STATE OF CONNECTICUT DEPARTMENT OF SOCIAL SERVICES OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS 55 FARMINGTON AVENUE HARTFORD, CT 06105-3730

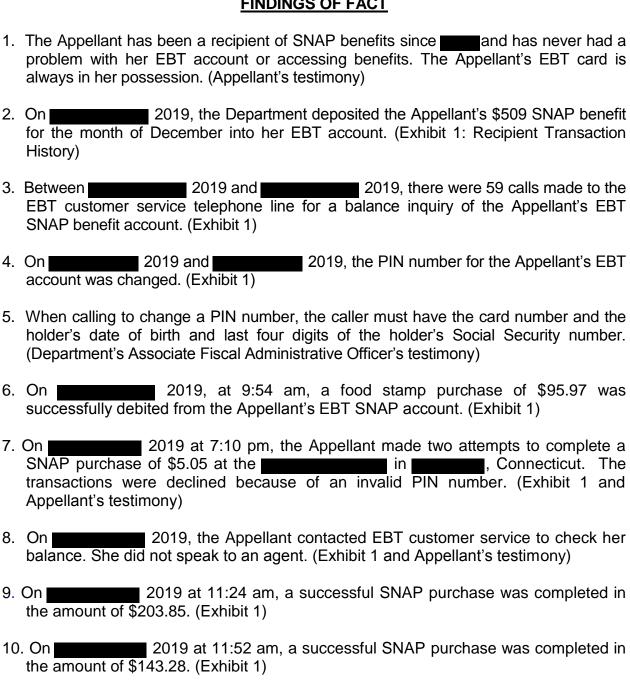
, 2020 **Signature Confirmation** Client ID # Request # 150184 **NOTICE OF DECISION PARTY** pt. PROCEDURAL BACKGROUND 2019, the Department of Social Services sent denying replacement of electronic benefits from the Supplemental Nutrition Assistance Program. , 2019, the Appellant requested an administrative hearing to request the replacement of stolen benefits from her Electronic Benefit Transfer ("EBT") account in of 2019. , 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings, ("OLCRAH") issued a notice scheduling the administrative hearing for 2020. ■ 2020, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184 of the Connecticut General Statutes, inclusive, the Department held an administrative hearing. The following individuals were present at the hearing: , Appellant Rose Montinat, DSS Fair Hearing Liaison, Hartford Kristen Krawetzky, Department's Associate Fiscal Administrative Officer Miriam Ray, Interpreter, ITI Translates

Maureen Foley-Roy, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Appellant is entitled to replacement of SNAP benefits which were deposited to her EBT account and which the Appellant alleges were subsequently stolen.

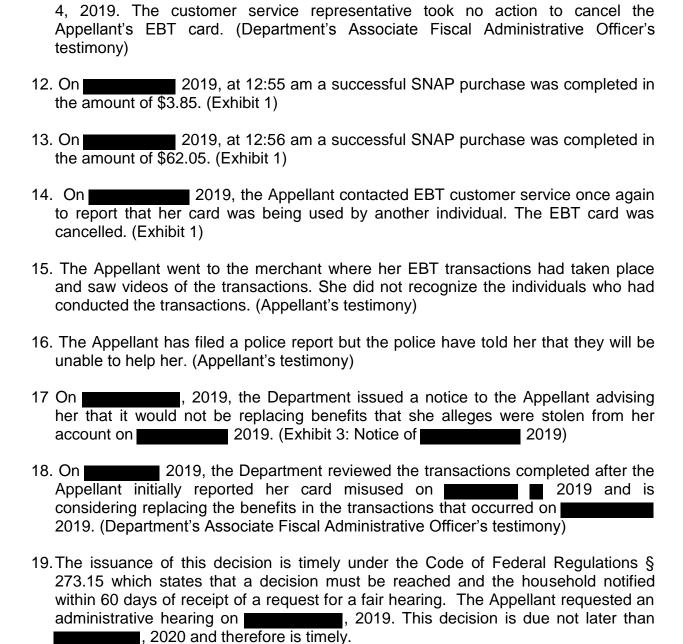
FINDINGS OF FACT



2019, the Appellant contacted EBT customer service and spoke to

a representative to report that her EBT card information had been used by an

individual other than herself to access her benefits in two transactions on December



CONCLUSIONS OF LAW

 Section 17b-2(7) of the Connecticut General Statutes provides that the Department of Social Services be designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

- 2. Title 7 of the Code of Federal Regulations ("CFR") § 273.17(a)(1) provides the State agency shall restore to households benefits which were lost whenever the loss was caused by an error by the State agency or by an administrative disqualification for intentional Program violation which was subsequently reversed as specified in paragraph (e) of this section, or if there is a statement elsewhere in the regulations specifically stating that the household is entitled to restoration of lost benefits. (Emphasis added)
- 3. The Department's Uniform Policy Manual ("UPM") is the equivalent of a state regulation and, as such, carries the force of law." Bucchere v Rowe, 43 Conn Supp. 175 178 (194) (citing Conn. Gen. Stat. § 17b-10; Richard v.Commissioner of Income Maintenance, 214 Conn. 601, 573 A.2d712(1990)).
- 4. UPM § 6515 provides for benefit issuance. Cash and food stamp benefits deposited in an EBT account in a financial institution must be accessed through the use of Department issued debit cards.
- 5. UPM § 6530.05A 2 provides that the Department authorizes the replacement of EBT issued benefits that are considered lost or stolen.
- 6. 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 the 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. (Emphasis added)
- 7. 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.
- 8. UPM § 6530.50 C 2 provides the conditions for the replacement of stolen foodstamps benefits and states that EBT issued Food Stamp benefits are treated as stolen benefits if the benefits are taken by someone other than the client or the 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.
- 10. The Appellant reported the EBT card lost after the SNAP benefits in question were used for SNAP purchases on 2019.
- 11. The Appellant is not entitled to replacement of her SNAP benefits used on 2019 because the EBT card was not reported lost until after the SNAP benefits were used.

DISCUSSION

As the Appellant's SNAP benefits were stolen from her after the Department had correctly deposited them into her EBT account, the Department has no legal obligation to replace such benefits. There is no provision in the regulations for replacing benefits which were correctly deposited to an individual and then stolen.

The Department does replace benefits which were accessed after an individual contacts the Department to report stolen benefits and requests a deactivation of her EBT card. The Department is taking steps to replace benefits which were accessed after the Appellant reported the stolen benefits.

DECISION

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

Maureen Foley. Roy

Maureen Foley-Roy

Hearing 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 <u>specific</u> grounds for the request: for example, indicate <u>what</u> error of fact or law, <u>what</u> new evidence, or <u>what</u> other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

RIGHT TO APPEAL

The appellant 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, 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, 55 Elm Street, Hartford, CT 06106, or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105-3725. 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 the Commissioner's 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 appellant resides.