

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

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

Case ID # ██████████  
Client ID# ██████████  
Request # 146252

**ADMINISTRATIVE DISQUALIFICATION HEARING**  
**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**REASON FOR HEARING**

On ██████████ 2019, the Department of Social Services made a request for an Administrative Disqualification Hearing (“ADH”) to seek disqualification of ██████████ (the “Defendant”) from participation in the Supplemental Nutrition Assistance Program (“SNAP”) for twelve (12) months. The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) by failing to report household income. The Department also seeks to recover overpaid SNAP benefits of \$1,713.00.

On ██████████ 2019, the Office of Legal Counsel, Regulations and Administrative Hearings (“OLCRAH”) mailed the Defendant notification of the initiation of the ADH process scheduled for ██████████ 2019, which included notification of the Defendant’s rights in these proceedings via certified mail.

On ██████████, 2019, the certified mail was delivered per United States Postal Service (“USPS”) tracking.

On ██████████ 2019, OLCRAH conducted the ADH in accordance with section 17b-88 of the Connecticut General Statutes and Title 7 of the Code of Federal Regulations section 273.16 subsection (e).

The following individuals were present at the hearing:

██████████, Defendant  
 Ryan Bargarier, Department Representative  
 Swati Sehgal, Fair Hearing Officer

### STATEMENT OF THE ISSUE

The issue to be decided is whether the Defendant committed an intentional program violation (“IPV”) of the SNAP and subject to a twelve (12) month disqualification penalty under the SNAP and whether the resulting overpayment of benefits is subject to recovery.

### FINDINGS OF FACT

1. The Defendant received benefits under the SNAP for herself and her child. (Hearing Record)
2. On ██████████ 2018, the Defendant provided a letter from her employer, ██████████, stating she is on an approved leave of absence as of ██████████ 2018, and is eligible for short term disability for six weeks. The Defendant also provided a copy of a short term disability check covering six weeks from ████████/18 through ████████/18. (Exhibit 12: Letter from Employer, and Copy of Short Term Disability Check)
3. On ██████████ 2018, the Defendant appeared at Regional Office and reapplied for SNAP benefits. The Defendant answered “Yes” to the question “Does anyone in the household has earned income?” however no income was listed after ██████████ 2018. (Exhibit 14: Eligibility Determination Document, ██████████ )
4. On ██████████ 2018, the Defendant went back to work for Fosdick Fulfillment Corp and received her first check on ██████████ 2018. (Defendant’s Testimony, Exhibit 2: Work Number Social Services Verification)
5. The Defendant earned the following income from the employer. (Exhibit 2)

Month	Monthly Gross
██████████ 2019	\$2,178.63
██████████ 2019	\$1923.20
██████████ 2019	\$1718.86
██████████ 2019	\$1718.86



15. For the period [REDACTED] 2019, through [REDACTED], 2019, the Department determined the Defendant was ineligible for benefits under the SNAP after wages applied to the benefit calculation causing an overpayment of benefits under the SNAP totaling \$1713.00. The Department disregarded March overpayment. (Exhibit 2: Notice of Prehearing Interview, Exhibit 3: Waiver of Disqualification Hearing, Exhibit 4: Waiver of Disqualification Hearing, Exhibit 9: SNAP Computation Sheet, Exhibit 12: Benefit Issuance Search, and Department Representative's Testimony)

Issuance Month	Amount Received	Amount Entitled	Overpayment Amount
[REDACTED] 2019	\$353.00	\$00.00	\$353.00
[REDACTED] 2019	\$353.00	\$00.00	\$353.00
[REDACTED] 2019	\$353.00	\$52.00	\$301.00
[REDACTED] 2019	\$353.00	\$00.00	\$353.00
[REDACTED] 2019	\$353.00	\$00.00	\$353.00

