

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

██████████ 2020  
Signature Confirmation

Case ID # ██████████  
Client ID # ██████████  
Request # 147788

**NOTICE OF AMENDED 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 Nutritional Assistance Program ("SNAP") for a period of one year. The Department alleged that the Defendant committed an Intentional Program Violation ("IPV") as a result of the Defendant's intentionally misrepresenting her household composition. The Department seeks to recover the overpaid SNAP benefits of \$1976.00. This is the Defendant's first IPV offense in the SNAP program.

On ██████████, 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") notified the Defendant of the initiation of the ADH process via certified mail. The notification included the notice of hearing, hearing summary, and an outline of the Defendant's rights in the proceedings.

On ██████████, 2019, the US Postal Service returned the certified mail to OLCRAH as attempted -not known.

On ██████████ 2019, the undersigned mailed the hearing summary packet, including the hearing notice to the Defendant via regular mail.

On [REDACTED] 2019, the Hearing Notice was returned by the US Postal Service as Attempted-not known, unable to forward.

On [REDACTED] 2020, OLCRAH rescheduled the ADH for [REDACTED] 2020, and notified the Defendant of the reschedule by certified mail. The notification was mailed to the Defendant's most recent address. The Notification was returned by the US Postal Service as unclaimed, unable to forward.

On [REDACTED] 2020, reschedule notice was sent to the most recent address via regular mail, which was not returned by the US Postal Service.

On [REDACTED] 2020, 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 following individuals were present at the hearing:

Christopher Pinto, DSS Investigator  
Swati Sehgal, Hearing Officer

### **STATEMENT OF THE ISSUE**

The first issue to be decided is whether the Defendant committed an IPV of the SNAP program.

The second issue to be decided is whether the Department's proposal to recoup a SNAP overpayment is correct.

### **FINDINGS OF FACT**

1. The Defendant received SNAP benefits for the household of three, herself, her child and [REDACTED]. (Exhibit 5: Renewal form)
2. On [REDACTED] 2018, the Defendant signed and mailed a Renewal Form reporting no changes in household composition. (Exhibit 5)
2. On [REDACTED] 2018, the Department issued a Notice of Missed Interview ("NOMI"). (Exhibit 7: Case Notes)
3. On [REDACTED] 2018, the Defendant called the Department and completed a phone interview. The Defendant did not report any change. She confirmed her household composition including herself, her child and another relative as listed on her Renewal Form. (Exhibit 7)

4. On [REDACTED], 2018, the Department received a Periodic Review Form ("PRF") from the Defendant. No Change was reported on it. PRF was processed on [REDACTED], 2019. (Exhibit 7)
5. On [REDACTED] 2019, the Defendant appeared at the Regional office to report a change of her address. (Exhibit 7)
6. On [REDACTED] 2019, the Department received a Renewal form. The Department mailed a NOMI. (Exhibit 7)
7. On [REDACTED] 2019, the Defendant contacted the Department and completed the phone interview. The defendant did not report any change and confirmed the household composition of three including [REDACTED]. (Exhibit7)
8. On [REDACTED] 2019, the Department received a phone call from [REDACTED]. He reported that he was discharged from the Department of Correction ("DOC") on [REDACTED], 2018, and he also reported that he has moved to [REDACTED]. (Exhibit 7)
9. [REDACTED] was incarcerated on [REDACTED], 2017, and he was discharged on [REDACTED], 2018. (Exhibit 6: DOC Printout)
10. On [REDACTED], 2019, the Department removed [REDACTED] from the Defendant's SNAP household effective [REDACTED], 2019, and initiated a Fraud referral. (Exhibit 7)
11. The Department is seeking to recoup SNAP overpayment of \$1976.00 from [REDACTED] 2018 through [REDACTED] 2019. (Department's Summary)
12. From [REDACTED] 2018 through [REDACTED] 2019, the Defendant received \$504.00 in SNAP benefits for herself, her child and [REDACTED]. (Department's testimony, Exhibit 4: SNAP Computation Sheets)
13. The Defendant was overpaid \$1976.00 from [REDACTED] 2018 through [REDACTED] 2019 (\$504 received - \$352.00 eligible=\$152.00 overpaid x 13 months). (Department's Testimony and Exhibit 4)
14. The Defendant failed to appear for her pre-hearing interview scheduled for [REDACTED] 2019. (Hearing Summary)
15. The Defendant has no prior Intentional Program Violations. (Exhibit 3:W262CF)

