

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

██████████  
Request # 151370  
██████████

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

██████████  
██████████

**PROCEDURAL BACKGROUND**

The Department of Social Services (the “Department”) requested an Administrative Disqualification Hearing (“ADH”) looking to prohibit ██████████ (the “Defendant”) from participating in the Supplemental Nutritional Assistance Program (“SNAP”) for one (1) year. The Department alleged the Defendant committed an Intentional Program Violation (“IPV”) by failing to report to the Department when her income exceeded 130 percent of the Federal Poverty Level (“FPL”) as required by regulation. The Department seeks to recover \$2,029.00 in overpaid SNAP benefits. This is the Defendant’s first IPV offense in the SNAP.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) mailed the Defendant notification of the initiation of the ADH process via certified mail scheduling the ADH for ██████████ 2020. The Defendant accepted the delivery of the ADH notice on ██████████ 2020.

On ██████████ 2020, OLCRAH conducted the ADH in accordance with section 17b-88 of the Connecticut General Statutes and section 273.16(e) of the Code of Federal Regulations (C.F.R.”).

The following individuals were present at the hearing:

██████████ Defendant  
Christopher Pinto, Department’s Representative  
Christopher Turner, Hearing Officer

## **STATEMENT OF THE ISSUE**

The issues to be decided are whether the Defendant committed an IPV of the SNAP program, is subject to disqualification from the program for 12 months, and whether the resulting overpayment of benefits is subject to recovery.

## **FINDINGS OF FACT**

1. On [REDACTED] 2018, the Department received the Defendant's application for SNAP. Noted on page 16 of the SNAP application is language requiring all recipients to report to the Department by the 10'th day of the month following the month when their income increases above 130% of the federal poverty level for their family size. (Exhibit 8: Application)
2. On [REDACTED] 2018, the Defendant submitted verification to the Department that she was no longer working. (Exhibit 10: Case notes)
3. On [REDACTED] 2018, the Department sent the Defendant a notice indicating the Defendant's SNAP benefit effective [REDACTED] 2018, would be \$156.00 monthly. The Defendant's income was listed as \$247.00 weekly unemployment and \$530.00 monthly in Supplemental Security Income ("SSI"). The notice also indicated the Defendant was required to report to the Department when her monthly gross household income is more than \$1,760.00. (Exhibit 1: Notice)
4. On [REDACTED] 2018, the Defendant received \$135.00 in SNAP. (Exhibit 2: Benefit history)
5. On [REDACTED] 2018, the Defendant received \$185.00 in SNAP. (Exhibit 2)
6. On [REDACTED] 2019, the Defendant's received \$262.00 in SNAP. (Exhibit 2)
7. On [REDACTED] 2019, for [REDACTED] 2019, the Defendant's received \$246.00 in SNAP. (Exhibit 2)
8. On [REDACTED] 2019, the Defendant received \$237.00 in SNAP. (Exhibit 2)
9. On [REDACTED] 2019, the Defendant received \$237.00 in SNAP. (Exhibit 2)
10. On [REDACTED] 2019, the Defendant received \$237.00 in SNAP. (Exhibit 2)
11. On [REDACTED] 2019, the Defendant received \$237.00 in SNAP. (Exhibit 2)
12. On [REDACTED] 2019, the Defendant received \$353.00 in SNAP. (Exhibit 2)