16. The Department searched the Electronic Disqualified Recipient System ("eDRS") by the Defendant's social security number and found no record of prior disqualifications for the Defendant. (Exhibit 7: eDRS Query)
17. The fraud unit determined the Defendant failed to report employment and that her monthly gross income from the employer exceeded the SNAP gross income limit of 130% of the federal poverty level. The Defendant failed to report a change in her monthly income of more than \$100 due to employment on the PRF submitted by the Defendant on [REDACTED], 2019. (Exhibit 2, Exhibit 8, Exhibit 4: Online Periodic Report Form, and Department Representative's Testimony)
18. The fraud unit determined the Defendant committed an IPV under the SNAP because she failed to report employment on [REDACTED], 2019, PRF and failed to report her household income changed by more than \$100.00 on the PRF. (Hearing Record)
19. On [REDACTED] 2019, the fraud unit issued a W-1448 Notice of Prehearing Interview Food Stamp Program ("W-1448") to the Defendant. The W-1448 charged that the Defendant broke the rules regulating the SNAP by failing to report employment and incurred an overpayment totaling \$1713.00 under the SNAP. The Department interviewed the Defendant on [REDACTED] [REDACTED] 2019, and informed her of potential overpayments. (Exhibit 1.2: W1448)
20. On [REDACTED], 2019, the fraud unit mailed a Waiver of Disqualification Hearing ("W1449") to the Defendant. The notice charges the Defendant with an IPV. The notice notifies the Defendant of an overpayment of \$1713.00 for the period [REDACTED], 2019, through [REDACTED] 2019,

- repayment options, and gives the Defendant options to voluntarily admit to the violation, voluntarily sign a waiver or exercise her right to an administrative hearing. (Exhibit 1.1: Waiver of Disqualification Hearing)
21. On [REDACTED], 2019, the Department mailed a notice of administrative disqualification hearing packet which included a Waiver of Disqualification Hearing (“form W1449”) to the Defendant. The notice charges the Defendant with an IPV. The notice notifies the Defendant of an overpayment of \$1716.00 for the period [REDACTED] 2019, through [REDACTED] 2019, repayment options, and gives the Defendant options to voluntarily admit to the violation, voluntarily sign a waiver or exercise her right to an administrative hearing. (Exhibit 4: Waiver of Disqualification Hearing)
  22. The Department did not receive a signed W-1449 from the Defendant. (Hearing Record)
  23. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of twelve (12) months due to an IPV when the Defendant failed to report employment on the PRF. (Hearing Record)
  24. The Department seeks to recover \$1716.00 in overpaid SNAP benefits because the Defendant failed to follow the SNAP rules when she failed to report her employment information on the PRF. (Hearing Record)

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statutes (“CGS”) provides that the Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. Statute provides that if a beneficiary of assistance under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program, state-administered general assistance program, food stamp program or supplemental nutrition assistance program receives any award or grant over the amount to which he is entitled under the laws governing eligibility, the Department of Social Services (1) shall immediately initiate recoupment action and consult with the Division of Criminal Justice to determine whether to refer such overpayment, with full supporting information, to the state police, to a prosecuting authority for prosecution or to the Attorney General for civil recovery, or (2) shall take such other action as conforms to federal regulations, including, but not limited, to, conducting administrative disqualification hearings for

cases involving alleged fraud in the food stamp program, supplemental nutrition assistance program, the aid to families with dependent children program, the temporary family assistance program or the state-administered general assistance program. (CGS § 17b-88)

3. 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. Administrative disqualification procedures or referral for prosecution action should be initiated by the State agency in cases in which the State agency has sufficient documentary evidence to substantiate that an individual has intentionally made one or more acts of intentional Program violation as defined in paragraph (c) of this section. If the State agency does not initiate administrative disqualification procedures or refer for prosecution a case involving an overissuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the overissuance by establishing an inadvertent household error claim against the household in accordance with the procedures in §273.18. The State agency should conduct administrative disqualification hearings in cases in which the State agency believes the facts of the individual case do not warrant civil or criminal prosecution through the appropriate court system, in cases previously referred for prosecution that were declined by the appropriate legal authority, and in previously referred cases where no action was taken within a reasonable period of time and the referral was formally withdrawn by the State agency. The State agency shall not initiate an administrative disqualification hearing against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of appropriate jurisdiction, if the factual issues of the case arise out of the same, or related circumstances. The State agency may initiate administrative disqualification procedures or refer a case for prosecution regardless of the current eligibility of the individual.
4. Uniform Policy Manual (“UPM”) § 7050 outlines the Administrative Disqualification Hearing process.
5. UPM § 7050.05(A)(2) provides that an administrative disqualification hearing is a hearing conducted by the Department in which the Department determines whether an AFDC or Food Stamp assistance unit member has caused an overpayment by committing an intentional recipient error.

