

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 # ██████████
Case ID# ██████████
Request # 152912

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2020, the Department of Social Services sent ██████████ a Notice of Action (“NOA”) denying replacement of electronic benefits from the Supplemental Nutrition Assistance Program.

On ██████████ 2020, the Appellant requested an administrative hearing to contest the denial of his request for replacement of stolen benefits from his Electronic Benefit Transfer (“EBT”) account in ██████████ 2019.

On ██████████ 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings, (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████, 2020.

On ██████████ 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
Althea Forbes-Francis, Department Observer
Andrew Davis, Department Representative
Shelley Starr, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Appellant is entitled to the replacement of SNAP benefits which were deposited into his EBT account and which the Appellant alleges were not used by him.

FINDINGS OF FACT

1. The Appellant has been a recipient of SNAP benefits and has never had a problem with his EBT account or accessing his benefits. The Appellant's EBT card is always in his possession. (Appellant's Testimony)
2. On [REDACTED], 2020, the Department deposited the Appellant's \$194.00 [REDACTED] 2020, SNAP benefit into his SNAP EBT account. (Hearing Summary; Exhibit 1: Recipient Transaction History)
3. Between [REDACTED], 2020, and [REDACTED], 2020, there were nine (9) SNAP purchases, from the Appellant's EBT SNAP benefit account and one (1) SNAP return/denial. (Hearing Summary; Exhibit 1: Recipient Transaction History)
4. On [REDACTED] 2020, the Appellant's EBT card was used at 11:17 AM to make a \$9.97 SNAP purchase at [REDACTED]. (Exhibit 1: Recipient Transaction History)
5. On [REDACTED] 2020, the Appellant's EBT card was used at 4:33 PM to make a \$13.50 SNAP purchase at [REDACTED]. (Exhibit 1: Recipient Transaction History)
6. On [REDACTED] 2020, the Appellant's EBT card was used at 9:02 AM to make a \$18.50 SNAP purchase at [REDACTED]. (Exhibit 1: Recipient Transaction History)
7. On [REDACTED] 2020, the Appellant's EBT card was used at 11:09 AM to make a \$12.00 purchase at [REDACTED]. (Exhibit 1: Recipient Transaction History)
8. On [REDACTED] 2020, the Appellant's EBT card was used at 12:50 PM to make a \$37.32 purchase at [REDACTED]. (Exhibit 1: Recipient Transaction History)
9. On [REDACTED] 2020, the Appellant's EBT card was used at 1:10 PM to make a \$22.01 purchase at [REDACTED]. (Exhibit 1: Recipient Transaction History)
10. On [REDACTED] 2020, the Appellant's EBT card was used at 8:52 AM to make a \$14.04 purchase at [REDACTED]. (Exhibit 1: Recipient Transaction History)

11. On [REDACTED] 2020, the Appellant's EBT card was used at 10:16 AM to make an \$18.00 purchase at [REDACTED]. The transaction was denied due to insufficient funds. (Exhibit 1: Recipient Transaction History)
12. On [REDACTED] 2020, the Appellant's EBT card was used at 12:54 PM to make a \$58.44 purchase at [REDACTED]. (Exhibit 1: Recipient Transaction History)
13. On [REDACTED], 2020, the Appellant's EBT card was used at 12:58 PM to make a \$11.22 purchase at [REDACTED]. (Exhibit 1: Recipient Transaction History)
14. On [REDACTED] 2020, the Appellant contacted EBT customer service and spoke to a representative to dispute his EBT account balance, as the Appellant believed his balance should reflect \$152.96 not the \$11.22 balance that the EBT account was reflecting. (Hearing Summary)
15. The Appellant did not report his EBT card as lost, stolen or damaged. His EBT card was not reissued and his Personal Identification Number ("PIN") was not changed. (Hearing Summary; Department's Testimony)
16. The Appellant recalls making some of the SNAP EBT transactions in the month of [REDACTED] from his EBT account. (Appellant's Testimony; Exhibit 1: Recipient Transaction History)
17. The Appellant has not filed a police report. (Appellant's testimony)
18. The Department reviewed the transactions completed after the Appellant reported his alleged incorrect EBT balance issue and card misuse to consider replacing the benefit transactions. (Hearing Summary)
19. On [REDACTED], 2020, the Department issued a notice to the Appellant advising him that based on a review of the EBT records, his request to have SNAP benefits added back into his account has been denied. (Exhibit 3: Notice of Action dated [REDACTED], 2020)
20. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached and the household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED] 2020. This decision is due not later than [REDACTED], 2020, and therefore is timely.

CONCLUSIONS OF LAW

1. 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 or 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.
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 and provides in part that cash and food stamp benefits deposited into an EBT account in a financial institution must be accessed through the use of Department issued debit cards.
5. UPM § 6530.05(A)(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.
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.

The Department correctly determined the Appellant’s SNAP benefits were correctly deposited into his SNAP EBT account.

8. UPM § 6530.50(C)(2) provides the conditions for the replacement of stolen food stamp 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.

The Department correctly determined the Appellant did not report his card as lost or stolen and has not been issued a replacement EBT card.

The Department correctly determined the Appellant is not entitled to the replacement of his [REDACTED] 2020, SNAP benefits as they were correctly deposited into his EBT account.

DECISION

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


Shelley Starr
Hearing Officer

Pc: Kristen Krawetzky, DSS, Central Office
Andy Davis, DSS, Central Office

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 or law, 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 specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what 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, 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 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.