13. On [REDACTED] 2019, the Department completed a face to face interview with the Defendant. The Department's worker noted a referral would be sent to investigate possible SNAP overpayments as the Defendant's SNAP benefit did not reflect earnings for [REDACTED] 2018 through [REDACTED] 2019. (Exhibit 10)
14. On [REDACTED] 2019, the Department's investigator sent the Defendant a notice informing the Defendant that she broke the rules of the SNAP due to misrepresenting her income and as a result received \$1,602.00 more than she should have under the SNAP. A prehearing interview letter ("W-1448") was mailed to the Defendant instructing the Defendant to attend an appointment on [REDACTED] 2019, at 10:00 in the Windsor Regional Office to discuss the charges. Included in the mailing was a SNAP waiver of disqualification hearing ("W-1449") with a return due date of [REDACTED] 2019. (Exhibit 6: W-1448; Exhibit 7: W-1449)
15. The Defendant did not sign nor return the W-1449. (Department's representative testimony; Hearing summary)
16. The Defendant and her child comprise the assistance unit. The Defendant's certification period is [REDACTED] 2017, through [REDACTED] 2019. (Exhibit 1)
17. The Defendant is [REDACTED] and her child is [REDACTED] years old [REDACTED] [REDACTED] (Record; Defendant's testimony)
18. The Defendant has been employed as a school bus driver since [REDACTED] 2011. The Defendant does not work during school vacation and the summer. (Exhibit 3: Wage record; Record; Hearing Summary; Defendant's Exhibit A: Letter from employer; Defendant's testimony)
19. The Defendant agreed that the employment wage statement used as part of this hearing accurately reflected her earnings for the period of [REDACTED] 2018 through [REDACTED] 2019. (Exhibit 3: Employee pay history; Defendant's testimony)
20. The letter from the Defendant's employer that indicates the Defendant earns an average of \$350.00 weekly is not in agreement with the Defendant's pay history report. (Exhibit 3; Defendant's Exhibit A)
21. The Defendant's child is disabled and received an average monthly SSI payment of \$530.00 to \$754.00 from [REDACTED] 2018 through [REDACTED] 2019. (Exhibit 5: Computation sheet; Hearing summary; Defendant's testimony)
22. The maximum SSI payment for an individual in 2018 was \$750.00. (Record)
23. The maximum SSI payment for an individual in 2019 was \$771.00. (Record)
24. A periodic report form was not completed during the period of [REDACTED] 2018 through [REDACTED] 2019. (Exhibit 10; Record)

25. The Department's case notes for [REDACTED] 2019 support the Defendant's testimony that she visited the New Britain DSS Office in [REDACTED] 2019 to report changes in her income but not for [REDACTED] 2018. (Exhibit 10; Record)
26. The Department is seeking to disqualify the Defendant from participating in the SNAP for one year and recover \$1,602.00 in overpaid SNAP benefits due to an IPV of misrepresentation of her household income. (Record; Hearing summary)

### **CONCLUSIONS OF LAW**

1. Connecticut General Statutes ("Conn. Gen. Stat.") § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. "The department's uniform policy manual ("UPM") is the equivalent of state regulation and, as such, carries the force of law." *Bucchere v. Rowe*, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712 (1990)).
3. Conn. Gen. Stat. § 17b-88 provides 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 (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.

7 C.F.R. § 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 outlines 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 over issuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the over issuance 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.

UPM §7050.05 provides that in the AFDC and Food Stamp programs 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 from the AFDC and/or Food Stamp programs for a specified amount of time.

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.

**The Defendant's case has not been referred for civil or criminal prosecution.**

**The Defendant accepted the delivery of the ADH notice and attended the ADH.**

4. 7 C.F.R. § 273.9 (a) provides that participation in the Program shall be limited to those households whose income incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households that contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Households, which do not contain an elderly or disabled member, shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households that 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 levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

7 C.F.R. § 273.2(j) (2) (ii) (A) provides the state agency, at its option, may extend categorically eligibility to the following households only if doing so will further the purposes of the Food Stamp Act. (A) Any household (except those listed in paragraph (j) (2) (vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with state money counted for MOE purposes under Title IV-A or federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as

set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determined to confer categorical eligibility.

UPM § 5520.40 provides that income eligibility for the SNAP is determined either through the use of SNAP gross and applied income tests or through meeting the eligibility requirements for Temporary Family Assistance (“TFA”) (including diversion assistance), Aid to Families with Dependent Children (“AFDC”), Aid to the Aged, Blind or Disabled (“AABD”), General Assistance (“GA”), State Administered General Assistance (“SAGA”), refugee assistance or Supplemental Security Income (“SSI”).

UPM § 5520.40 (A) (1) provides the gross income eligibility test is used for all units except those which: a. include one or more persons who are elderly or disabled.

**The Defendant’s household contains a disabled child and therefore is not subject to a gross income test although remains subject to a net income test.**

5. 7 C.F.R. § 273.12(a)(5) provides the State agency may establish a simplified reporting system in lieu of the change reporting requirements specified under paragraph (a)(1) of this section. The following requirements are applicable to simplified reporting systems: (i) Included households. The State agency may include any household certified for at least 4 months within a simplified reporting system. (ii) Notification of simplified reporting requirement. At the initial certification, recertification and when the State agency transfers the households to simplified reporting, the State agency shall provide the household with the following: (A) A written and oral explanation of how simplified reporting works; (B) For households required to submit a periodic report, a written and oral explanation of the reporting requirements including: (1) The additional changes that must be addressed in the periodic report and verified. (iii) Periodic report. (A) Exempt households. The State agency must not require the submission of periodic reports by households certified for 12 months or less in which all adult members are elderly or have a disability with no earned income.