6. Title 7 of the CFR § 273.16(a)(3) provides that the State agency shall base administrative disqualifications for intentional Program Violations on the determinations of hearing authorities arrived at through administrative disqualification hearings in accordance with paragraph (e) of this section or on determinations reached by courts of appropriate jurisdiction in accordance with paragraph (g) of this section. However, any State agency has the option of allowing accused individuals either to waive their rights to administrative disqualification hearings in accordance with paragraph (f) of this section or to sign disqualification consent agreements for cases of deferred adjudication in accordance with paragraph (h) of this section. Any State agency which chooses either of these options may base administrative disqualifications for intentional Program violation on the waived right to an administrative disqualification hearing or on the signed disqualification consent agreement in cases of deferred adjudication.
7. Title 7 of the CFR § 273.16(c) provides that intentional program violations shall consist of having intentionally:
  1. Made a false or misleading statement, or misrepresented, concealed or withheld facts; or
  2. Committed any act that constitutes a violation of SNAP, SNAP regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of SNAP benefits or EBT cards
8. UPM § 7000.01 defines Intentional Recipient Error as an intentionally oral or written statement made by the assistance unit regarding circumstances affecting eligibility or the amount of benefits. An intentional recipient error is also the intentional failure by the assistance unit to report timely the receipt of income or assets or other changes in circumstances affecting eligibility or the amount of benefits.
9. UPM § 7005.10(C)(2)(a) provides that the Department preliminarily classifies a recipient error as intentional if:
  1. The assistance unit fails without good cause to report a change affecting eligibility in a timely manner; or
  2. The assistance unit knowingly misinforms the Department regarding information affecting eligibility; or
  3. The assistance unit commits an illegal act such as cashing a duplicate check after falsely claiming non-receipt of the first check.
  4. The assistance unit or its authorized representative withdraws cash or food stamp benefits from the EBT account after they notify the Department that they need a new debit card and before the time the Department's designee deactivates the card.

10. Title 7 of the CFR § 273.12(a)(5)(iii)(G) provides that the periodic report form shall be the sole reporting requirement for any information that is required to be reported on the form, except that a household required to report less frequently than quarterly shall report when its monthly gross income exceeds the monthly gross income limit for its household size in accordance with paragraph (a)(5)(v) of this section, and able-bodied adults subject to the time limit of § 273.24 shall report whenever their work hour fall below 20 hours per week, averaged monthly.
11. UPM § 1555.20(B)(1) provides that assistance units are provided with change report forms in order to facilitate the reporting of interim changes.
12. Title 7 of the CFR § 273.12(a)(1)(i)(B) provides for the household's responsibility to report a change in the source of income, including starting or stopping a job or changing jobs, if the change in employment is accompanied by a change in income.
13. Title 7 of the CFR § 273.12(a)(1)(i)(C)(2) provides that one of the following, as determined by the State agency (different options may be used for different categories of households as long as no household is required to report under more than one option; the State may also utilize different options in different project areas within the State):
  1. A change in the wage rate or salary or a change in full-time or part-time employment status (as determined by the employer or as defined in the State's PA program), provided that the household is certified for no more than 6 months; or
  2. A change in the amount earned of more than \$100 a month from the amount last used to calculate the household's allotment, provided that the household is certified for no more than 6 months.
14. UPM § 1010.05(B)(1) provides that the assistance unit must report to the Department, in an accurate and timely manner as defined by the Department, any changes which may affect the unit's eligibility or amount of benefits (cross reference 1555).
15. The Department correctly determined the Defendant failed to report a change in income when she answered no to the question regarding a change in income of more than \$100.00 on the PRF and failed to list employment information on the PRF. The Defendant failed to establish good cause for the omission of employment and income changes.
16. Title 7 of the CFR § 273.12(a)(5)(v) Reporting when gross income exceeds 130 percent of poverty level. A household subject to simplified



reporting in accordance with paragraph (a)(5)(i) of this section, whether or not it is required to submit a periodic report, must report when its monthly gross income exceeds the monthly gross income limit for its household size, as defined at 273.9(a)(1). The household shall use the monthly gross income limit for the household size that existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.

