STATE OF CONNECTICUT **DEPARTMENT OF SOCIAL SERVICES** OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS **55 FARMINGTON AVENUE** HARTFORD, CT 06105-3725

2021 Signature Confirmation

Case # Client # Request # 165246

NOTICE OF DECISION

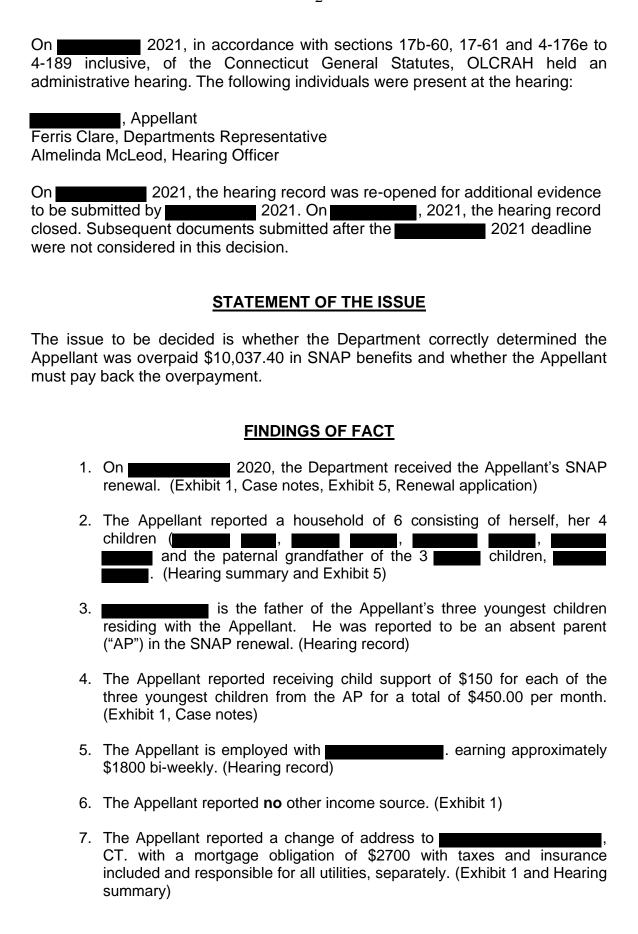
PARTY

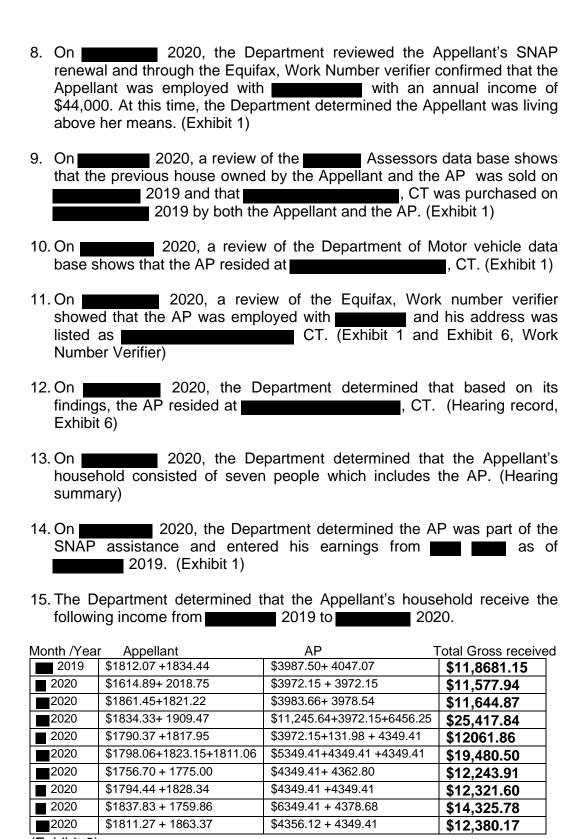


PROCEDURAL BACKGROUND
On 2020, the Department of Social Services (the "Department") sent (the "Appellant") a Notification of Overpayment and Recoupment indicating she had been overpaid in Supplemental Nutrition Assistance Program ("SNAP") benefits in the amount of \$10,037.40 and that she must repay the overpayment.
On, 2020, the Appellant requested an administrative hearing to contest the Department's decision to recover such benefits.
On 2020, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a Notice scheduling the administrative hearing for 2020.
On, 2020, the Appellant requested a continuance of the hearing, which was granted.
On 2020, OLCRAH issued a notice of the re-scheduled administrative hearing for 2021.
On 2021, the Appellant requested a second continuance which was granted.

