

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3730

██████████ 2021
Signature Confirmation

██████████
██████████
Request # 173940

NOTICE OF DECISION
PARTY

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PROCEDURAL BACKGROUND

On ██████████ 2021, the Department of Social Services (the “Department”) issued ██████████ (the “Appellant”), a notice denying her request for the replacement of the Supplemental Nutrition Assistance Benefits (“SNAP”) benefits dispensed by Electronic Benefit Transfer (“EBT”).

On ██████████, 2021, the Appellant requested an administrative hearing to contest the Department’s decision to deny the replacement of her 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, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing. The following individuals participated in the hearing:

██████████ Appellant
Kristin Krawetzky, Department’s Representative
Carla Hardy, Hearing Officer

Due to the COVID-19 Pandemic, the administrative hearing was held as a telephonic hearing.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's request for the replacement of stolen SNAP EBT benefits.

FINDINGS OF FACT

1. The Appellant is a recipient of SNAP benefits. (Hearing Record)
2. On [REDACTED], 2021, \$745.00 in SNAP benefits were deposited into the Appellant's EBT account. Those benefits were made available to the Appellant on [REDACTED] 2021. (Exhibit 1: EBT Transaction History; Hearing Summary)
3. The Appellant's SNAP benefits were properly deposited into her EBT account. (Department's Testimony)
4. Between [REDACTED], 2021 and [REDACTED] 2021, the Appellant's EBT card was used eight times at five different retailers. (Exhibit 1: EBT Transaction History; Hearing Summary)
5. The Appellant does not dispute the validity of those eight transactions. (Appellant's Testimony)
6. On [REDACTED] 2021, the Appellant's EBT card was used at 2.32 pm to make a \$252.19 purchase at [REDACTED] located at [REDACTED] Connecticut. (Exhibit 1: EBT Transaction History; Hearing Summary)
7. On [REDACTED] 2021, the Appellant hosted her daughter's birthday party. She was very busy that day and did not use her EBT card at [REDACTED] (Appellant's Testimony)
8. On [REDACTED] 2021, the Appellant called the EBT customer service line for a balance inquiry. She also changed the pin number for the EBT card. (Exhibit 1: EBT Transaction History; Appellant's Testimony)
9. The Appellant did not request a replacement EBT card. (Appellant's Testimony)
10. The Appellant has the EBT card in her possession. She did not lose it. (Appellant's Testimony)
11. The Appellant does not know who used her EBT card on [REDACTED] 2021. (Appellant's Testimony)
12. The Appellant did not file a police report. She called them twice, but no one came to her home. (Appellant's Testimony)
13. Some retailers will process a sale without the EBT card but cannot process the sale without the pin number. (Department's Testimony)
14. 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 hearing. The Appellant requested an administrative hearing

on [REDACTED], 2021; therefore, this decision is due not later than [REDACTED], 2021.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides that the Department of Social Services be designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. Title 7 of the Code of Federal Regulations (“CFR”) § 273.17(a)(1) provides the State agency shall restore to households benefits which were lost whenever the loss was caused by an error by the State agency or by an administrative disqualification for intentional Program violation which was subsequently reversed as specified in paragraph (e) of this section, or if there is a statement elsewhere in the regulations specifically stating that the household is entitled to restoration of lost benefits. Furthermore, unless there is a statement elsewhere in the regulations that a household is entitled to lost benefits for a longer period, benefits shall be restored for not more than twelve months prior to whichever of the following occurred first (i) The date the State agency receives a request for restoration from a household; or (ii) The date the State agency is notified or otherwise discovers that a loss to a household has occurred.

“The department’s uniform policy manual 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)).

Uniform Policy Manual (“UPM”) § 6530.05(A) provides for benefit replacement. Subject to the limitations of this chapter, the Department authorizes the replacement of: 1. original or replacement benefit checks that have been issued to or on behalf of eligible assistance units, and which have been subsequently lost, stolen, destroyed, or mutilated; or 2. EBT issued benefits that are considered stolen or lost (Cross Reference: 6530.15 and 6530.20); or 3. direct deposit benefits that have not been accepted into a client's electronic fund transfer account.

UPM § 6530.05(B)(1) provides that all benefits issued by the Department are subject to replacement under the appropriate conditions, including: (d) food stamp and cash benefits issued under the electronic benefits transfer (EBT) system.

UPM § 6530.05(C)(1) provided that unless otherwise stated, the amount of replacement benefits authorized is equal to the amount of the original benefit.

UPM § 6530.05(D)(3) provides that cash and food stamp benefits are considered to have been received as long as they were deposited into the payee's EBT account.

UPM § 6530.20(A)(3) provides that EBT issued cash and food stamp benefits are treated as stolen benefits if the cash and food stamp benefits are taken by someone

other than the client or the client's authorized representative between the time the Department's designee receives notice from a household regarding the need for card replacement and the time the Department's designee deactivates the client's stolen or lost debit card.

UPM § 6530.20(B)(3) provides the Department will not replace any recipient cash or food stamp benefits that have been correctly deposited into an EBT account in a financial institution. Such benefits are considered to have been properly received and are not subject to replacement except as provided in section A above or sections 6530.15, 6530.35, or 6530.40.

The Department correctly determined the Appellant's SNAP benefits were correctly deposited into her EBT account.

The Appellant did not request a replacement EBT card.

The Appellant did not report a lost or stolen EBT card.

The Department correctly determined the Appellant's EBT issued SNAP benefits could not be treated as lost or stolen because her benefits were not taken between the time that the Appellant reported that her benefits were stolen and the time that the Department's designee deactivated the card.

On [REDACTED] 2021, the Department correctly determined that the Appellant is not entitled to the replacement of her SNAP benefits.

DECISION

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


Carla Hardy
Hearing Officer

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.