17. Title 7 of the CFR § 273.9(a)(3)(i) provides that 130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.
18. The Department correctly determined the Defendant is subject to simplified reporting and changes to monthly gross income exceeding the 130% of the FPL must be reported to the Department.
19. The Department correctly determined the SNAP gross income limit for a household of two as \$1,760.00. ( $\$16,240.00$  annually / 12 months =  $\$1,353.333$  gross per month;  $\$1,353.333$  per month x 130% =  $\$1,759.332$  per month gross income limit under the SNAP)
20. The Department correctly determined the Defendant is subject to simplified reporting and changes to monthly gross income exceeding the 130% of the FPL must be reported to the Department.
21. Title 7 of the CFR § 273.12(a)(2) provides that certified households must report changes within 10 days of the date the change becomes known to the household, or at the State agency's option, the household must report changes within 10 days of the end of the month in which the change occurred.
22. Title 7 of the CFR § 273.9(b) provides that household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include: (i) all wages and salaries of an employee.
23. The Department correctly determined the Defendant failed to report her household income of \$2178.63 for [REDACTED] 2019, which exceeded the SNAP gross income limit of \$1,760.00 for a household of two within 10 days.
24. Title 7 of the CFR § 273.16(e) provides that the State agency shall conduct administrative disqualification hearings for individuals accused

of intentional Program violation in accordance with the requirements outlined in this section.

25. UPM § 7050.05(A)(2) provides that an Administrative Disqualification Hearing is a hearing conducted by the Department in which the Department determined whether an AFDC or Food Stamp assistance unit member has caused an overpayment by committing an intentional recipient error.
26. Title 7 of the CFR § 273.16(e)(6) provides that the hearing authority shall base the determination of intentional Program violation on clear and convincing evidence which demonstrates that the household member(s) committed, and intended to commit, intentional Program violation as defined in paragraph (c) of this section.
27. UPM § 7005.10(C)(2)(b) provides for a final determination intentional recipient error is made:
  1. Under all programs, if a court of jurisdiction determined that the assistance unit committed the error intentionally; and
  2. Under the AFDC and Food Stamp programs, if the assistance unit is found guilty through the Administrative Disqualification Hearing process or the unit waives its right to the Administrative Disqualification Hearing.
28. UPM § 7005.10(A)(3) provides that if the Department seeks to impose a penalty against the assistance unit, a final determination regarding the nature of a recipient error is made either by a court of jurisdiction or by the Department through the Administrative Disqualification Hearing Process.
29. The Department correctly determined that the Defendant committed an intentional program violation (IPV) of SNAP regulations because she failed to report her household income exceeded the SNAP gross income limit for a household of two beginning [REDACTED] 2019. In addition, the Defendant failed to report employment at the time of the periodic review of her SNAP benefits in [REDACTED] 2019.
30. Title 7 of the CFR § 273.16(b)(1)(i) provides that 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: 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.

31. UPM § 7050.30(A)(1)(b) provides that an individual is disqualified from participating in the AFDC or Food Stamp program if: a determination of an intentional recipient error is made by an Administrative Disqualification Hearing official.
32. UPM § 7050.30(B)(2)(b)(2)(a) provides that if the intentional recipient error occurred on or after August 1, 1984, the length of the disqualification period is determined as follows: 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: for the first offense, the length of disqualification is one year.
33. The Department was correct to seek the disqualification of the Defendant from participating in the SNAP program for a period of 12 months under a first violation because the Defendant committed an IPV.
34. Title 7 of the CFR § 273.9(a) provides that participation in the Program shall be limited to those household whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Household which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Household which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible as defined in § 273.2(j)(2) or § 273.2(j)(4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).
35. UPM § 5520.40 provides that income eligibility for the FS program is determined either through the use of FS gross and applied income tests or through meeting the eligibility requirements for TFA (including diversion assistance), AFDC, AABD, GA, SAGA, refugee assistance or SSI.
36. UPM § 5520.40(2)(a) provides that if the unit's total gross income exceeds the standard, the unit is not eligible for Food Stamps benefits.
37. Title 7 of the CFR § 273.2(j)(4) provides that household in which each member receives benefits from a State or local GA program which meets the criteria for conferring categorical eligibility in paragraph (j)(4)(i) of this section shall be categorically eligible for SNAP benefits

unless the individual is in eligible as specified in paragraph (j)(4)(iv) and (j)(4)(v) of this section

