

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 ID # ██████████
REQUEST# ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
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PROCEDURAL BACKGROUND

On ██████████, 2020, the Department of Social Services (the “Department”) issued a Notice of Action (“NOA”) to ██████████ (the “Appellant”) denying her application for Supplemental Nutritional Assistance Program (“SNAP”) benefits effective ██████████, 2020.

On ██████████, 2021, the Appellant requested an administrative hearing to appeal the Department’s denial of SNAP benefits.

On ██████████, 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the Administrative Hearing for ██████████, 2021.

On ██████████, 2021, OLCRAH issued a notice rescheduling the ██████████, 2021 Administrative Hearing for ██████████ 2021 (Department was not prepared for ██████████, 2021 hearing).

On ██████████, 2021, OLCRAH issued a notice rescheduling the ██████████ 2021 Administrative Hearing for ██████████, 2021.

On [REDACTED], 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 due to the COVID-19 pandemic with no objection from any party. The following individuals participated in the hearing:

[REDACTED], Appellant
Christine Faucher, Department's Representative
Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the appellant's [REDACTED], 2020 application for SNAP.

FINDINGS OF FACT

1. On [REDACTED], 2020 the Appellant applied for SNAP for herself only (Department's Exhibit 6: NOA dated [REDACTED] 2020).
2. On [REDACTED], 2020 the SNAP telephone interview was conducted (Department's Exhibit 2: Case Note dated [REDACTED]/2020).
3. Based on the information given during the interview the Appellant resides with her son and purchases and prepares food separately (Department's Exhibit 2: Case Note dated [REDACTED]/2020).
4. On [REDACTED], 1990 the Appellant signed a W-1449 "Waiver of Disqualification Hearing" form on which she knowingly and voluntarily admitted to the fact she had committed an IPV (Department's Exhibit 3: W-1449 Signed [REDACTED]/1990).
5. On [REDACTED], 1994 the Appellant signed a W-1449 "Waiver of Disqualification Hearing" form on which she knowingly and voluntarily admitted to the fact she had committed an IPV (Department's Exhibit 3: W-1449 Signed [REDACTED]/1994).
6. On [REDACTED], 1997 the Appellant signed a W-1449 "Waiver of Disqualification Hearing" form on which she knowingly and voluntarily admitted to the fact she had committed an IPV (Department's Exhibit 3: W-1449 Signed [REDACTED]/1997).
7. On [REDACTED] 1998, the Department pursued a permanent SNAP disqualification against the Appellant as it had been determined she has committed three IPV's (Department's Exhibit 2: Case Note dated [REDACTED]/1998).

8. On [REDACTED], 2020 the Department issued a NOA to the Appellant notifying her that her application for SNAP had been denied as she has been disqualified from receiving SNAP permanently due to having 3 Intentional Program Violations (“IPV”) (Department’s Exhibit 6: NOA dated [REDACTED]/2020).
9. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within [REDACTED] days of the request for an Administrative Hearing. The hearing request was received on [REDACTED], 2021. The original hearing date was scheduled for [REDACTED] 2021 but due to 2 rescheduled the hearing was not held until [REDACTED], 2021; therefore [REDACTED] days were added to the allowable time frame to issue this decision. The decision must be issued on or before [REDACTED], 2021.

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 in accordance with federal law.
2. Title 7 of the Code of Federal Regulations (“CFR”) Sec. 273.16 (a)(3) and (c) provides, in relevant part, as follows:

An intentional program violation (IPV) occurs when an individual attempts to receive or receives benefits they were not eligible for, including duplicate participation, by intentionally:

1. making a false or misleading statement
2. misrepresenting, concealing, or withholding facts;
3. committing any act that constitutes a violation of the Food and Nutrition Act; or
4. trafficking benefits

3. 7 CFR Sec. 273.16 (a)(3) and (c) provides, in relevant part, as follows:

IPV is found when the individual:

1. signs an ADH Hearing waiver or a disqualification consent agreement (DCA), or
2. is found guilty of an IPV by an:
Administrative disqualification hearing (ADH), or
Federal, State, or local court of law

4. 7 CFR Sec. 273.16(b)(1)-(9) and (e)(8) and (f)(2)(i) and (g)(2)(i) provides, in relevant part, as follows:

The disqualification penalty time periods for intentional program violations are:

Violation #	Disqualification Penalty Time Period
First Violation	One year
2 nd Violation	2 years
3 rd Violation	Permanently

8. 7 CFR Sec. 273.16 (b)(11) and (13) and (e)(8)(i) and (iii) and (9)(ii) and (f)(1)(i) and (2) and (g)(2)(i)-(ii) provides, in relevant part, as follows:

Disqualification applies only to the responsible individual, not the entire Eligibility Determination Group (EDG). Remove the disqualified individual from the case. The disqualification penalty, once imposed continues uninterrupted until completed, regardless of the EGD's eligibility.

9. The Department correctly determined the Appellant had committed three IPV's and was therefore subject to a permanent disqualification from participating in SNAP on [REDACTED], 1998.

10. The Department correctly denied the Appellant's [REDACTED], 2020 Application.

DISCUSSION

DECISION

The Appellant's appeal is DENIED.

Joseph Alexander

Joseph Alexander
Administrative Hearing Officer

CC: Tricia Morelli
Christine Faucher

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 §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, 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 06105-3725.

RIGHT TO APPEAL

The Appellant has the right to appeal this decision to Superior Court with 45 days of the mailing of this decision, or 45 days after the agency denies 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 06105-3725. 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 appellant resides.