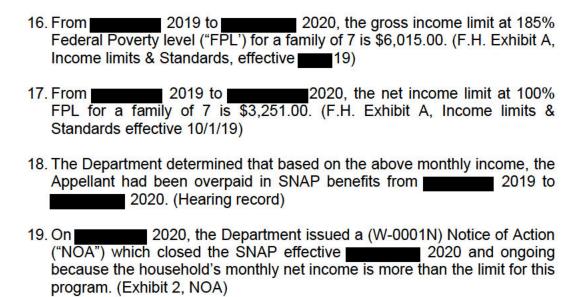
2021, OLCRAH issued a notice of the re-scheduled

administrative hearing for 2021.





(Exhibit 6)

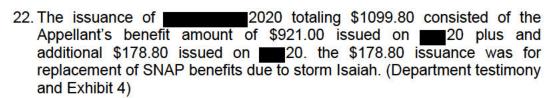


20. The Department determined that the Appellant received the following SNAP benefits but was eligible to receive the following in SNAP benefits:

Dates:	SNAP received:	Eligible Benefit amount:
/ 2019	\$894.00	\$0.00
2020	\$894.00	\$0.00
2020	\$894.00	\$0.00
2020	\$894.00	\$0.00
2020	\$948.00	\$0.00
2020	\$1650.68	\$0.00
2020	\$921.00	\$0.00
2020	\$921.00	\$0.00
2020	\$921.00	\$0.00
2020	\$1099.80	\$0.00
Total:	\$10,037.48	\$0.00

(Exhibit 3, Notice of Overpayment and Recoupment)

21. The issuance of 2020 totaling \$1650.68 was comprised of the
Appellant's monthly benefit of \$921.00 [\$894.00+ \$27.00] + an additional
\$729.60. The additional \$729.60 issued in 2020 was possibly a
pandemic stimulus benefit (Exhibit 4, Benefit Issuance Search results)



23. On 2021, the Department clarified that the system is programmed to recoup 10% from the beginning of the months issuances. The 20% replacements and 15% increases are recoupable. Emergency

7, E-mail clarification)

allotments that bring the folks up to the maximum benefit amount and all Pandemic EBT benefits issued out to children are not recoupable. (Exhibit

24. The Department determined that because the Appellant was not eligible for any of the SNAP benefits that were issued from 2019 to 2020, the SNAP benefits issued in that time-period was subject to recoupment. (Hearing record) 2020, the Department issued a (W-0058N) Notice of Overpayment and Recoupment to the Appellant informing her of the SNAP overpayment in the amount of \$10,037.40 and its intent to recoup the SNAP overpayment from 2019 to 2020. The notice included language regarding repayment options which included a W-3007 Repayment Form with a due date of , 2020. (Hearing summary & Exhibit 3, Notice of Overpayment and Recoupment) 26. The Appellant disputes that resides with her and does not agree that she owes a SNAP overpayment from ■ 2020. The Appellant testifies that the AP's name is on the property so that she could be approved on the mortgage. The Appellant has a Massachusetts driver's license while the AP has a CT driver's license which was needed to register the children for school. The Appellant testified the AP has resided in and works at in since 2015. (Appellant testimony) 27. The Department received from the Appellant a "MY Profile- My HR" for the AP dated ______, 2020 and a paystub dated 2021 as verification that the AP does not live with her. The Appellant presented a statement from a attesting that the AP resides with her since 2015. All three verifications provided by the Appellant indicated his address as (Hearing record, Exhibit B, Appellant's verification of address,) 2020 "My profile- My HR" indicated changes made to 28. The his profile with notations stating that "changes made to the profile may take 24 hours and up to two weeks for the reported changes to be reflected"; and that "updating your address could have tax implications" and lastly "your profile changes have been saved". The "My profile- My HR" and the paystub provided as verification were after the dates in question which is between 2019 and 2020. (Exhibit B- My profile- My HR) 29. On ______, 2021, the Appellant signed a waiver to a timely decision. (F.H. Exhibit A)