38. UPM § 2545.05(A) provides in part that an assistance unit is considered categorically eligible for the SNAP program if:
1. All members of the assistance unit receive or are authorized to receive benefits under one or more of the following cash assistance programs:
    - a. TFA, including diversion assistance;
    - b. AABD;
    - c. SSI (except if the individual does not meet the SNAP technical requirement of citizenship status);
    - d. SAGA individual or family assistance;
    - e. Refugee Assistance; or
  2. At least one member of the assistance unit receives or is authorized to receive TANF-funded services under the Help for People in Need Program.
39. The Department correctly determined that the Defendant was not categorically eligible.
40. Title 7 of the CFR § 273.9(d)(1)&(2) provides for standard deductions and earned income deductions.
41. UPM § 5045.15 provides that the amount of applied income upon which the level of Food Stamps benefits is based is calculated in the following way:
- a. The monthly net earned income amount is calculated by reducing monthly earnings by:
    1. The actual amount of self-employment expenses, if applicable; and
    2. Any earned income deductions approved by the Social Security Administration in regards to individual self-support plans (Cross Reference: 5035.15); and
    3. A deduction of 20% of the gross earnings for personal employment
  - b. The monthly net earned income is added to the monthly gross unearned income amount and the total of the income deemed to the unit.
  - c. The amount of applied income and deemed income by the following in the order presented:
    1. A deduction for farming losses, if any;
    2. A disregard of \$157.00 {effective 10/1/16}
    3. A deduction for unearned income to be used to fulfill a bona-fide plan to achieve self-support (PASS); (cross reference 5035.15)

4. The appropriate deduction for work related dependent care expenses;
  5. A deduction for allowable medical expenses for those assistance unit members who qualify;
  6. A deduction for legally obligated child support when it is paid for a child who is not a member be of the assistance unit;
  7. A deduction for shelter hardship, if applicable. (Cross Reference: 5030 Income Disregards and 5035 Income Deductions)
- d. The remaining amount after the disregards and deductions are subtracted is the amount of the unit's applied income.
42. Title 7 of the CFR § 273.18(c)(1)(ii)(B) provides that as a State agency, you do not apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim.
43. UPM § 7045.15(D)(4) provides that if an income-related factor causes an overpayment, the Department computes the amount of the overpayment by applying the income-related factor either prospectively or retrospectively, depending on the budgeting method in effect at the time the overpayment occurred. In the computation of the overpayment, earned income that the assistance unit fails to report in a timely manner is not subject to the 20% earned income deduction.
44. The Department correctly determined the Defendant is not eligible for the 20% earned income deduction.
45. Title 7 CFR § 273.9(d)(6)(ii) provides for excess shelter deduction.
46. UPM § 5035.15(F)(1)(c) provides for the calculation of the shelter hardship for the SNAP and states in part that the amount of shelter expenses which exceeds 50% of that portion of the assistance unit's income which remains after all other deductions have been subtracted is allowed as an additional deduction. Shelter expenses are limited to the following: rent, mortgage payments, and any continuing changes leading to ownership to the property occupied by the assistance unit excluding any portions allowed as self-employment deductions in multiple-family dwellings.
47. Title 7 of the CFR § 273.9(d)(6)(iii) provides for the standard utility allowances.
48. UPM § 5035.15(F)(6) provides for a standard utility allowance ("SUA") determined annually by the agency to reflect changes in utility costs is

used to represent the total monthly utility expenses of the assistance unit if:

- a. The assistance unit incurs heating fuel or cooling costs separately from rent or mortgage payments; and
- b. The bill is established on the basis of individualized metering of service to the unit.

49. The Department correctly determined the Defendant eligible for the shelter deduction.
50. Title 7 of the CFR § 273.10(e)(2)(ii)(A)(1) provides for the monthly SNAP benefit calculation.
51. UPM § 6005(C) provides that in the SNAP, the amount of benefits is calculated by (1) multiplying the assistance unit's applied income by 30%; and (2) rounding the product up to the next whole dollar if it ends in 1-99 cents; and (3) subtracting the rounded product from the Food Stamp standard of assistance for the appropriate unit size.
52. UPM § 435.10(B) provides that the standard of assistance for a qualified assistance unit with no applied income is the Thrifty Food Plan amount to the appropriate assistance unit size as established by the USDA. Thrifty Food Plan amounts are revised annually effective October 1.
53. For ██████████ 2019, the Department correctly determined the Defendant ineligible for benefits under the SNAP because the Defendant's gross income exceeds the SNAP income limit under expanded categorical eligibility and the SNAP calculated benefit is \$00.00.

