2018, at 9:17 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$45.43. (Exhibit 3)
50. On [REDACTED] 2019, at 7:17 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$46.77. (Exhibit 3)
51. On [REDACTED] 2019 at 7:17 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$45.11. (Exhibit 3)
52. On [REDACTED] 2019, at 7:21 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$49.11. (Exhibit 3)

53. On [REDACTED] 2019, at 7:22 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$25.44. (Exhibit 3)
54. On [REDACTED] 2019, at 8:53 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$62.11. (Exhibit 3)
55. On [REDACTED] 2019, at 5:45 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$56.03. (Exhibit 3)
56. On [REDACTED] 2019, at 8:43 am the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$47.50. (Exhibit 3)
57. On [REDACTED] 2019, at 3:19 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$57.43. (Exhibit 3)
58. On [REDACTED] 2019, at 12:22 pm the Defendant's EBT card was used at [REDACTED] located at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$39.49. (Exhibit 3)
59. The transactions made by the Defendant at Palisade Market were of, multiple transaction within twenty four hours period, high dollar amounts, and short period of time between transactions. (Exhibit 3, Hearing Summary)
60. The United States Department of Agriculture, Food and Nutrition Service report on [REDACTED] confirms the Defendant would have been unable to purchase high dollar amounts as the store has no shopping baskets/carts. The most expensive SNAP/EBT eligible food items offered for sale were Quaker maid sandwich steaks and Digiorno pizza for \$7.99 respectively. (Exhibit 10: FNS General Store Information report)
61. On [REDACTED] 2019, the United States Department of Agriculture, Food and Nutrition Service, SNAP division ("USDA") notified [REDACTED] located at [REDACTED] was permanently disqualified from participating in the SNAP program because it violated federal SNAP regulations when it participated in trafficking activities with SNAP program recipients. (Exhibit 4: United States Department of Agriculture ("USDA") letter dated [REDACTED], Hearing Summary).
62. On [REDACTED] 2019, the Department sent the Defendant a Notice of Prehearing Interview for the SNAP and a W-1449 Waiver of Disqualification Hearing SNAP Program stating that she could schedule an appointment to discuss the allegation of fraud and that there was an intentional program violation that had caused an

overpayment in the amount of \$2,375.41 for the period of [REDACTED] 2018, through [REDACTED] 2019. The Defendant was given a deadline of [REDACTED] 2019 to respond (Exhibit 2: W-1448, W-1449, and Exhibit 1: Overpayment Disqualification letter).

63. On [REDACTED] 2019, the Department sent the Defendant a letter advising that she was being charged with trafficking in SNAP benefits, an intentional program violation of the SNAP program. The letter advised the Defendant that the penalty for the first intentional program violation was disqualification from the SNAP program for one year. (Exhibit 2: Department letter, [REDACTED])
64. The Defendant did not respond to the Notice of Prehearing Interview or the Disqualification notice (Hearing Summary).
65. The Defendant did not sign and return the waiver form. (Hearing Summary)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program.
2. Title 7 of the Code of Federal Regulations (“CFR”) 273.16(a)(1) provides that the State agency shall be responsible for investigating any case of alleged intentional Program violation, and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or referral to a court of appropriate jurisdiction in accordance with the procedures outlined in this section.
3. UPM § 7050.25 D.3 provides that if the assistance unit member or his or her representative cannot be located or fails to appear at a hearing without good cause, the hearing is conducted without the assistance unit member being represented.
4. The Defendant was not present at the hearing. The Defendant did not show good cause for failing to appear.
5. Title 7 of the Code of Federal Regulations (“CFR”) 271.2 defines trafficking as:
 - (1) The buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;
 - (2) The exchange of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of title 21, United States Code, for SNAP benefits;

(3) Purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;

(4) Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or

(5) Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food.

(6) Attempting to buy, sell, steal, or otherwise affect an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signatures, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone.

6. The Department established that the Defendant intentionally violated program rules by trafficking his SNAP benefits.

7. Title 7 of the Code of Federal Regulations (“CFR”) § 273.16(b) provides that for disqualification penalties, individuals found to have committed an intentional Program violation either through an administrative disqualification hearing or by a Federal, State or local court, or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the Program:

- (i) For a period of twelve months for the first intentional Program violation, except as provided under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section;
- (ii) For a period of twenty-four months upon the second occasion of any intentional Program violation, except as provided in paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section; and
- (iii) Permanently for the third occasion of any intentional Program violation.

8. UPM § 7050.30(A) provides that an individual is disqualified from participating in the AFDC or Food Stamp program if:

- a. a court determines that he or she is guilty of intentional recipient error or grants the individual accelerated rehabilitation; or
- b. a determination of an intentional recipient error is made by an Administrative Disqualification Hearing official; or

- c. the individual signs a waiver of rights to an Administrative Disqualification hearing.
9. The Department established that the Defendant committed an IPV.
10. UPM § 7050.30(B)(2)(b) provides for the length of disqualification for the Food Stamp Program. If the intentional recipient error occurred on or after August 1, 1984, the length of the disqualification period as determined as follows:
 - (1) The length of disqualification is the length specified by the court order if a court specifies a period of disqualification.
 - (2) When the court order does not specify a period of disqualification, the Department determines the length of the disqualification based upon the individual's previous history of intentional recipient error as follows:
 - (a) for the first offense, the length of disqualification is one year;
 - (b) for the second offense, two years; and
 - (c) for the third offense, the disqualification is permanent.
11. The Defendant is subject to a SNAP disqualification for a period of twelve months as he is found guilty of committing a first IPV.
12. Section 17b-88 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to recover any public assistance overpayment and take such action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings.
13. UPM § 7045.15(D)(3) provides that in the computation of the overpayment, the overpayment begins as of the date the factor should have been considered in the eligibility determination. In determining this date, the Department allows for the ten day notification period, if appropriate.
14. The Department is correct to seek recoupment of SNAP benefits that the Defendant received during the period [REDACTED] 2018, through [REDACTED], 2019.

DECISION

1. The Defendant is **GUILTY** of committing a first intentional program violation in the SNAP program for trafficking SNAP benefits.
2. The Department's appeal to disqualify the Defendant from SNAP and impose SNAP penalty for twelve months is granted.

3. The Department is authorized to recover \$2375.41 in overpayment of SNAP Benefits.


Swati Sehgal
Hearing Officer

PC: Stephen Markowski, Fraud & Resources, DSS Central Office
Melinda Soisson, Investigations Supervisor, DSS, Bridgeport
William Carrasquillo, Investigator, DSS, Bridgeport

RIGHT TO APPEAL

The defendant has the right to appeal this decision to 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, provided that 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, 55 Elm Street, 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 his designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is 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 defendant resides.