**The Defendant’s household is subject to simplified reporting requirements.**

6. 7 C.F.R. § 273.12(a)(5)(v) provides for reporting when gross income exceeds 130 percent of the 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.

**The Defendant’s income exceeded 130 percent of FPL effective [REDACTED] 2018.**

7. 7 C.F.R. § 273.9 (b) (1) provides the definition of earned income shall include: (i) All wages and salaries of an employee.

7 C.F.R. § 273.9 (b) (2) provides the definition of unearned income shall include but not limited to: (i) Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in §271.2); or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment (provided to a third party on behalf of the household) unless the vendor payment is specifically exempt from consideration as countable income under the provisions of paragraph (c)(1) of this section. Assistance payments from programs that require, as a condition of eligibility, the actual performance of work without compensation other than the assistance payments themselves, shall be considered unearned income.

UPM § 5005 (A) provides that in consideration of income, the Department counts the assistance unit's available income, except to the extent that it is specifically excluded. Income is considered available if it is: 1. received directly by the assistance unit; or 2. received by someone else on behalf of the assistance unit and the unit fails to prove that it is inaccessible; or 3. deemed by the Department to benefit the assistance unit.

UPM § 5050.13 (B) (5) provides S.S.I. income received by members of a Food Stamp assistance unit is treated as unearned income and is counted in determining eligibility and calculating benefits for the entire unit.

**The Department correctly determined that the Defendant's earnings and her child's SSI must be used when calculating the Defendant's SNAP benefits.**

8. 7 C.F.R. § 271.2 provides the definition of an elderly or disabled member means a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.

UPM § 5035.15 (F) (11) provides that for those units which include elderly or disabled members, or units whose only elderly or disabled member has been disqualified, a shelter hardship deduction is allowed with no maximum limit.

**The Defendant's household includes a disabled individual and therefore is not subject to a maximum shelter hardship.**

9. 7 C.F.R. § 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 individual 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 C.F.R. § 273.16(d) provides for notification to applicant households. The state agency shall inform the household in writing of the disqualification penalties for intentional program violation each time it applies for Program benefits. The penalties shall be in clear, prominent, and boldface lettering on the application form.

**The Defendant did not sign nor return the disqualification consent agreement.**

**The Department properly informed the Defendant of the penalties for an intentional program violation during the application and recertification process.**

10. 7 C.F.R. § 273.16(c) defines an IPV as follows: For purposes of determining through administrative disqualification hearings whether or not a person has committed an IPV, IPV's 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(e)(6) provides 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 as defined in paragraph (c) of this section.

UPM §7050.05 (B) provides the following situations involving alleged intentional recipient errors are referred to the Administrative Disqualification Hearing process at the option of the Department: 1. those cases involving active and previously active assistance unit members alleged to have committed acts of intentional recipient errors which are not referred to the State Police, to a prosecuting authority or to the Attorney General; 2. those cases involving active and previously active assistance unit members alleged to have committed acts of intentional recipient errors which are referred to the State Police, to a prosecuting authority, or to the Attorney General and subsequently rejected for prosecution, dismissed, dropped or nolle by the court system.



UPM § 7050.30 (A) (1) provides an individual is disqualified from participating in the AFDC or Food Stamp program if: a. a court determines that he or she is guilty of intentional recipient error or grants the individual accelerated rehabilitation; or b. a determination of an intentional recipient error is made by an Administrative Disqualification Hearing official; or c. the individual signs a waiver of rights to an Administrative Disqualification Hearing.

**The Department incorrectly determined the Defendant committed, or intended to commit, an IPV as defined in 7 C.F.R. § 273.16(c) under the SNAP by making a false or misleading statement, or misrepresenting, concealing or withholding facts regarding her income. The hearing record does not establish by clear and convincing evidence that the Defendant purposefully committed an IPV.**

11. 7 C.F.R. § 273.16(b)(1) 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:
  - (i) 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.

7 C.F.R. § 273.16(e)(8)(i) provides that if the hearing authority rules that the individual has committed an intentional program violation, the household member must be disqualified in accordance with the disqualification periods and procedure in paragraph (b) of this section. The same act of intention Program violation repeated over a period must not be separated so that separate penalties can be imposed.

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.