<b>INCOME</b>	
Earned Income	\$2178.63
Less 20%	<u>-\$00.00</u>
<b>Total</b>	<u>\$2178.63</u>
Plus Unearned Income	<u>+\$00.00</u>
<b>Total</b>	\$2178.63
Less standard deduction	<u>-\$164.00</u>
<b>Adjusted gross income</b>	\$2014.63
<b><u>SHELTER COSTS</u></b>	
Rent	\$650.00
SUA	<u>+\$736.00</u>
<b>Total shelter costs</b>	\$1386.00
<b><u>SHELTER HARDSHIP</u></b>	

Shelter costs	\$1386.00
Less 50% of adjusted gross income	<u>-\$1007.32</u>
<b>Total shelter hardship</b>	\$378.68 (Can not exceed \$535 unless elderly or disabled)
<b>ADJUSTED NET INCOME</b>	
Adjusted gross income	\$2014.63
Less shelter hardship	<u>-\$378.68</u>
<b>Net Adjusted Income (NAI)</b>	\$1635.95
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for two Person/s	\$353.00
Less 30% of NAI	<u>-\$491.00</u>
<b>SNAP award</b>	\$00.00

54. For [REDACTED] 2019, the Department correctly determined the Defendant ineligible for benefits under the SNAP because the Defendant's gross income exceeds the SNAP income limit under expanded categorical eligibility and the SNAP calculated benefit is \$00.00.

<b>INCOME</b>	
Earned Income	\$1923.20
Less 20%	\$00.00
<b>Total</b>	\$1923.20
Plus Unearned Income	+ \$00.00
<b>Total</b>	\$1923.20
Less standard deduction	\$164.00
<b>Adjusted gross income</b>	\$1759.20
<b>SHELTER COSTS</b>	
Rent	\$650.00
SUA	+\$736.00
<b>Total shelter costs</b>	\$1386.00
<b>SHELTER HARDSHIP</b>	
Shelter costs	\$1386.00
Less 50% of adjusted gross income	-\$879.60
<b>Total shelter hardship</b>	\$506.40
<b>ADJUSTED NET INCOME</b>	
	(Can not exceed \$535 unless elderly or

	disabled)
Adjusted gross income	\$1759.20
Less shelter hardship	\$506.40
<b>Net Adjusted Income (NAI)</b>	\$1252.80
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for two Person/s	\$353.00
Less 30% of NAI	\$376.00
<b>SNAP award</b>	\$0.00

55. For [REDACTED] 2019, the Defendant was eligible for \$52.00 in SNAP benefits.

<b>INCOME</b>	
Earned Income	\$1718.86
Less 20%	<u>-\$00.00</u>
<b>Total</b>	\$1718.86
Plus Unearned Income	<u>+\$00.00</u>
<b>Total</b>	\$1718.86
Less standard deduction	<u>-\$164.00</u>
<b>Adjusted gross income</b>	\$1554.86
<b>SHELTER COSTS</b>	
Rent	\$650.00
SUA	<u>+\$736.00</u>
<b>Total shelter costs</b>	\$1386.00
<b>SHELTER HARDSHIP</b>	
Shelter costs	\$1386.00
Less 50% of adjusted gross income	<u>-\$777.43</u>
<b>Total shelter hardship</b>	\$552.00 (Can not exceed \$535 unless elderly or disabled)
<b>ADJUSTED NET INCOME</b>	
Adjusted gross income	\$1554.86
Less shelter hardship	<u>-\$552.00</u>
<b>Net Adjusted Income (NAI)</b>	\$1002.86
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for two Person/s	\$353.00
Less 30% of NAI	<u>-\$301.00</u>



<b>SNAP award</b>	\$52.00
-------------------	---------

56. For █████ 2019, the Department correctly determined the Defendant was eligible for \$52.00 in SNAP benefits.

<b>INCOME</b>	
Earned Income	\$1718.86
Less 20%	<u>-\$00.00</u>
<b>Total</b>	\$1718.86
Plus Unearned Income	+\$00.00
<b>Total</b>	\$1718.86
Less standard deduction	<u>-\$164.00</u>
<b>Adjusted gross income</b>	\$1554.86
<b><u>SHELTER COSTS</u></b>	
Rent	\$650.00
SUA	+\$736.00
<b>Total shelter costs</b>	\$1386.00
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1386.00
Less 50% of adjusted gross income	<u>-\$777.43</u>
<b>Total shelter hardship</b>	\$552.00 <small>(Can not exceed \$535 unless elderly or disabled)</small>
<b><u>ADJUSTED NET INCOME</u></b>	
Adjusted gross income	\$1554.86
Less shelter hardship	<u>-\$552.00</u>
<b>Net Adjusted Income (NAI)</b>	\$1002.86
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for two Person/s	\$353.00
Less 30% of NAI	<u>-\$301.00</u>
<b>SNAP award</b>	\$52.00

57. For █████ 2019, the Department correctly determined the Defendant ineligible for benefits under the SNAP because the Defendant's gross income exceeds the SNAP income limit under expanded categorical eligibility and the SNAP calculated benefit is \$00.00.