CONCLUSIONS OF LAW

- 1. Section § 17b-2 of the Connecticut General Statutes provides that the Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
- Section 17b-88 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to recover any public assistance overpayments and take such other action as conforms to federal regulations, including, but not limited, conducting administrative disqualification hearings.
- 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(1994) (citing Conn. Gen. Stat. § 17b-10; Richard v. Commissioner of Income Maintenance, 214 Conn. 601, 573 A.2d 712 (1990)).
- 4. Title 7 of the Code of Federal Regulations ("CFR") § 273.1 (a) (1)(2)(3) provides for the general household definition and states that a household is composed of one of the following individuals or group of individuals; an individual living alone; an individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others; or a group of individuals who live together and customarily purchase food and prepare meals together for home consumption.
- 5. UPM § 2020.10 (A) (2) provides that the assistance unit must include certain individuals who are in the home if they are not specifically excluded or ineligible to participate in the Food Stamp program. a spouse of a member of the assistance unit including any who presents himself or herself as a spouse
- 6. The Department correctly determined that the AP was part of the Appellant's household.
- 7. The Department correctly determined that the Appellant has an assistance unit of seven.
- **8.** UPM § 1540.05 (A) pertains to the standard of proof and provides a statement made by an applicant or a recipient is considered by the Department to be verified when the available evidence indicates that it is more likely to be true than not.
- 9. UPM § 1540.05 (C) (1) (a) (b) provides that the Department requires verification of information when specifically required by federal and state law or regulations and when the Department considers it necessary to

- corroborate an assistance unit's statement pertaining to an essential factor of eligibility.
- **10.**UPM § 1540.15 (A) (1) (2) provides that the information provided by the assistance unit is verified through a cooperative effort between the Department and the members of the unit. The Department determines the adequacy and appropriateness of the method selected. The method of verification which is chosen depends upon the nature of the information being verified and the feasibility of other available methods.
- **11.**UPM § 1540.15 (B) provides documents are the primary sources of verification whenever such evidence can be acquired. The Department accepts any document which it feels clearly establishes the veracity of the unit's declarations without restricting the evidence to any one document.
- **12.**UPM § 1540.15 (C) (1) (2) pertains to Collateral contact and it provides that in the absence of documentary evidence the Department verifies information through contacts with persons that are not in the assistance unit. Verification through collateral contacts consists of obtaining oral or written affirmations of the unit's statements from persons who are capable of providing first-hand testimony.
- 13. Title 7 CFR § 272.8 (a) (1) provides in general part, that State agencies shall maintain and use an income and eligibility verification system (IEVS), as specified in this section. By means of the IEVS, State agencies may request wage and benefit information from the agencies identified in this paragraph (a)(1) and use that information in verifying eligibility for and the amount of SNAP benefits due to eligible households. Such information may be requested and used with respect to all household members, including any considered excluded household members as specified in §273.11(c) of this chapter whenever the SSNs of such excluded household members are available to the State agency.
- 14. UPM § 1540.15 (E) (4) provides IEVS obtains and utilizes information from the Social Security Administration; Department of Labor; Internal Revenue Service and State Wage Information Collection Agencies (SWICA).
- 15.UPM §1540.15 (E) (1) (2) provides that the Department also uses the Federally mandated Income Eligibility Verification System (IEVS) to obtain and utilize information on income. IEVS is used in regard to the income of applicants for and recipients of assistance under all programs; former members of FS units who received benefits for at least one month within the quarter; other persons who are not applying for or receiving assistance; and have income or assets that are counted in determining the unit's eligibility or in calculating the unit's benefits; and have their Social Security number on file with the Department or voluntarily furnish it at the

request of the Department. All information obtained through IEVS is verified whenever the information is not being obtained from its primary source.

