

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

██████████  
██████████  
Request # 169335

NOTICE OF DECISION  
PARTY

██████████  
██████████  
██████████

PROCEDURAL BACKGROUND

██████████, 2021, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying her application for benefits under the Supplemental Nutrition Assistance Program (“SNAP”).

██████████, 2021, the Appellant filed an administrative hearing request with the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) to contest the Department’s decision of denied such benefits.

██████████, 2021, OLCRAH issued a notice scheduling the administrative hearing for ██████████, 2021. The hearing was scheduled to be held telephonically due to the COVID-19 pandemic.

██████████, 2021, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Hearing. The hearing was held telephonically with no objection from any of the parties. The following individuals were present at the hearing:

██████████, the Appellant  
Javier Rivera, Department’s Representative  
Veronica King, Hearing Officer

The hearing record was left open for the submission of additional evidence. Evidence was received from the Department and the hearing record closed on ██████████, 2021.

## **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department denied the Appellant's application for SNAP benefits correctly.

## **FINDINGS OF FACT**

1. [REDACTED], 2021, the Appellant applied for the SNAP program for herself only. The Appellant is thirty (30) years old (DOB [REDACTED]) and reported no income. (Exhibit 1: W1E: Application for Benefits)
2. [REDACTED], 2021, the Department processed the Appellant's SNAP application. The Department's eligibility system indicated that the Appellant had a third offense due to a SNAP Intentional Program Violation ("IPV"). The Department's system showed a disqualification started day of [REDACTED] 1998. (Exhibit 3: Referral details and Hearing Record)
3. [REDACTED], 2020, the Department issued a NOA to the Appellant denying her application for SNAP benefits because she has been disqualified to an IPV. (Exhibit 4: NOA, [REDACTED]/20)
4. The Appellant testified she was never notified of an IPV penalty and that she was eight [REDACTED] years old in [REDACTED] (Appellant's Testimony)
5. [REDACTED] [REDACTED] [REDACTED] 2021, the Department's representative contacted the Department's Investigator and Recoveries supervisor and received the information that on [REDACTED] 2015, the Department received information from New York that the disqualification was entered in error. (Exhibit 5: Email correspondences)
6. [REDACTED], 2021, the Department's representative reported the system issue and requested the IPV penalty be remove. (Exhibit 6: Escalation Issue Reporting Sheet)
7. 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; However, the record was closed on [REDACTED], 2021. Because this 10-day delay resulted from the Appellant's request, this decision is not due until [REDACTED], 2021, and therefore timely. (Hearing Record)

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program.
2. Section 17b-88 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to recover any public assistance overpayment and take such other action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings.
3. Title 7 of the Code of Federal Regulations (“CFR”) 273.16(e) provides that the State agency shall conduct administrative disqualification hearings for individuals accused of Intentional Program Violation.
4. Uniform Policy Manual (“UPM”) § 7050 provides that in the Food Stamp program 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.
5. 7 CFR § 273.16(c) defines intentional Program violation as follows:  
For purposes of determining through administrative disqualification hearings whether or not a person has committed an 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 the Food Stamp Act, the Food Stamp Program Regulations, or any State statute relating to the use, presentation, transfer, acquisition, receipt, or possession of Food Stamp coupons, authorization cards or reusable documents used as part of an automated benefit delivery system (access device).
6. 7 CFR § 273.16(e)(6) provides that 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.
7. Title 7 CFR § 273.16 (b) (5) provides for disqualification penalties.

**The Department incorrectly determined that the Appellant committed an IPV.**

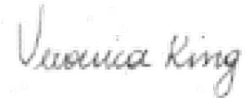
■■■■■■■■■■ 2021, the Department incorrectly denied the Appellant's application for SNAP benefits because she has been disqualified to an IPV.

**DECISION**

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

**ORDER**

1. The Department shall reopen the Appellant's ■■■■■■■■■■ 2020, SNAP application and determined eligibility.
2. Compliance with this order is due back to the undersigned by ■■■■■■■■■■, 2021



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Veronica King  
Hearing Officer

Cc: Tricia Morelli, DSS Operation Manager, RO# 11 Manchester  
Javier Rivera, DSS Fair Hearing Liaison, RO# 11 Manchester

### **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.

### **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.