<b>INCOME</b>	
Earned Income	\$2491.15
Less 20%	<u>-\$00.00</u>
<b>Total</b>	\$2491.15
Plus Unearned Income	<u>+\$00.00</u>
<b>Total</b>	\$2491.15
Less standard deduction	<u>-\$164.00</u>
<b>Adjusted gross income</b>	\$2327.15
<b><u>SHELTER COSTS</u></b>	
Rent	\$650.00
SUA	<u>+\$736.00</u>
<b>Total shelter costs</b>	\$1386.00
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1386.00
Less 50% of adjusted gross income	<u>-\$1163.58</u>
<b>Total shelter hardship</b>	\$222.42 (Can not exceed \$535 unless elderly or disabled)
<b><u>ADJUSTED NET INCOME</u></b>	
Adjusted gross income	\$2327.15
Less shelter hardship	<u>-\$222.42</u>
<b>Net Adjusted Income (NAI)</b>	\$2104.73
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for two Person/s	\$353.00
Less 30% of NAI	<u>-\$632.00</u>
<b>SNAP award</b>	\$00.00

58. For [REDACTED] 2019, the Department correctly determined the Defendant ineligible for benefits under the SNAP because the Defendant's gross income exceeds the SNAP income limit under expanded categorical eligibility and the SNAP calculated benefit is \$00.00.

<b>INCOME</b>	
Earned Income	\$2078.07
Less 20%	<u>-\$00.00</u>

<b>Total</b>	\$2078.07
Plus Unearned Income	+\$00.00
<b>Total</b>	\$2078.07
Less standard deduction	-\$164.00
<b>Adjusted gross income</b>	\$1914.07
<b>SHELTER COSTS</b>	
Rent	\$650.00
SUA	+\$736.00
<b>Total shelter costs</b>	\$1386.00
<b>SHELTER HARDSHIP</b>	
Shelter costs	\$1386.00
Less 50% of adjusted gross income	-\$957.04
<b>Total shelter hardship</b>	\$428.96 (Can not exceed \$535 unless elderly or disabled)
<b>ADJUSTED NET INCOME</b>	
Adjusted gross income	\$1914.07
Less shelter hardship	-\$428.96
<b>Net Adjusted Income (NAI)</b>	\$1485.11
<b>BENEFIT CALCULATION</b>	
Thrifty Food Plan for two Person/s	\$353.00
Less 30% of NAI	-\$446.00
<b>SNAP award</b>	\$00.00

59. Title 7 of the CFR § 273.18(a)(1)(i) provides that a recipient claim is an amount owed because of benefits that are overpaid.
60. Title 7 of the CFR § 273.18(a)(2) provides that this claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency may establish and collect any claim by following these regulations.
61. UPM § 7001.01 defines an overpayment as the amount of financial or medical assistance paid to or on behalf of the assistance unit, or the amount of the Food Stamp allotment issued to an assistance unit, in excess of the amount to which the unit is properly entitled.
62. Title 7 of the CFR § 273.18(b)(1) provides for the type of claim: There are three types of claims: Intentional Program violation (IPV) claim is any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in § 273.16