## **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. 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 other action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings.
3. Title 7 of the Code of Federal Regulations (“CFR”) 273.16(e) provides that the State agency shall conduct administrative disqualification hearings for individuals accused of Intentional Program Violation.
4. Uniform Policy Manual (“UPM”) § 7050 provides that in the Food Stamp program the Department conducts Administrative Disqualification Hearings in certain instances of alleged intentional recipient error as an alternative to referrals to the court system for prosecution. Individuals, who are determined to have committed an intentional recipient error are subjected to recoupment requirements and, in some cases, are disqualified.
5. 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.
6. The Defendant was not present at the hearing and did not show good cause for failing to appear.
7. UPM § 1010.05 provides that the assistance unit must supply the Department, in an accurate and timely manner as defined by the Department, all pertinent information and verification which the Department requires to determine eligibility and calculate the amount of benefits (cross reference: 1555).
8. 7 CFR §273.1(a) (1)(2)(3) provides for the general household definition and states that a household is composed of one of the following individuals or group of individuals; an individual living alone; an individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others; or a group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

9. UPM § 2000.01 provides the definition of household and states that a household is used to designate all of the individuals who are living together in one dwelling unit.
- 10.7 CFR § 273.16(c) defines intentional Program violation as follows: For purposes of determining through administrative disqualification hearings whether or not a person has committed an intentional Program violation, 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 the Food Stamp Act, the Food Stamp Program Regulations, or any State statute relating to the use, presentation, transfer, acquisition, receipt, or possession of Food Stamp coupons, authorization cards or reusable documents used as part of an automated benefit delivery system (access device).
11. UPM § 7005.10(C)(2)(a) provides that the Department preliminarily classifies a recipient error as intentional if: the assistance unit fails without good cause to report a change affecting eligibility in a timely manner; or 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; or 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.
12. UPM § 7005.10(C)(2)(b) provides a final determination of intentional recipient error is made: (1) under all programs, if a court of jurisdiction determines 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.
13. 7 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, an Intentional Program Violation.
14. UPM § 7000.01 provides that an intentional recipient error is an intentionally incorrect 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.

15. The Defendant committed an intentional program violation when she listed on her SNAP Renewal Form in [REDACTED] 2018 and on SNAP Periodic Report Form in [REDACTED] 2018 that [REDACTED] was residing with her.
16. The Defendant committed an Intentional Program Violation for the time period of [REDACTED] 2018, through [REDACTED], 2019, because she received SNAP benefits for a person not living with her.
17. UPM 7050.30(B)(2) provides If the intentional recipient error occurred on or after August 1, 1984, the length of the disqualification period is 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.
18. The hearing record clearly and convincingly established that the Defendant intentionally failed to report that [REDACTED] did not live with her.
19. The Defendant's reporting that [REDACTED] lived with her on Renewal Form received [REDACTED] 2018, and the Periodic Report Form signed [REDACTED], 2018, constitutes a first intentional program violation.
20. The Department is correct to seek the disqualification of the Defendant from participating in the SNAP program for a period of 12 months.
21. 7CFR § 273.16(b)(12) provides that even though the individual is disqualified, the household is responsible for making restitution for the amount of any overpayment.
22. The Department is correct to seek recoupment, of the \$1976.00 overpayment from the Defendant.

**DECISION**

The Defendant is guilty of committing the first offense intentional program violation in the SNAP program as the Defendant knowingly reported that [REDACTED] lived with her. She is disqualified from the SNAP program for a period of one year and must make restitution for the \$1,976.00 overpayment

  
\_\_\_\_\_  
Swati Sehgal  
Hearing Officer

CC: Stephen Markowski, DSS Fraud & Recoveries  
Christopher Pinto, Investigator, Hartford Regional office

### **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 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.