UPM § 7005.10(C)(2)(b) provides that a final determination of intentional recipient error is made: (2) under the AFDC and Food Stamp programs, if the assistance unit is found guilty through the Administrative Disqualification process, or the unit waives its right to the Administrative Disqualification Hearing.

UPM § 7045.40(A) provides that an individual who is found to have committed an intentional recipient error is disqualified from participating in the Food Stamp Program for the time period specified below, unless this period is contrary to a court order: (1) one year for the first violation.

**The Defendant is not subject to a SNAP disqualification penalty for one year given that she is not guilty of committing an IPV based on misrepresenting her income situation.**

12. 7 C.F.R. § 273.18(a) provides that (1) A recipient claim is an amount owed because of: (i) Benefits that are overpaid or (ii) Benefits that are trafficked. Trafficking is defined in 7 C.F.R. 271.2.

7 C.F.R. § 273.18(a)(2) provides that this claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency must establish and collect any claim by following these regulations.

7 C.F.R. § 273.18 (b) provides for types of claims. There are three types of claims: (1) Intentional Program violation (IPV) any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in §273.16; (2) Inadvertent household error (“IHE”) defined as any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household; (3) Agency error (“AE”) defined as any claim for an overpayment caused by an action or failure to take action by the State agency.

7 C.F.R. § 273.18(a)(4) provides that the following are responsible for paying a claim: (i) Each person who was an adult member of the household when the overpayment or trafficking occurred.

**The Department erroneously determined the SNAP overpayment claim as an IPV. The claim against the Defendant is IHE in nature but still subject to recoupment.**

13. 7 C.F.R. § 273.18(c) provides for calculating the claim amount (1) Claims not related to trafficking. (i) 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 all claims, don't include any amounts that occurred more than six years before you became aware of the overpayment.

7 C.F.R. § 273.18(c) (1) (ii) provides for the actual steps for calculating a claim. (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. (C) subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment.

UPM § 5025.05 (A) provides for the retrospective budgeting system. (1) Provides for past months the Department uses the exact amount of the unit's available income received or deemed in the month.

UPM § 7045.15 (A) provides for the computation of Food Stamps Overpayments and addresses the general description of the process. 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 the assistance unit should have received during that period.

UPM § 7045.15 (D) provides for income related factors causing the overpayment. 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. 1. If the overpayment occurred prior to the implementation of retrospective budgeting, the Department uses the assistance unit's actual income and needs for the month to compute the unit's correct allotment for that month. 3. The overpayment begins as of the date the factor should have been considered in the eligibility determination. In determining this date, the Department allows for the ten day notification period, if appropriate. 4. 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 (Cross Reference: 5035.15).

14. The Defendant's [REDACTED] 2018 SNAP benefit is computed as follows:

<b><u>SNAP BENEFIT CALCULATION</u></b>	
<b><u>INCOME</u></b>	
Earned Income	
Defendant	\$2,200.00
<b>Total Earned Income</b>	<b>\$2,200.00</b>
<b><u>UNEARNED INCOME</u></b>	
SSI - Child	+\$575.00
<b>Total Income</b>	<b><u>\$2,775.00</u></b>
Less standard deduction	<u>-\$164.00</u>
<b>Adjusted gross income</b>	<b>\$2,611.00</b>
<b><u>SHELTER COSTS</u></b>	
Rent	\$750.00
SUA	<u>\$736.00</u>
<b>Total shelter costs</b>	<b>\$1,486.00</b>
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1,486.00
Less 50% of adjusted gross income	<u>-\$1,305.50</u>
<b>Total shelter hardship</b>	<b>\$180.50</b> (Cannot exceed \$552 unless elderly or disabled)
<b><u>NET ADJUSTED INCOME</u></b>	
Adjusted gross income	<b>\$2,611.00</b>
Less shelter hardship	<u>-\$180.50</u>
<b>Net Adjusted Income (NAI)</b>	<b>\$2,430.50</b>
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 2 Persons	\$353.00
Less 30% of NAI	<u>-\$730.00</u>

<b>SNAP award</b>	<b>\$16.00</b>
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15. The Defendant's [REDACTED] 2018 SNAP benefit is computed as follows:

