

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 # 170504

ADMINISTRATIVE DISQUALIFICATION HEARING  
NOTICE OF DECISION  
PARTY

██████████  
██████████  
██████████

PROCEDURAL BACKGROUND

The Department of Social Services (the "Department") requested an Administrative Disqualification Hearing ("ADH") to seek the disqualification of ██████████ (the "Defendant") from participating in the Supplemental Nutrition Assistance Program ("SNAP") for a period of one (1) year. The Department alleged that the Defendant committed an Intentional Program Violation ("IPV") by not reporting employment. The Department seeks to recover the overpaid SNAP benefits of \$1200.00. This is the Defendant's first IPV offense in the SNAP program.

██████████ ██████████ ██████████ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") notified the Defendant of the initiation of the ADH process via certified mail. The certified mail letter returned to OLCRAH. On ██████████, 2021, OLCRAH sent the Defendant the notice of ADH, the hearing summary and supporting documents via regular mail. The notification outlined a Defendant's rights in these proceedings. The hearing was scheduled to be held telephonically due to the COVID-19 pandemic. ADH was scheduled for ██████████ ██████████, 2021.

██████████ ██████████ ██████████, 2021, the OLCRAH conducted an 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 at the hearing. The Defendant did not show good cause for failing to appear at the hearing. The following individuals were present at the hearing:

George Jones, Social Services Lead Investigator, Department's Representative  
Veronica King, Hearing Officer

### **STATEMENT OF THE ISSUE**

The first issue to be decided is whether the Defendant committed an IPV of the SNAP program.

The second issue to be decided is whether the Department's proposal to recoup a SNAP overpayment is correct.

### **FINDINGS OF FACT**

1. [REDACTED], 2019, the Defendant applied for the SNAP benefits for himself only. He reported no income in the household. The Eligibility Determination Document signed by the Defendant explained his rights and responsibilities and specifically for the SNAP program the form states in part: "If I break any of the rules on purpose I can be barred from SNAP from between one year and permanently, ..." (Hearing Record and Exhibit 3: W-1EDDS Eligibility Determination Document, [REDACTED]/19)
2. [REDACTED], 2019, the Department issued a notice of action to the Defendant granting SNAP benefits in the amount of \$27 for the month of [REDACTED] 2019, and \$192 ongoing. The notice also explained the Defendant reporting requirements and that if his gross monthly income exceeded \$1316.00, he must report the change by the 10<sup>th</sup> day of the following the month of change. (Exhibit 4: Notice of Action, [REDACTED]/19 and Hearing Record)
3. [REDACTED] 2019, the Department received the Defendant's Periodic Report Form. The Defendant reported no income and signed the form attesting in part: "I understand there are penalties for hiding or giving false information... My answers on this form are complete and correct to the best of my knowledge...". (Exhibit 6: Periodic Report Form)
4. [REDACTED], 2020, the Department's investigations division received a Regional Office Client Fraud Referral stating that the Defendant had unreported earnings from "[REDACTED]". (Exhibit 2: Update Referral)
5. [REDACTED] 2020, the Department's investigator conducted a review of the Defendant's SNAP case. The investigator was able to ascertain that the Defendant was employed with [REDACTED], from [REDACTED] 2019, through [REDACTED], 2020. (Exhibit 7: Employment verification)
6. The Defendant received the following gross earnings: [REDACTED] 2019 \$1,400.00; [REDACTED] 2019 \$1,500.00; [REDACTED] 2019 \$1,387.50; [REDACTED] 2019 \$1,218.75; [REDACTED]

████ \$1,275.00; ██████████ █████ \$1,368.75; ██████████ █████ \$2,312.50; ██████████ \$856.25; and ██████████ \$300.00. (Exhibit 7)

7. As outline in the Notice of Action mailed on ██████████ 2019, the Defendant had to report when his gross monthly income exceeded \$1316.00 which would have been in ██████████ 2019 when he received \$1400.00 in gross earnings from ██████████ ██████████. The Defendant should have reported his earnings by ██████████ ██████████, 2019. (Hearing Record)
8. In the period of ██████████ to ██████████ 2019, the Defendant received \$192.00 per month in SNAP assistance as a maximum SNAP benefits for a household of one. (Exhibit 13: Benefit Issuance Search and Exhibit 8: SNAP Computation Sheet)
9. In the period of ██████████ 2019 to ██████████ 2020, the Defendant received \$194.00 per month in SNAP assistance as a maximum SNAP benefits for a household of one. (Exhibit 13 and Exhibit 8)
10. On ██████████ ██████████, 2020, the Department's investigator calculated the Defendant's overpayments for the SNAP program as following:

| Month Year       | Wages   | Prev Benefit | New Benefit | SNAP Overpayment |
|------------------|---------|--------------|-------------|------------------|
| ██████████ 2019  | 1387.50 | 192          | 0           | 192              |
| ██████████t 2019 | 1218.75 | 192          | 0           | 192              |
| ██████████. 2019 | 1275.00 | 192          | 0           | 192              |
| ██████████ 2019  | 1368.75 | 194          | 0           | 194              |
| ██████████ 2019  | 2312.50 | 194          | 0           | 194              |
| ██████████ 2019  | 856.25  | 194          | 0           | 194              |
| ██████████ 2020  | 300     | 194          | 152         | 42               |

Total SNAP overpayment \$1200.00 (Exhibit 8, Exhibit 13, and Hearing Record)

11. ██████████ 2020 and ██████████ 2020, the Department's investigator sent the Defendant a notice informing the Defendant that he broke the rules of the SNAP and received \$1200.00 more than he should have under the SNAP because he failed to report income from ██████████ ██████████ Inc. A prehearing interview letter ("W-1448") was enclosed instructing the Defendant to contact the investigator by telephone for a prehearing interview on ██████████/2020 and ██████████/2020 at 10:00 am to discuss the charges. Included in the mailing was a SNAP waiver of disqualification hearing ("W-1449"). (Exhibit 11: W-1449 Waiver of Disqualification Hearing and Exhibit 10: W-1448 Notice of Prehearing Interview)
12. The Defendant did not sign and return the W-1449 by the deadline. (Hearing Record)

13. The Defendant has no previous intentional program violations. (Hearing Record)
14. The Department is seeking to disqualify the Defendant from participating in the SNAP for a period of one year and recover \$1200.00 in overpaid SNAP benefits due to an Intentional Program Violation offense in the SNAP program. (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. Uniform Policy Manual (“UPM”) Section 7050 outlines the Administrative Disqualification Hearing process.
6. UPM § 7050.25(D)(3) provides that if the assistance unit member or his or her representative cannot be located or fails to appear at a hearing without good cause, the hearing is conducted without the assistance unit member being represented.

#### **The Defendant was not present at the hearing.**

7. Title 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).

8. UPM § 7050.30 sets forth disqualification penalties and procedures as a result of an Intentional Program Violation.
9. Title 7 CFR § 273.16(e)(6) defines the criteria for determining intentional program as follows: 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.

**The Department provided clear and convincing evidence that the Defendant committed and intended to commit an Intentional Program Violation when he withheld information regarding his employment and earned income gross income at application and periodic review time.**

10. Title 7 CFR § 273.16 (a) (3)(b)(1)(i) states that an individual found to have committed an Intentional Program Violation shall be ineligible to participate in the Program for a period of twelve months for the first Intentional Program violation
11. UPM § 7050.30B 2 b (1) (a) provides that if an intentional recipient error occurred after August 1, 1984 and the court order does not specify a period of disqualification, the Department determines that for the first offense, the length of the disqualification is one year.

**The Department is correct to seek the disqualification of the Defendant from the SNAP program for a period of one year.**

12. UPM § 1570.05 (A)(H)(1) set forth the fair hearing request process and states in part that the request for a Fair Hearing must be made within a specified period of time from the date that the Department mails a notice of action.
  - a. For all programs except Food Stamps, this period is 60 days.
  - b. For the Food Stamp program, this period is 90 days.

13. Title 7 CFR § 273.16 (b) (12) provides that even though the individual is disqualified, the household, as defined in § 273.1, is responsible for making restitution for the amount of any overpayment. All intentional Program violation

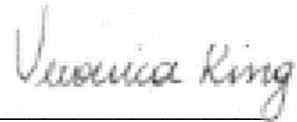
claims must be established and collected in accordance with the procedures set forth in § 273.18.

**The Department is correct to seek recoupment from the Defendant of \$1200.00 the overpaid SNAP benefits from the Defendant.**

**DECISION**

The Defendant is guilty of committing a first offense intentional program violation of the SNAP. He is disqualified from the program for a period of one year and must make restitution of the amount of the overpayment.

The Department is authorized to seek recovery of the \$1200.00 in SNAP benefits that the Defendant received as the result of an IPV.



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Veronica King  
Hearing Officer

cc: OLCRAH.QA.DSS@ct.gov  
Angela Malena, Investigations Supervisor, DSS  
George Jones, Lead Investigator, DSS

### **RIGHT TO APPEAL**

The defendant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision. 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 06105-3725. 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 her 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.