

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 #176087

ADMINISTRATIVE DISQUALIFICATION HEARING
NOTICE OF DECISION
PARTY

██████████
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PROCEDURAL BACKGROUND

██████████, 2021, 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") program for a period of twelve (12) months. The Department alleged that the Defendant committed an Intentional Program Violation ("IPV") as a result of the Defendant's intentionally misrepresenting her household composition. The Department seeks to recover the overpaid SNAP benefits of \$1,386.00. 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 notification outlined a Defendant's rights in these proceedings and due to COVID-19 pandemic concerns, scheduled a telephone hearing for ██████████, 2021.

██████████, 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 Disqualification Hearing. The following individuals were present at the telephonic hearing:

██████████ the Defendant
Nicholas Coco, DSS Investigator, DSS Investigation Division
Veronica King, Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Defendant committed an Intentional Program Violation of the SNAP program and is subject to the disqualification from the program for twelve months, and whether the resulting overpayment of benefits is subject to recovery.

FINDINGS OF FACT

1. The Defendant is a recipient of the SNAP benefits. She received SNAP benefits for herself and two minor daughters. (Hearing Record)
2. ██████████ 2019, the Defendant, and her ex-husband (father of her daughters) signed a Superior Court document modifying their Dissolution Agreement. The document was a stipulation judgment and stated that ██████████ (the "child") DOB ██████████, shall reside with her father. (Exhibit 3: Court Document, and Hearing Record)
3. ██████████ 2019, the child withdrew from ██████████ CT Public Schools because she transferred to ██████████ Public Schools in ██████████ MA. The child is currently attending ██████████ High School and resides with her father and stepmother. (Exhibit 2: School Verifications)
4. ██████████ 2019, the child started receiving SNAP benefits under a SNAP household in ██████████ MA. (Hearing Record)
5. ██████████, 2021, the Defendant signed a Periodic Report Form wherein he responded "yes" to the question if her daughter ██████████ lives "in the household". The document signed by the Defendant states "I certify under penalty of perjury that all of the information given on this form is true and complete..., I understand that I can be criminally or civilly prosecuted under state or federal law if I knowingly give incorrect information or fail to report something, I should report..." (Exhibit 5: Misstatements and Hearing Record)
6. ██████████ 2019, the Defendant signed a Renewal of Eligibility form wherein she listed the child as a household member. (Exhibit 5 and Hearing Record)
7. ██████████, 2020, the Department became aware that the Defendant's daughter has been living with her father in the State of MA. The Department sent a regional office client fraud referral to the investigation unit. As a result of an investigation, the Department's investigator received completed school attendance verifying that ██████████ has been living in MA and attending school full time since ██████████ 2019. (Exhibit 2 and Hearing Record)

8. From [REDACTED] 2019 through [REDACTED] 2020, the Defendant was issued \$271.00 per month in SNAP benefits for herself and her two daughters (household of 3). (Exhibit 6: Overpayment and Exhibit 7: Benefit History Listing screen prints and Hearing Record)
9. From [REDACTED] 2020 through [REDACTED] 2020, the Defendant was issued \$398.00 per month in SNAP benefits for herself and her two daughters (household of 3). (Exhibit 6 and Exhibit 7)
10. The Department determined that based on a household size of two the Defendant was only eligible to receive \$117 per month from [REDACTED] 2019 through [REDACTED] 2020 and \$244 per month from [REDACTED] 2020 through [REDACTED] 2020. (Exhibit 4: W1216 SNAP computation sheet and Exhibit 6)
11. The Department alleges that the Defendant was overpaid a total of \$1,386.00 in SNAP benefits. The Department alleges this was an Intentional Program Violation ("IPV") because the Defendant misrepresented her household composition on [REDACTED] 2019, and [REDACTED], 2019. (Hearing Record)
12. [REDACTED] 2021, the Department mailed the Defendant a W-1448 Notice of Prehearing Interview. The Department scheduled a telephonic appointment with the Defendant on [REDACTED], 2021, at 09:00 AM to discuss the proposed violation and overpayment. (Exhibit 1: W-1448 Notice of Prehearing Interview and W-1449 Waiver of Disqualification Hearing SNAP Program)
13. [REDACTED], 2021, the Department mailed the Defendant a W-1449 Waiver of Disqualification Hearing SNAP Program form notifying the Defendant of the \$1,386.00 in SNAP benefits that she received during the period of [REDACTED] 2019 through [REDACTED] 2020 to which she was not entitled. The Department proposed to recover the overpayment and to disqualify the Defendant for a period of twelve months due to her intentional program violation. The form asked the Defendant to acknowledge that she committed an intentional program violation and that she received the \$1,386.00 overpayment. (Exhibit 1)
14. [REDACTED], 2021, the Department's Investigator conducted an interview with the Defendant. (Hearing Record)
15. The Defendant did not sign and return the waiver of disqualification hearing form. (Hearing Summary)
16. The Defendant has no prior Intentional Program Violations. (Hearing Summary, Department's Testimony)

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. Uniform Policy Manual (“UPM”) Section 7050 outlines the Administrative Disqualification Hearing process.
4. 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.
5. The Defendant attended the Administrative Disqualification Hearing.
6. 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.
7. UPM § 2000.01 provides the definition of household and states that household is used to designate all of the individuals who are living together in one dwelling unit.
8. The Department correctly determined that the Defendant was not eligible for SNAP benefits for [REDACTED], her daughter, who was not living with her during the period of [REDACTED] 2019 through [REDACTED] 2020.
9. The Department correctly determined that the Defendant was overpaid a total of \$1,386.00 in SNAP benefits for the period of [REDACTED] 2019 through [REDACTED] 2020.
10. UPM Section 7050.30 sets forth disqualification penalties and procedures as a result of an Intentional Program Violation.

11. 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.
12. 7 CFR § 273.16(c)(1) provides that an Intentional Program violation consists of having intentionally made a false or misleading statement or misrepresented, concealed, or withheld facts
13. 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.
14. The Defendant intended to commit and committed an Intentional Program Violation when she completed and signed the Department’s eligibility redetermination documents multiple times, stating her daughter was residing with her in CT when she was actually living in MA with her father and attending MA’s school.
15. The Hearing Record clearly and convincingly established that the Defendant intentionally made misstatements and misrepresented her household composition to the Department.
16. The Defendant's intentional misstatement and failure to correctly report her household composition to the Department constitutes a first offense intentional program violation.
17. 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
18. 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.
19. The Department is correct to seek the disqualification of the Defendant from the SNAP program for a period of one year.
20. 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.

21. 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.
24. The Department is correct in seeking recoupment of SNAP benefits of \$1,386.00 from the Defendant.

DECISION

The Defendant is **GUILTY** of committing a first intentional program violation in the SNAP program by misrepresenting her household composition. She is disqualified from the SNAP program for a period of twelve months and the resulting overpayment of \$1,386.00 is subject to recovery.

Veronica King

Veronica King
Hearing Officer

cc: OLCRAH.QA.DSS@ct.gov
Nicholas Coco, DSS, Client Fraud Investigator

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.