<b><u>SNAP BENEFIT CALCULATION</u></b>	
<b><u>INCOME</u></b>	
<u>Earned Income</u>	
Defendant	\$2,392.99
<b>Total Earned Income</b>	<b>\$2,392.99</b>
<b><u>UNEARNED INCOME</u></b>	
SSI - Child	+\$530.00
<b>Total Income</b>	<b>\$2,922.99</b>
Less standard deduction	-\$164.00
<b>Adjusted gross income</b>	<b>\$2,758.99</b>
<b><u>SHELTER COSTS</u></b>	
Rent	\$750.00
SUA	\$736.00
<b>Total shelter costs</b>	<b>\$1,486.00</b>
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1,486.00
Less 50% of adjusted gross income	-\$1,379.50
<b>Total shelter hardship</b>	<b>\$106.51</b> (Cannot exceed \$552 unless elderly or disabled)
<b><u>NET ADJUSTED INCOME</u></b>	
Adjusted gross income	<b>\$2,758.99</b>
Less shelter hardship	-\$106.51
<b>Net Adjusted Income (NAI)</b>	<b>\$2652.48</b>
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 2 Persons	\$353.00
Less 30% of NAI	-\$796.00
<b>SNAP award</b>	<b>\$16.00</b>

16. The Defendant's [REDACTED] 2019 SNAP benefit is computed as follows:

<b><u>SNAP BENEFIT CALCULATION</u></b>	
<b><u>INCOME</u></b>	
<b><u>Earned Income</u></b>	
Defendant	\$1,500.00
<b>Total Earned Income</b>	<b>\$1,500.00</b>
<b><u>UNEARNED INCOME</u></b>	
SSI - Child	+\$754.00
Unemployment	+\$247.00
<b>Total Unearned Income</b>	<b>\$1,001.00</b>
Total Earned Income	\$1,500.00
Total Unearned Income	<u>\$1,001.00</u>
<b>Total Income</b>	<b><u>\$2,501.00</u></b>
Less standard deduction	-\$164.00
<b>Adjusted gross income</b>	<b>\$2,337.00</b>
<b><u>SHELTER COSTS</u></b>	
Rent	\$750.00
SUA	<u>\$736.00</u>
<b>Total shelter costs</b>	<b>\$1,486.00</b>
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1,486.00
Less 50% of adjusted gross income	<u>-\$1,168.50</u>
<b>Total shelter hardship</b>	<b>\$317.50</b>
	(Cannot exceed \$552 unless elderly or disabled)
<b><u>NET ADJUSTED INCOME</u></b>	
Adjusted gross income	<b>\$2,337.00</b>
Less shelter hardship	<u>-\$317.50</u>
<b>Net Adjusted Income (NAI)</b>	<b>\$2,019.50</b>
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 2 Persons	\$353.00
Less 30% of NAI	<u>-\$606.00</u>
<b>SNAP award</b>	<b>\$16.00</b>

17. The Defendant's [REDACTED] 2019 SNAP benefit is computed as follows:

<b><u>SNAP BENEFIT CALCULATION</u></b>	
<b><u>INCOME</u></b>	
<b><u>Earned Income</u></b>	
Defendant	\$2,180.00
<b>Total Earned Income</b>	<b>\$2,180.00</b>
<b><u>UNEARNED INCOME</u></b>	
SSI - Child	+\$754.00
<b>Total Income</b>	<b>\$2,934.00</b>
Less standard deduction	-\$164.00
<b>Adjusted gross income</b>	<b>\$2,770.00</b>
<b><u>SHELTER COSTS</u></b>	
Rent	\$750.00
SUA	\$736.00
<b>Total shelter costs</b>	<b>\$1,486.00</b>
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1,486.00
Less 50% of adjusted gross income	-\$1,385.00
<b>Total shelter hardship</b>	<b>\$101.00</b> (Cannot exceed \$552 unless elderly or disabled)
<b><u>NET ADJUSTED INCOME</u></b>	
Adjusted gross income	<b>\$2,770.00</b>
Less shelter hardship	-\$101.00
<b>Net Adjusted Income (NAI)</b>	<b>\$2,699.00</b>
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 2 Persons	\$353.00
Less 30% of NAI	-\$801.00
<b>SNAP award</b>	<b>\$16.00</b>

