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



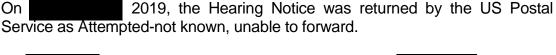
PROCEDURAL BACKGROUND

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 2020, OLCRAH rescheduled the ADH for 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 2020, reschedule notice was sent to the most recent address via regular mail, which was not returned by the US Postal Service.

On 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

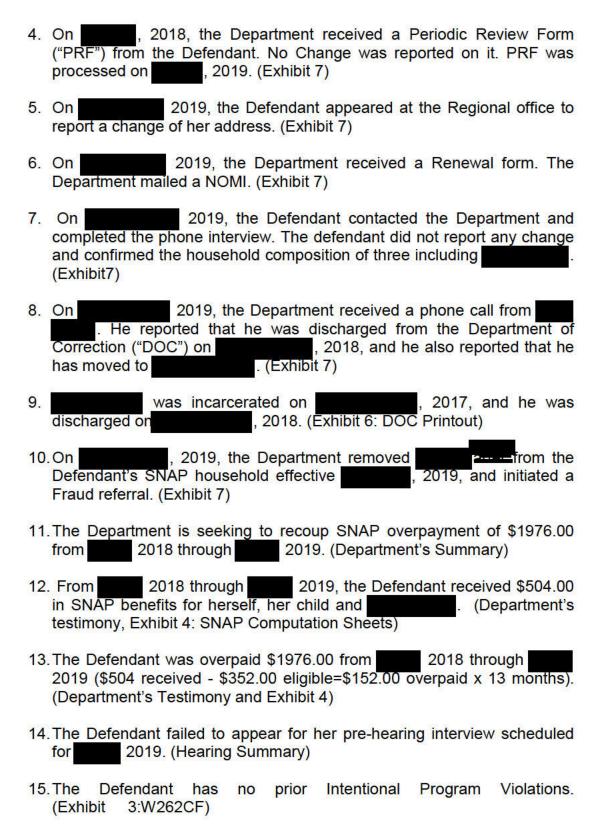
STATEMENT OF THE ISSUE

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

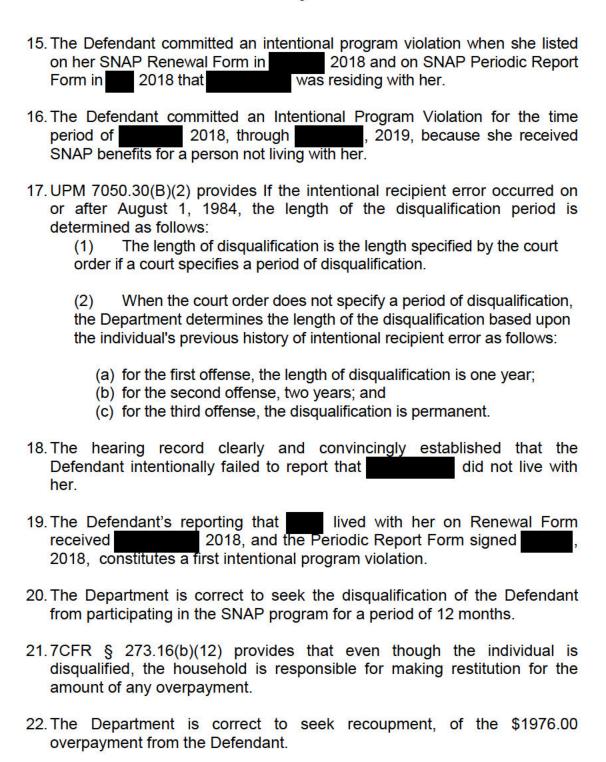
- 1. The Defendant received SNAP benefits for the household of three, herself, her child and . (Exhibit 5: Renewal form)
- 2. On 2018, the Defendant signed and mailed a Renewal Form reporting no changes in household composition. (Exhibit 5)
- On 2018, the Department issued a Notice of Missed Interview ("NOMI"). (Exhibit 7: Case Notes)
- 3. On 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)



CONCLUSIONS OF LAW

- Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program.
- 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.
- 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: (I) 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.



DECISION

The Defendant is guilty of committing the first offense intentional program violation in the SNAP program as the Defendant knowingly reported that 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

Swatt 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.