

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

██████████ 2020  
Signature confirmation

Case: ██████████  
Client: ██████████  
Request: 151227

**SNAP ADMINISTRATIVE DISQUALIFICATION HEARING**

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████, 2020, the Department of Social Services (the "Department") petitioned the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") to schedule an administrative disqualification hearing to bar ██████████ ██████████ (the "Defendant") from participating in the Supplemental Nutrition Assistance Program ("SNAP") for twelve months.

On ██████████ 2020, the OLCRAH issued a *Notice of Administrative Hearing* with a copy of the Department's hearing summary and exhibits to the Defendant by certified mail, scheduling the hearing for ██████████ 2020.

On ██████████ 2020, the OLCRAH conducted a SNAP administrative disqualification hearing, in accordance with Title 7, section 273.16 of the Code of Federal Regulations ("C.F.R."), and section 17b-88 of the Connecticut General Statutes. The following individuals participated:

██████████, Defendant  
Salvatore Tordonato, Department's representative  
Eva Tar, Hearing Officer

The hearing record closed ██████████ 2020.

## **STATEMENT OF ISSUE**

The issue is whether the Defendant committed an intentional program violation of the SNAP, permitting the Department to disqualify her from participating in that program for 12 months.

The Department also seeks affirmation of its intent to recover \$1,210.00 in SNAP benefits from the Defendant for the service months of [REDACTED] 2018 through [REDACTED] 2018.

## **FINDINGS OF FACT**

1. The Defendant received SNAP benefits for her household of five. (Department Exhibit J)
2. The Defendant's spouse was a member of the Defendant's SNAP household. (Department Exhibits D and J)
3. The Defendant worked for [REDACTED] from [REDACTED] 2017 through [REDACTED] 2018. (Department Exhibit H)
4. The Defendant's spouse worked intermittently for [REDACTED] (the "employer"). (Department Exhibit H)
5. [REDACTED] 2017 was the date of the last paycheck received in 2017 by the Defendant's spouse from his employer. (Department Exhibit H)
6. On [REDACTED] 2018, the Defendant reported to the Department that her spouse was returning to work for his employer on [REDACTED], 2018. (Department Exhibit J)
7. From [REDACTED] 2018 through [REDACTED] 2018, the Defendant's spouse received \$411.00 per week in unemployment compensation benefits. (Department Exhibit H)
8. [REDACTED] 2018 was the date of the first paycheck received in 2018 by the Defendant's spouse from his employer. (Department Exhibit H)
9. On [REDACTED] 2018, the Department issued the Defendant a *Periodic Report Form* to complete by [REDACTED] 2018. (Department Exhibit D)
10. The *Periodic Report Form* had entries pre-printed on it that indicated in error that the Defendant's spouse collected unemployment compensation in [REDACTED] 2018; the form did not list employment of the Defendant's spouse. (Department Exhibit D)
11. On [REDACTED] [REDACTED] 2018, the Defendant signed the *Periodic Report Form* to the Department, indicating that she had read the form and made no changes. (Department Exhibit D)

12. At the time that Defendant had signed the *Periodic Report Form*, her spouse had not received unemployment compensation benefits for approximately a month and had received wages for approximately three weeks.
13. On [REDACTED] 2018, the Defendant reported to the Department that the employer had laid off the spouse on [REDACTED] 2018. (Department Exhibit H)
14. In 2018, the last paycheck received by the Defendant's spouse from his employer was dated [REDACTED] 2018. (Department Exhibit H)
15. The Defendant received \$1,210.00 in SNAP benefits for the service months of [REDACTED] 2018 through [REDACTED] 2018. (Department Exhibit E)
16. The gross monthly income from wages of the Defendant and her spouse exceeded the SNAP income limits for their household size from [REDACTED] 2018 through [REDACTED] 2018. (Department representative testimony)(Department Exhibits F and H)
17. The Department's contemporaneous records support the Defendant's testimony that she routinely reported changes in her spouse's employment status to the Department in 2018.
18. The Defendant's testimony that she inadvertently left off information on the *Periodic Report Form* is credible.
19. Title 7, section 273.15 (c)(1) of the Code of Federal Regulations ("C.F.R.") provides that "[w]ithin 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision...." As the Department requested this hearing on [REDACTED] 2020, the final decision would become due by [REDACTED] 2020. This decision is timely.

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes designates the Department as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. Section 17b-88 of the Connecticut General Statutes provides in part that the Department may take such action as conforms to federal regulations, including, but not limited to conducting administrative disqualification hearings for cases involving alleged fraud in the supplemental nutrition assistance program.

Title 7, section 273.16 of the Code of Federal Regulations ("C.F.R.") outlines SNAP program disqualification for intentional program violations. "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....” 7 C.F.R. § 273.16 (a)(1).

**The Department had the authority to conduct an administrative disqualification hearing with respect to the Defendant’s SNAP case.**

3. “Households that are certified for longer than 6 months, except those households described in §273.12(a)(5)(iii)(A), must file a periodic report between 4 months and 6 months, as required by the State agency....” 7 C.F.R. § 273.12 (a)(5)(iii)(B).

**With respect to the SNAP, the Defendant was subject to periodic reporting requirements.**

4. “The periodic report form must request from the household information on any changes in circumstances in accordance with paragraphs (a)(1)(i) through (a)(1)(vii) of this section and conform to the requirements of paragraph (b)(2) of this section.” 7 C.F.R. § 273.12 (a)(5)(iii)(C).

“Certified change reporting households are required to report the following changes in circumstances: ... [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.” 7 C.F.R. § 273.12 (a)(1)(i)(B).

**The Defendant was required to disclose to the Department the termination of her spouse’s unemployment compensation on the *Periodic Report Form*.**

**The Defendant was required to disclose to the Department her spouse’s return to employment on the *Periodic Report Form*.**

5. “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.” 7 C.F.R. § 273.16 (c) (emphasis added).

**The Defendant’s failure to correctly update the *Periodic Report Form* was inadvertent; it was not intentional.**

**The Defendant did not commit an intentional program violation of the SNAP.**

6. “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....” 7 C.F.R. § 273.12 (d).

Title 7, section 273.18 of the Code of Federal Regulations addresses claims against households. Subsection (c)(1)(ii) provides the methodology for the actual steps for calculating a claim that is unrelated to trafficking.

**The Department may recover \$1,210.00 in SNAP benefits from the Defendant for the service months of [REDACTED] 2018 through [REDACTED] 2018.**

**DECISION**

The Department’s request to disqualify the Defendant from participating in the SNAP for 12 months is DENIED.

The Department may initiate recovery from the Defendant of \$1,210.00 in SNAP benefits issued to the Defendant for the service months from [REDACTED] 2018 through [REDACTED] 2018.

*Eva Tar-electronic signature*

Eva Tar  
Hearing Officer

Cc: Salvatore Tordonato, DSS-Middletown  
Brian Sexton, DSS-Middletown

### **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.