18. The Defendant's [REDACTED] 2019 SNAP benefit is computed as follows:

<b><u>SNAP BENEFIT CALCULATION</u></b>	
<b><u>INCOME</u></b>	
<b><u>Earned Income</u></b>	
Defendant	\$2,785.00
<b>Total Earned Income</b>	<b>\$2,785.00</b>
<b><u>UNEARNED INCOME</u></b>	
SSI - Child	+\$754.00
<b>Total Income</b>	<b>\$3,539.00</b>
Less standard deduction	-\$164.00
<b>Adjusted gross income</b>	<b>\$3,375.00</b>
<b><u>SHELTER COSTS</u></b>	
Rent	\$750.00
SUA	\$736.00
<b>Total shelter costs</b>	<b>\$1,486.00</b>
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1,486.00
Less 50% of adjusted gross income	-\$1,687.50
<b>Total shelter hardship</b>	<b>\$0.00</b> (Cannot exceed \$552 unless elderly or disabled)
<b><u>NET ADJUSTED INCOME</u></b>	
Adjusted gross income	<b>\$3,375.00</b>
Less shelter hardship	-\$0.00
<b>Net Adjusted Income (NAI)</b>	<b>\$3,375.00</b>
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 2 Persons	\$353.00
Less 30% of NAI	-\$1,013.00
<b>SNAP award</b>	<b>\$16.00</b>

19. The Defendant's [REDACTED] 2019 SNAP benefit is computed as follows:

<b><u>SNAP BENEFIT CALCULATION</u></b>	
<b><u>INCOME</u></b>	
<b><u>Earned Income</u></b>	
Defendant	\$1,640.00
<b>Total Earned Income</b>	<b>\$1,640.00</b>
<b><u>UNEARNED INCOME</u></b>	
SSI - Child	+\$754.00
Unemployment	+\$247.00
<b>Total Unearned Income</b>	<b>\$1,001.00</b>
Total Earned Income	\$1,640.00
Total Unearned Income	<u>\$1,001.00</u>
<b>Total Income</b>	<b><u>\$2,641.00</u></b>
Less standard deduction	<u>-\$164.00</u>
<b>Adjusted gross income</b>	<b>\$2,477.00</b>
<b><u>SHELTER COSTS</u></b>	
Rent	\$750.00
SUA	<u>\$736.00</u>
<b>Total shelter costs</b>	<b>\$1,486.00</b>
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1,486.00
Less 50% of adjusted gross income	<u>-\$1,238.50</u>
<b>Total shelter hardship</b>	<b>\$247.50</b>
	(Cannot exceed \$552 unless elderly or disabled)
<b><u>NET ADJUSTED INCOME</u></b>	
Adjusted gross income	\$2,477.00
Less shelter hardship	<u>-\$247.50</u>
<b>Net Adjusted Income (NAI)</b>	<b>\$2,229.50</b>
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 2 Persons	\$353.00
Less 30% of NAI	<u>-\$669.00</u>
<b>SNAP award</b>	<b>\$16.00</b>



20. The Defendant's [REDACTED] 2019 SNAP benefit is computed as follows:

<b><u>SNAP BENEFIT CALCULATION</u></b>	
<b><u>INCOME</u></b>	
<b><u>Earned Income</u></b>	
Defendant	\$2,900.00
<b>Total Earned Income</b>	<b>\$2,900.00</b>
<b><u>UNEARNED INCOME</u></b>	
SSI - Child	+\$750.00
<b>Total Income</b>	<b>\$3,740.00</b>
Less standard deduction	-\$164.00
<b>Adjusted gross income</b>	<b>\$3,576.00</b>
<b><u>SHELTER COSTS</u></b>	
Rent	\$750.00
SUA	\$736.00
<b>Total shelter costs</b>	<b>\$1,486.00</b>
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1,486.00
Less 50% of adjusted gross income	-\$1,788.00
<b>Total shelter hardship</b>	<b>\$0.00</b> (Cannot exceed \$552 unless elderly or disabled)
<b><u>NET ADJUSTED INCOME</u></b>	
Adjusted gross income	\$3,576.00
Less shelter hardship	-\$0.00
<b>Net Adjusted Income (NAI)</b>	<b>\$3,576.00</b>
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 2 Persons	\$353.00
Less 30% of NAI	-\$1,073.00
<b>SNAP award</b>	<b>\$16.00</b>

