

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: 153784

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On or before ██████████ 2020, the Department of Social Services (the "Department") denied ██████████ (the "Appellant") request for replacement of her ██████████ 2020 Supplemental Nutrition Assistance Program ("SNAP") benefits.

On ██████████, 2020, the Appellant filed a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH").

On ██████████ 2020, the OLCRAH issued a notice scheduling the administrative hearing for ██████████ 2020.

On ██████████ 2020, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing by telephone conferencing. The following individuals participated:

██████████, Appellant
Kristin Kawetzky, Department's representative
Eva Tar, Hearing Officer

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

STATEMENT OF ISSUE

The issue is whether the Department was correct to decline the Appellant's request for replacement SNAP benefits for the ██████████ 2020 service month.

FINDINGS OF FACT

1. The Appellant is a SNAP recipient. (Exhibit 1)
2. On [REDACTED], 2020, the Department deposited \$194.00 in SNAP benefits to the Appellant's electronic benefits transfer ("EBT") account. (Exhibit 1)
3. The [REDACTED], 2020 deposit was the Appellant's [REDACTED] 2020 benefit. (Department representative testimony)
4. On [REDACTED] 2020, four transactions adding up to a total of \$193.91 in food purchases at different points of service were completed from the Appellant's EBT account. (Exhibit 1)
5. The Appellant did not make the [REDACTED] 2020 purchases and did not receive the items that were purchased. (Appellant testimony)
6. On [REDACTED] 2020, the Appellant reported to the Department's contractor that her EBT card had been stolen. (Exhibit 1)(Department representative testimony)
7. The Appellant spoke with a police officer by telephone regarding the stolen EBT card. (Appellant testimony)
8. The Appellant asked the Department to replace her [REDACTED] 2020 SNAP benefits. (Appellant testimony)
9. The Department did not issue replacement SNAP benefits to the Appellant for the [REDACTED] 2020 service month. (Department representative testimony)
10. 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...." The OLCRAH received the Appellant's hearing request on [REDACTED] 2020, requiring the hearing to be held and a decision issued by [REDACTED] 2020. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes in part designates the Department of Social Services as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. "State agencies shall establish issuance and accountability systems which ensure that only certified eligible households receive benefits; that Program benefits are timely distributed in the correct amounts; and that benefit issuance and reconciliation activities are properly conducted and accurately reported to FNS." 7 C.F.R. § 274.1 (a).
3. "State agencies may issue benefits to households through any of the following systems:
(1) An on-line Electronic Benefit Transfer (EBT) system in which Program benefits are

stored in a central computer database and electronically accessed by households at the point of sale via reusable plastic cards.” 7 C.F.R. § 274.1 (b)(1).

4. Title 7, Code of Federal Regulations § 274.6 (b) addresses replacement EBT cards or PINs. This section provides:

Providing replacement EBT cards or PINs. The State agency shall make replacement EBT cards available for pick up or place the card in the mail within two business days following notice by the household to the State agency that the card has been lost, stolen or damaged unless the State agency implements a replacement procedure pursuant to paragraph (b)(5) of this section.

(1) The State agency shall ensure that a duplicate account is not established that would permit households to access more than one account in the system.

(2) An immediate hold shall be placed on accounts at the time notice is received from a household regarding the need for card or PIN replacement. The State agency shall implement a reporting system which is continually operative. *Once a household reports that their EBT card has been lost or stolen, the State agency shall assume liability for benefits subsequently drawn from the account and replace any lost or stolen benefits to the household.* The State agency or its agent shall maintain a record showing the date and time of all reports by households that their card is lost or stolen.

7 C.F.R. § 274.6 (b) (emphasis added).

The Department is not liable for SNAP benefits that were drawn from the Appellant’s EBT account prior to [REDACTED] 2020, the date that the Appellant reported the theft of her EBT card to the Department.

The Department was correct to decline the Appellant’s request for replacement SNAP benefits for the [REDACTED] 2020 service month.

DECISION

The Appellant’s appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Kristin Krawetzky, DSS-Central Office
Rachel Anderson, DSS-New Haven
Cheryl Stuart, DSS-New Haven
Lisa Wells, DSS-New Haven

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 Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105.

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 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 Appellant resides.