63. UPM § 7005.10(A)(1) provides that the Department classifies errors as agency, recipient, or provider caused.
64. UPM § 7005.10(A)(2) provides that if an overpayment is caused by the assistance unit, the Department makes a preliminary determination regarding whether the error was intentional or unintentional, and whether to pursue a legal action against the assistance unit on fraud charges.
65. UPM § 7005.10(C)(2)(c) provides that recipient errors which cause overpayments are either intentional or unintentional. If the Department does not seek a penalty against the assistance unit, either through a court procedure or through the Administration Disqualification Hearing process, recipient error is classified as unintentional.
66. The Department correctly determined the SNAP overpayment as intentional recipient error because the Defendant failed to report her household income exceeded the SNAP gross income limit and the Defendant failed to report a change of household income of \$100 or more on the PRF.
67. Title 7 of the CFR § 273.12(d) provides that if the State agency discovers that the household failed to report a change as required by paragraph (a) of this section and, as a result, received benefits to which it was not entitled, the State agency shall file a claim against the household in accordance with § 273.18. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if the household's benefits are reduced. A household shall not be held liable for a claim because a change in household circumstances which it is not required to report in accordance with § 273.12(a)(1). Individual shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the disqualification procedures specified in § 273.16.
68. UPM § 7005 provides that this chapter outlines the steps the Department takes when it discovers that an assistance unit has received benefits in an amount either less than or greater than that to which it is entitled. The process consists of identifying the error; determining who caused the error; computing the amount of the error; determining how to correct the error; notifying the assistance unit of the error; actually correcting the error.
69. UPM § 7005.05 provides that the Department becomes aware of a benefit error in many different ways, including, but not limited to, the following: labor match.

70. UPM § 7045.10(A)(3) provides that the Department recoups an overpayment or that part of an overpayment which occurs within the following time periods. The Department recoups an overpayment caused by intentional recipient error if the overpayment occurred no earlier than 72 months prior to the month the Department discovers it.
71. Title 7 of the CFR § 273.18(c)(1) provides for the calculation of the claim amount not related to trafficking.
72. Title 7 of the CFR § 273.18(c)(1)(i) provides as a State agency, you must calculate a claim back to at least twelve months prior to when you become aware of the overpayment and for an IPV claim, the claim must be calculated back to the month the act of IPV first occurred and for all claims, don't include any amounts that occurred more than six years before you became aware of the overpayment.
73. UPM § 7045.10(A)(3) provides that the Department recoups an overpayment or that part of an overpayment which occurs within the following time periods. The Department recoups an overpayment caused by intentional recipient error if the overpayment occurred no earlier than 72 months prior to the month the Department discovers it.
74. Title 7 of the CFR § 273.18(c)(1)(ii) provides for the actual steps for calculating a claim are:
- A. Determine the correct amount of benefits for each month that a household received an overpayment.
  - B. Do not apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim unless the claim is an AE claim then apply the earned income deduction.
  - C. Subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment unless this answer is zero or negative then dispose of the claim referral.
75. UPM § 7045.15(A) provides that the Department computes the amount of the overpayment by comparing the amount of the benefit which the assistance unit received and cashed during a month or series of months to the amount of the assistance unit should have received during that period.
76. UPM § 7005.15(A) provides that the Department computes the amount of the error by comparing the amount of the benefits the assistance unit actually did receive for a particular month or series of months.

77. UPM § 7005.15(B) provides that the Department uses the rules pertinent to the program in which the error occurred at the time of the error in computing the assistance unit's eligibility and the amount of benefits the unit should have received.
78. The Department was correct to seek the disqualification of the Defendant from participating in the SNAP program for a period of 12 months under the first violation and to recover the overpayment claim for the period of [REDACTED] 2019 through [REDACTED] 2019.
79. The Department's amount of overpayment claim was incorrect; the Department was incorrect to disregard the overpayment for [REDACTED] 2019.

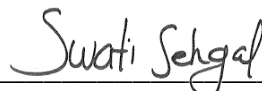
### DECISION

With regard to the Intentional Program Violation under the SNAP and the Department's request to disqualify the Defendant from SNAP for a period of 12 months, the Defendant is found guilty.

The Department's request to recover the overpayment claim for the period [REDACTED] 2019 through [REDACTED] 2019 is granted, however, the amount of the claim is not correct. The Appeal is remanded back to the Department to include the overpayment amount of \$301.00 for [REDACTED] 2019 to the overpayment claim of \$1713.00

### ORDER

1. The Department shall recover the overpayment amount of \$301.00 for [REDACTED] 2019 and issue a new overpayment claim notice including the overpayment amount of \$301.00 for [REDACTED] 2019.
2. The Compliance with this order is due to the undersigned by [REDACTED], 2019.



---

Swati Sehgal  
Fair Hearing Officer

CC: Stephen Markowski, Fraud and Resources  
Ryan M Barganier, Investigator

**RIGHT TO APPEAL**

The Defendant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision. 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 a 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.