21. The Defendant's [REDACTED] 2019 SNAP benefit is computed as follows:

<b><u>SNAP BENEFIT CALCULATION</u></b>	
<b><u>INCOME</u></b>	
<b><u>Earned Income</u></b>	
Defendant	\$2,270.00
<b>Total Earned Income</b>	<b>\$2,270.00</b>
<b><u>UNEARNED INCOME</u></b>	
SSI - Child	+\$754.00
<b>Total Income</b>	<b>\$3,024.00</b>
Less standard deduction	-\$164.00
<b>Adjusted gross income</b>	<b>\$2,860.00</b>
<b><u>SHELTER COSTS</u></b>	
Rent	\$750.00
SUA	\$736.00
<b>Total shelter costs</b>	<b>\$1,486.00</b>
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1,486.00
Less 50% of adjusted gross income	-\$1,430.00
<b>Total shelter hardship</b>	<b>\$56.00</b> (Cannot exceed \$552 unless elderly or disabled)
<b><u>NET ADJUSTED INCOME</u></b>	
Adjusted gross income	\$2,860.00
Less shelter hardship	-\$56.00
<b>Net Adjusted Income (NAI)</b>	<b>\$2,804.00</b>
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 2 Persons	\$353.00
Less 30% of NAI	-\$842.00
<b>SNAP award</b>	<b>\$16.00</b>

22. The Defendant's ■■■ 2019 SNAP benefit is computed as follows:

<b><u>SNAP BENEFIT CALCULATION</u></b>	
<b><u>INCOME</u></b>	
<b><u>Earned Income</u></b>	
Defendant	\$400.00
<b>Total Earned Income</b>	<b>\$400.00</b>
<b><u>UNEARNED INCOME</u></b>	
SSI - Child	\$754.00
Unemployment	+\$1,090.00
<b>Total Unearned Income</b>	<b>\$1,844.00</b>
Total Earned Income	\$400.00
Total Unearned Income	+\$1,844.00
<b>Total Income</b>	<b>\$2,244.00</b>
Less standard deduction	-\$160.00
<b>Adjusted gross income</b>	<b>\$2,080.00</b>
<b><u>SHELTER COSTS</u></b>	
Rent	\$750.00
SUA	\$736.00
<b>Total shelter costs</b>	<b>\$1,486.00</b>
<b><u>SHELTER HARDSHIP</u></b>	
Shelter costs	\$1,486.00
Less 50% of adjusted gross income	-\$1,040.00
<b>Total shelter hardship</b>	<b>\$446.00</b>
	(Cannot exceed \$552 unless elderly or disabled)
<b><u>NET ADJUSTED INCOME</u></b>	
Adjusted gross income	\$2,080.00
Less shelter hardship	-\$446.00
<b>Net Adjusted Income (NAI)</b>	<b>\$1,634.00</b>
<b><u>BENEFIT CALCULATION</u></b>	
Thrifty Food Plan for 2 Persons	\$353.00
Less 30% of NAI	-\$491.00
<b>SNAP award</b>	<b>\$16.00</b>

23. 7 C.F.R. 273.10(e) (2) (ii) (C) provides that except during an initial month, all eligible one-and two-person household shall receive minimum monthly allotments equal to the minimum benefit. The minimum benefit is 8 percent of the maximum allotment for a household of one, rounded to the nearest whole dollar.

UPM § 6020.15 (C) (2) provides that in all months except the initial month of eligibility assistance units consisting of one or two members which has a calculated benefit amount of less than the minimum amount established by the Food and Nutrition Act of 2008 which is equal to 8 percent of the cost of the thrifty food plan for a household containing one member, rounded to the nearest whole dollar.

**The Defendant is entitled to the minimum grant of \$16.00 for all months in question.**

24. See below chart for the Department's SNAP overpayment computation:

Month	Issued	Entitled	Overpayment
██████████ 2018	\$135.00	\$0.00	\$ 135.00
██████████ 2018	\$185.00	\$10.00	\$ 175.00
██████████ 2019	\$262.00	\$15.00	\$ 247.00
██████████ 2019	\$246.00	\$48.00	\$ 198.00
██████████ 2019	\$237.00	\$0.00	\$ 237.00
██████████ 2019	\$237.00	\$0.00	\$ 237.00
██████████ 2019	\$237.00	\$0.00	\$ 237.00
██████████ 2019	\$237.00	\$0.00	\$ 237.00
██████████ 2019	\$353.00	\$27.00	\$ 326.00
Total	\$2,129.00	\$100.00	\$2,029.00

**The Department determined that a \$2,029.00 SNAP overpayment occurred beginning ██████████ 2018 through ██████████ 2019.**

25. The Defendant's SNAP overpayment computation:

Month	Issued	Entitled	Overpayment
██████████ 2018	\$135.00	\$16.00	\$ 119.00
██████████ 2018	\$185.00	\$16.00	\$ 169.00
██████████ 2019	\$262.00	\$16.00	\$ 246.00
██████████ 2019	\$246.00	\$16.00	\$ 230.00
██████████ 2019	\$237.00	\$16.00	\$ 221.00
██████████ 2019	\$237.00	\$16.00	\$ 221.00
██████████ 2019	\$237.00	\$16.00	\$ 221.00
██████████ 2019	\$237.00	\$16.00	\$ 221.00
██████████ 2019	\$353.00	\$16.00	\$ 337.00
Total	\$2,129.00	\$144.00	\$1,985.00