- **16.**UPM § 1540.15 (E) (3) provides all verified IEVS information is used to determine eligibility; to calculate benefits; to detect overpayment and to calculate the amount; to investigate violations of program regulations and to support resulting prosecutions.
- **17.**Title 7 CFR § 272.12 (b) provides for Alternate data sources. A State agency may continue to use income information from an alternate source or sources to meet any requirement under paragraph (a) of this section.
- 18. Title 7 CFR § 272.12 (a) (a) General purpose. The Computer Matching and Privacy Protection Act (CMA) of 1988, as amended, addresses the use of information from computer matching programs that involve a Federal System of Records. Each State agency participating in a computer matching program shall adhere to the provisions of the CMA if it uses an FNS system of records for the following purposes: (1) Establishing or verifying initial or continuing eligibility for Federal Benefit Programs; (2) Verifying compliance with either statutory or regulatory requirements of the Federal Benefit Programs; or (3) Recouping payments or delinquent debts under such Federal Benefit Programs.
- 19. UPM §1540.05 (D) (1) (a) provides that the penalty for failing to provide required verification depends upon the nature of the factor or circumstance for which verification is required: If the eligibility of the assistance unit depends directly upon a factor or circumstance for which verification is required, failure to provide verification results in ineligibility for the assistance unit. Factors on which unit eligibility depends directly include but are not limited to: income amounts.
- 20. The SNAP program is a federally means testing program; therefore, the Department correctly determined it was necessary to corroborate an assistance unit's statement pertaining to an essential factor of eligibility.
- 21. The Department correctly used IVES and other computer matching programs such as the Town's Assessors office, the DMV and the Equifax, Work number verifier as an alternate source of verifying information pertaining to income and residence.
- 22. The hearing record shows that the Town Assessor data base match conducted on 2020 confirmed that a house located at CT was purchased by both the Appellant and the AP on 2019; and that based on this evidence, it was

reasonable for the Department to determine that the AP resided with the Appellant and his family.

23	The hearing record shows that based on the DMV match conducted on 2020, which confirmed the address of the AP as CT; it was reasonable for the Department to determine the AP resided with the Appellant and his family.
24	The hearing record shows that based on the Equifax, Work number verifier, conducted on 2020 and again on 2021 which confirmed the AP's address as CT; it was reasonable for the Department to determine that the AP resided with the Appellant, his children and his family.
25	The Department correctly determined that the statement from contradicted the information obtained from the Department through its review.
26	There was no documentary evidence presented that shows that the AP resided elsewhere other than the specified period between 2019 to 2020.

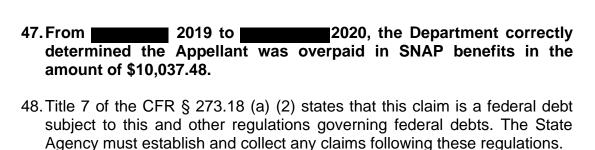
- 27. Title 7 of the Code of Federal Regulations ("CFR") § 273.2 (j) (2) (E) (ii) provides the State agency, at its option, may extend categorical eligibility to the following households only if doing so will further the purposes of the Food Stamp Act of 2008: (A) Any household (except those listed in 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 determining to confer categorical eligibility.
- 28. Title 7 of the CFR § 273.9 (a) provides that participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households, which 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)).

- 29. Title 7 of the CFR § 273.9(b) provides that household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.
- 30. Title 7 of the CFR § 273.9 (b)(1) provides earned income shall include: (i) All wages and salaries of an employee
- 31. UPM § 5005 (A)(1) provides that the Department counts the assistance unit's available income, and that income is considered available if it is received directly by the assistance unit.
- 32. UPM § 5025.05 (A) provides for the retrospective budgeting system. (1) Provides for past months the Department use the exact amount of the unit's available income received or deemed in the month.
- 33. The Department correctly determined that the Appellant was subject to the gross and net income limits.
- 34. From 2019 to 2019 to 2020, the Department correctly determined that the income received from both the Appellant and the AP is counted towards the SNAP eligibility.
- 35. From 2019 to 2019 to 2020, the Department correctly determined that the combined income received of the Appellant and the AP was as follows:

Month /Yea	ar Appellant	AP	Total Gross received
2019	\$1812.07 +1834.44	\$3987.50+ 4047.07	\$11,8681.15
/ 2020	\$1614.89+ 2018.75	\$3972.15 + 3972.15	\$11,577.94
2020	\$1861.45+1821.22	\$3983.66+ 3978.54	\$11,644.87
2020	\$1834.33+ 1909.47	\$11,245.64+3972.15+6456.25	\$25,417.84
/ 2020	\$1790.37 +1817.95	\$3972.15+131.98 + 4349.41	\$12061.86
2020	\$1798.06+1823.15+1811.06	\$5349.41+4349.41 +4349.41	\$19,480.50
2020	\$1756.70 + 1775.00	\$4349.41+ 4362.80	\$12,243.91
2020	\$1794.44 +1828.34	\$4349.41 +4349.41	\$12,321.60
2020	\$1837.83 + 1759.86	\$6349.41 + 4378.68	\$14,325.78
2020	\$1811.27 + 1863.37	\$4356.12 + 4349.41	\$12,380.17

- 36. Title 7 of the CFR §273.9 (a) (3) the income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.
- 37. As of 2019, the gross income limit (185% FPL) for a family of 7 is \$6015.00 and the net income limit (100% FPL) \$3251.00.

