

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

██████████ 2021  
Signature confirmation

Case: ██████████  
Client: ██████████  
Request: 165173

**SNAP ADMINISTRATIVE DISQUALIFICATION HEARING**

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

The Department of Social Services (the "Department") petitioned the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") to conduct an administrative disqualification hearing as to whether ██████████ (the "Defendant") may be barred from participating in the Supplemental Nutrition Assistance Program ("SNAP") for twelve months. The Department alleged that the Defendant had committed an intentional Program violation.

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. The ██████████ 2020 *Notice of Administrative Hearing* stated that an administrative disqualification hearing would be held on ██████████ 2020 and a decision issued, even should the Defendant not appear. On ██████████, 2020, the U.S. Postal Service attempted delivery to the Defendant's address but was unable to access her delivery location. The administrative disqualification hearing did not go forward on ██████████, 2020.

On ██████████, 2020, the OLCRAH again issued a *Notice of Administrative Hearing* with a copy of the Department's hearing summary and exhibits to the Defendant by certified mail. The ██████████ 2020 *Notice of Administrative Hearing* stated that an administrative disqualification hearing would be held on ██████████ 2020 and a decision issued, even should the Defendant not appear. On ██████████ 2020, the U.S. Postal Service attempted delivery to the Defendant's address, but as no authorized recipient available, left the Defendant a notice as to how to arrange for delivery.

On ██████████ 2020, the OLCRAH mailed by first class mail a second copy of the ██████████  
██████████, 2020 *Notice of Administrative Hearing* with accompanying documents to the Defendant's

address, with a cover letter requesting her response by [REDACTED], 2020. As of [REDACTED] 2020, the Defendant had not arranged for delivery of the [REDACTED], 2020 mailing with the U.S. Postal Service and had not contacted the OLCRAH in response to the [REDACTED] 2020 first class mailing.

On [REDACTED] 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 Defendant did not appear for this administrative disqualification hearing and did not request a postponement.

The following individuals participated:

Richard Yuskas, Department Representative  
Eva Tar, Hearing Officer

The hearing record closed [REDACTED] 2020.

As of the date of this decision, the U.S. Postal Service had not returned the [REDACTED] 2020 first class mailing to the OLCRAH.

### **STATEMENT OF ISSUE**

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

The Department also seeks affirmation of its intent to recover from the Defendant \$768.00 SNAP benefits issued to her for the service months of [REDACTED] 2018 through [REDACTED] 2018.

### **FINDINGS OF FACT**

1. The Defendant is an active SNAP recipient. (Department Representative Testimony)
2. From [REDACTED] 2017 through [REDACTED] 2018, the Defendant worked for [REDACTED] [REDACTED] (Department Exhibit 2)
3. In [REDACTED] 2017, the Defendant grossed \$707.25 in wages. (Department Exhibit 2)
4. In [REDACTED] 2017, the Defendant grossed \$1,199.25 in wages. (Department Exhibit 2)
5. In [REDACTED] 2018, the Defendant grossed \$1,045.50 in wages. (Department Exhibit 2)
6. In [REDACTED] 2018, the Defendant grossed \$1,177.50 in wages. (Department Exhibit 2)
7. The Defendant did not report her employment at [REDACTED] to the Department on a *Periodic Report Form* she signed on [REDACTED] 2018. (Department Exhibit 5)

8. On a pre-printed entry in Section 3 of the *Periodic Report Form*, the Department noted that its information about the household's income was: "There is no income for this case." (Department Exhibit 5)
9. Immediately following the preprinted statement "There is no income for this case," the Defendant falsely checked "No" in answer to the question "Has the amount of your household's income gone up or down by more than \$100.00 from the amount listed above?" (Departments Exhibit 2 and 5)
10. Immediately above the Defendant's signature on the *Periodic Report Form* was the following preprinted statement: "I understand that there are penalties for hiding or giving false information. I also understand that my SNAP benefit may go up or may be discontinued based on changes I report. I understand that if I do not report required changes in my household's circumstances, and I receive more than I should as a result, I will have to pay back the value of the extra SNAP benefits I receive. I agree to provide proof of any changes I report if you ask. My answers on this form are complete and correct to the best of my knowledge." (Department Exhibit 5)
11. In [REDACTED] 2018, the Defendant grossed \$2,205.00 in wages. (Department Exhibit 2)
12. In [REDACTED] 2018, the Defendant grossed \$1,470.00 in wages. (Department Exhibit 2)
13. In [REDACTED] 2018, the Defendant grossed \$1,470.00 in wages. (Department Exhibit 2)
14. In [REDACTED] 2018, the Department issued \$192.00 in SNAP benefits to the Defendant, the maximum amount of SNAP benefits for an individual with no applied income. (Department Exhibits 6 and 9)
15. In [REDACTED] 2018, the Defendant grossed \$1,512.00 in wages. (Department Exhibit 2)
16. In [REDACTED] 2018, the Department issued \$192.00 in SNAP benefits to the Defendant, the maximum amount of SNAP benefits for an individual with no applied income. (Department Exhibits 6 and 9)
17. In [REDACTED] 2018, the Defendant grossed \$1,533.00 in wages. (Department Exhibit 2)
18. In [REDACTED] 2018, the Department issued \$192.00 in SNAP benefits to the Defendant, the maximum amount of SNAP benefits for an individual with no applied income. (Department Exhibits 6 and 9)
19. In [REDACTED] 2018, the Defendant grossed \$2,215.50 in wages. (Department Exhibit 2)
20. In [REDACTED] 2018, the Department issued \$192.00 in SNAP benefits to the Defendant, the maximum amount of SNAP benefits for an individual with no applied income. (Department Exhibits 6 and 9)
21. In [REDACTED] 2018, the Defendant grossed \$504.00 in wages. (Department Exhibit 2)