**The Defendant was overpaid \$1,985.00 in SNAP from ██████████ 2018 through ██████████ 2019.**

26. 7 C.F.R. §273.18 (a) (1) provides for claims against households and provides that a recipient claim is an amount owed because of: Benefits that are overpaid or (ii) Benefits that are trafficked. Trafficking is defined in 7 CFR 271.2.

7 C.F.R. §273.18 (a)(2) provides that this claim is a Federal debt subject to this and other regulations governing Federal debts. The State Agency must establish and collect any claims following these regulations.

UPM § 7005.25 (B) provides that if the error is an overpayment, the Department recoups by one or more of the following methods, after discussing the overpayment with the assistance unit and obtaining an agreement from the unit if possible: 1. grant reduction for SNAP or cash assistance overpayments, only if the assistance unit is still receiving benefits; or 2. installment payments by the assistance unit; or 3. Lump-sum repayment by the assistance unit.

UPM § 7045.05(A)(1) provides that the Department recoups from the assistance unit which received the overpayment.

UPM § 7045.30 (A) provides that the amount of the monthly reduction depends upon the assistance unit's current entitlement and upon the cause of the overpayment. 1. If the overpayment was caused by administrative error or unintentional recipient error, the recoupment rate is computed as follows: a. If the grant prior to reduction is \$10 or more the grant reduction is the largest of the following: (1) the amount of the reduction requested by the assistance unit; (2) \$10.00 (3) 10% of the allotment rounded down to the nearest dollar. b. If the amount of the assistance unit's allotment is less than \$10 prior to the calculation of grant reduction, the reduction is the full allotment and the issuance reduced to \$0.

**The Department is correct to seek recoupment from the Defendant for \$1,985.00 (\$2,029.00 - \$144.00) due to an IHE.**

**The Department was correct when it determined that the Defendant was overpaid SNAP benefits and that she has an obligation to repay them.**

**The preferred method of recoupment is by grant reduction as the Defendant is currently active SNAP.**

27. 7 C.F.R. § 273.16(e)(2) (iv) provides that within 90 days of the date the household member is notified in writing that a State or local hearing initiated by the State agency has been scheduled, the State agency shall conduct the hearing, arrive at a decision and notify the household member and local agency of the decision. The household member or representative is entitled to a postponement of the scheduled hearing if the request for postponement is made at least 10 days in advance of the date of the scheduled hearing. However, the hearing shall not be postponed for more than a total of 30 days and the State agency may limit the number of postponements to one. If the hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

The issuance of this decision is timely as defined in 7 CFR § 273.16. The Department notified the Defendant in writing of the hearing on [REDACTED] 2020, and held the administrative hearing on [REDACTED] 2020. This decision, therefore, was due no later than [REDACTED] 2020.

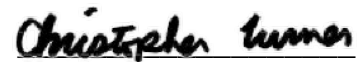
### **DISCUSSION**

A review of the Defendant's earnings shows the Defendant's gross wages exceeded the Department's wage calculation. Notwithstanding this discrepancy, the Defendant was over the SNAP income limit and only eligible for a minimum grant of \$16.00. Even though the undersigned does not find clear and convincing evidence the Defendant intentionally misrepresented her household income, a SNAP overpayment exists.

### **DECISION**

The Defendant is not guilty of committing her first SNAP IPV for allegedly misrepresenting her household's income situation. This is a SNAP overpayment caused by an inadvertent household error and is subject to recovery.

Although the Defendant is not disqualified from the program, the Department is authorized to seek restitution of \$1,985.00 from the Defendant by grant reduction.

  
Christopher Turner  
Hearing Officer

Cc: Musa Mohamud, Operations Manager Hartford  
Judy Williams, Operations Manager Hartford  
Jessica Carroll, Operations Manager Hartford  
Jay Bartolomei, Fair Hearing Liaison Supervisor  
Christopher Pinto, DSS Investigator Hartford  
[OLCRAH.QA.DSS@ct.gov](mailto:OLCRAH.QA.DSS@ct.gov)

**RIGHT TO REQUEST RECONSIDERATION**

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 her 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.