- 38. From 2019 to 2020, the Department correctly determined the Appellant's household income exceeded both the gross and net income limits.
- 39. Title 7 CFR § 273.18(c)(ii)(A) provides for calculating the claim amount and states that the actual steps for calculating a claim are determine the correct amount of benefits for each month that a household received an overpayment and (C) subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment.
- 40.UPM § 7000.01 (A) provides the definition of an overpayment and states that an overpayment is the amount of financial or medical assistance paid to or on behalf of the assistance unit, or the amount of the Food Stamp allotment issued to an assistance unit, in excess of the amount the unit is properly entitled.
- 41.UPM § 7045.15 (A) pertains to overpayments in the SNAP program and states in part and provides a 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.
- 42.UPM § 7045.15 (B) pertains to Benefits Due the Assistance Unit and provides the Department follows the policy outlined in Sections 5500 and 6000 to compute the amount of benefits the assistance unit should have received. 1. The Department first evaluates the assistance unit's prospective eligibility for the month. 2. The Department next evaluates the correctness of the Food Stamp allotment received in that month by using the budgeting method in effect at the time the overpayment occurred.
- 43.UPM § 6010.10(B)(1) provides that the retrospective method is used to calculate benefits in all months after the initial month of eligibility.
- 44. From 2019 to 2020, the Department correctly determined the Appellant received SNAP assistance for a family of 6 rather than a family of 7.
- 45. From 2019 to 2020, the Department correctly determined the Appellant's household income exceeded both the gross and net income limits.
- 46. From 2019 to 2020, the Department correctly determined the Appellant received SNAP benefits in the amount of \$10,037.48 that she was not entitled to receive.



- 49. Title 7 of the CFR § 273.18 (a) (1) (i) provides for claims against households and states that a recipient claim is an amount owed because of benefits that are overpaid.
- **50.** UPM § 7045.05 (C) provides for the participation of the assistance unit in the recoupment process. The Department allows the assistance unit to participate in the recoupment process by: a. discussing the cause and amount of the overpayment with the Department; and b. negotiating with the Department in establishing a recoupment plan.
- **51.**UPM § 7045.05 (A) provides the Department recoups from the assistance unit which received the overpayment.
- 52. The Department properly allowed the Appellant an opportunity to participate in the recoupment process.
- 53. From 2019 to 2020, the Department correctly determined that the Appellant is subject to repay the \$10,037.48 in overpaid SNAP benefits.

DISCUSSION

The Appellant disagreed that significance discussed at this hearing and i 2015. However, the Appellant with her at	nsisted that the AP ha	ad been living in ence that the AP di	since d not reside
The Appellant provided a pays print out from date. It should be noted, that indicated that changes were made to the address may have 24 hours for the system to be a been saved." This information verify he did not live with her	the "My Profile/ My nade to his profile with a tax implications" a updated" and lastly that presented is verifications.	O that states he res HR" dated the following note and that "changes we at the "your profile chation after the fact a	ides in 2020 es: "changes ill take up to nanges have not does not

period. The Appellant also submitted a statement from the AP have been residing with her in since 201	
The Department's review indicated 3 search engines (To and Equifax, Work Number verifier) that were used to vertice was the same as the Appellants between 2019 the statement from appears to be period in question.	erify that the AP's address to 2020. Thus,
Based on the preponderance of evidence presented by the more likely than not that the AP resided with the Appella 2020. The Department is upheld.	•

DECISION

The Appellant's appeal is DENIED.

Almelinda McLeod Hearing Officer

CC: Rachel Anderson, SSOM, New Haven Cheryl Stuart, SSOM, New Haven Lisa Wells, SSOM, New Haven Ferris Clare, Fair Hearing Liaison, 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 <u>specific</u> grounds for the request: for example, indicate <u>what</u> error of fact or law, <u>what</u> new evidence, or <u>what</u> 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.

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, 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 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.