22. On [REDACTED], 2018, the Department discovered the Defendant had wages from undisclosed employment from [REDACTED] 2017 through [REDACTED] 2018. (Department Exhibit 1)
23. The Department recalculated the Defendant's SNAP benefit amounts for the SNAP service months of [REDACTED] 2018, [REDACTED] 2018, [REDACTED] 2018, and [REDACTED] 2018, using the Defendant's gross unreported wages in each month of receipt. (Department Exhibit 6) (Department Representative Testimony)
24. Upon completing its recalculation of the Defendant's SNAP benefits for the service months of [REDACTED] 2018, [REDACTED] 2018, [REDACTED] 2018, and [REDACTED] 2018, the Department determined that the Defendant's applied income rendered her ineligible to receive SNAP benefits in those months. (Department Exhibit 6) (Department Representative Testimony)
25. The Department seeks recovery of \$768.00 in SNAP benefits issued to the Defendant for the service months of [REDACTED] 2018 through [REDACTED] 2018. (Department Representative Testimony) (Department Exhibit 8)
26. The Department has not previously sanctioned the Defendant for an intentional program violation of the SNAP. (Department Representative Testimony)
27. In 2018, one hundred percent of the Federal Poverty Level for the 48 contiguous states and the District of Columbia for an individual equaled \$12,140.00 annually, or \$1,011.66 per month.
28. Title 7, Section 273.16 (e)(2)(iv) of the Code of Federal Regulations ("C.F.R.") 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 U.S. Postal Service completed delivery by first class mail of the [REDACTED] 2020 *Notice of Administrative Hearing* to the Defendant of this administrative disqualification hearing on or after [REDACTED] 2020. Therefore, this final decision would become due by [REDACTED] 2021. 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.") addresses Program disqualification for intentional Program violations with respect to the SNAP. "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....”

**The Department had the authority to initiate proceedings for an administrative disqualification hearing.**

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).

**As a condition of her SNAP eligibility, the Defendant was required to comply with the Department’s 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: ... (B) 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).

**As a condition of her SNAP eligibility, the Defendant was required to disclose her employment at [REDACTED] and wages to the Department on her [REDACTED] 2018 Periodic Report Form.**

5. *Reporting when gross income exceeds 130 percent of poverty.* 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. 7 CFR § 273.12 (a)(5)(v). (emphasis added).

**In [REDACTED] 2018, the Defendant also was obligated to report to the Department that her gross monthly wages of \$2,205.00 in [REDACTED] 2018 had exceeded \$1,315.15, or 130 percent of the Federal Poverty Level per month for an individual residing in Connecticut.**

**The Defendant erred when she failed to report to the Department that her gross monthly wages exceeded \$1,315.15, or 130 percent of the Federal Poverty Level per month for an individual residing in Connecticut.**

6. “*Definition of intentional Program violation.* 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).

**The Defendant misrepresented, concealed, or withheld facts when she did not report her employment at [REDACTED] and wages on her *Periodic Report Form*.**

**The Defendant committed an intentional Program violation of the SNAP by misrepresenting, concealing, or withholding facts regarding her income on the *Periodic Report Form*.**

7. Title 7, Section 273.16 (b)(1) of the Code of Federal Regulations provides:  
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;
  - (ii) For a period of twenty-four months upon the second occasion of any intentional Program violation, except as provided in paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section; and
  - (iii) Permanently for the third occasion of any intentional Program violation.

7 C.F.R. § 273.16 (b)(1).

“The individual must be notified in writing once it is determined that he/she is to be disqualified. The disqualification period shall begin no later than the second month which follows the date the individual receives written notice of the disqualification. The disqualification period must continue uninterrupted until completed regardless of the eligibility of the disqualified individual's household.” 7 C.F.R. § 273.16 (b)(13).

**The Department may disqualify the Defendant from participating in the SNAP for 12 months, as she committed a first intentional Program violation.**

8. “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. ... Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the disqualification procedures specified in §273.16.” 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.

**From [REDACTED] 2018 through [REDACTED] 2018, the Defendant received a total of \$768.00 in SNAP benefits for which she was not eligible.**

**The Department may recover from the Defendant \$768.00 in excess SNAP benefits issued to her for the service months from [REDACTED] 2018 through [REDACTED] 2018.**

**DECISION**

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

The Department's recovery from the Defendant of \$768.00 in excess SNAP benefits issued to the Defendant for the service months from [REDACTED] 2018 through [REDACTED] 2018 is AFFIRMED.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

Cc: Richard Yuskas, DSS-Bridgeport  
Yecenia Acosta, DSS-Bridgeport  
Tim Latifi, DSS-Bridgeport  
OLCRAH.QA.DSS@ct.gov

**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, 165 Capitol Avenue, 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.