

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVE.
HARTFORD, CT 06105-3725

■■■ ■■■ 2021
Signature Confirmation

Client ID ■■■■■■■■
Case ID ■■■■■■■■
Request 176088

NOTICE OF DECISION

PARTY

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PROCEDURAL BACKGROUND

On ■■■ ■■■ 2021, the Department of Social Services made a request for an Administrative Disqualification Hearing (“ADH”) to seek disqualification of ■■■■■■■■ ■■■■■■■■ (the “Defendant”) from participation in the Supplemental Nutrition Assistance Program (“SNAP”) for twelve (12) months. The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) by failing to report a change in household composition. The Department also seeks to recover overpaid SNAP benefits of \$1,491.00.

On ■■■ ■■■ 2021, the Office of Legal Counsel, Regulations and Administrative Hearings (“OLCRAH”) mailed the Defendant notification of the initiation of the ADH process scheduled for ■■■ ■■■ 2021, which included notification of her rights in these proceedings via certified mail.

On ■■■ ■■■ 2021, the OLCRAH mailed the Defendant notification of the initiation of the ADH process scheduled for ■■■ ■■■ 2021 which included notification of her rights in these proceedings via first class mail.

On ■■■ ■■■ 2021, the United States Postal Service (“USPS”) returned the initiation of the ADH process certified mail packet to the Department because the packet remained unclaimed at the USPS.

As of [REDACTED] [REDACTED] 2021, the USPS has not returned the notification of the initiation of the ADH process sent by first class mail.

On [REDACTED] [REDACTED] 2021, OLCRAH conducted the ADH in accordance with section 17b-88 of the Connecticut General Statutes and Title 7 of the Code of Federal Regulations section 273.16 subsection (e).

PRESENT AT THE HEARING

George Jones, Department Representative
Lisa Nyren, Fair Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Defendant committed an intentional program violation (“IPV”) of the SNAP and subject to a twelve (12) month disqualification penalty under the SNAP.

A secondary issue to be decided is whether the Department’s proposal to recoup a SNAP overpayment of \$1,491.00 for the period [REDACTED] [REDACTED] 2019 through [REDACTED] [REDACTED] 2019 is correct.

FINDINGS OF FACT

1. The Department authorized SNAP benefits for a household of three: the Defendant and her two children, [REDACTED] [REDACTED] date of birth [REDACTED]/[REDACTED]/[REDACTED] (“adult child”) and [REDACTED] [REDACTED] date of birth [REDACTED]/[REDACTED]/[REDACTED] (“minor child”) for a twelve (12) month certification period beginning [REDACTED] [REDACTED] 2018 and ending on [REDACTED] [REDACTED] 2019. (Hearing Record)
2. On [REDACTED] [REDACTED] 2018, the Department of Children and Families (“DCF”) removed the minor child from the Defendant’s custody. (Department Representative’s Testimony)
3. On [REDACTED] [REDACTED] 2018, DCF received temporary custody of the minor child. (Department Representative’s Testimony)
4. On [REDACTED] [REDACTED] 2019, DCF obtained legal guardianship of the minor child. (Department Representative’s Testimony)
5. Recipients of benefits under the SNAP are subject to recertification annually by the Department to establish continued eligibility of benefits. (Hearing Record)

6. On ██████ 2019, the Defendant completed and signed a Renewal of Eligibility document (“renewal document”) requesting continued benefits under the SNAP. The Defendant confirmed her adult child and minor child continue to live her with no changes to her household on the renewal document. The Defendant did not report employment income for herself or her adult child. The Defendant did not report any source of unearned income for herself or her adult child. The Defendant confirmed child support of \$29.52 for the minor child continued with no changes and shelter obligations remained the same listing rent as \$850.00. (Exhibit 2: Renewal Document)

7. The Defendant failed to report DCF removed the minor child from her custody on ██████ 2018 on the renewal document. (Hearing Record)

8. On ██████ 2019, the Department received the Defendant’s renewal document requesting continued benefits under the SNAP for a household of three, the Defendant, the adult child, and the minor child. (Department Representative’s Testimony and Exhibit 2: Renewal Document)

9. On ██████ 2019, the Department reviewed the Defendant’s renewal document. The Department reviewed child support payments for the period ██████ 2018 \$18.07, ██████ 2018 \$199.72, and ██████ 2019 \$103.02 calculating the three month average of child support as \$106.93 per month. The Department updated receipt of unemployment compensation benefits (“UCB”) as per Department of Labor alert. (Exhibit 3: Case Notes)

10. On ██████ 2019, the Defendant completed a renewal interview with the Department. The Appellant confirmed receipt of UCB of \$297.00 weekly. Reference chart below. Pay date (“PD”) Check Week Ending (“CWE”).

CWE	PD	UCB	CWE	PD	UCB	CWE	PD	UCB
█/█/19	█/█/19	\$297.00	█/█/19	█/█/19	\$297.00	█/█/19	█/█/19	\$297.00
█/█/19	█/█/19	\$297.00	█/█/19	█/█/19	\$297.00	█/█/19	█/█/19	\$297.00
█/█/19	█/█/19	\$297.00	█/█/19	█/█/19	\$297.00	█/█/19	█/█/19	\$297.00
█/█/19	█/█/19	\$297.00	█/█/19	█/█/19	\$297.00	█/█/19	█/█/19	\$297.00
						█/█/19	█/29/19	\$297.00
	Total	\$1,188.00		Total	\$1,188.00		Total	\$1,485.00
	█/2019			█/2019			█/2019	
CWE	PD	UCB	CWE	PD	UCB	CWE	PD	UCB
█/█/19	█/█	\$297.00	█/█/19	█/█/█	\$297.00	█/█/19	█/█/19	\$297.00
█/█/19	█/█	\$297.00	█/█/19	█/█/█	\$297.00	█/█/19	█/█/19	\$297.00

█/█/19	█/█/19	\$297.00	█/█/19	█/█/19	\$297.00			
█/█/19	█/█/19	\$297.00	█/█/19	█/█/19	\$297.00			
	Total	\$1,188.00		Total	\$1,188.00		Total	\$594.00
	█/2019			█/2019			█/2019	

(Exhibit 3: Case Notes and Exhibit 8: UCB Details)

11. The Defendant failed to report DCF removed the minor child from her custody on █ 2018 to the Department during the renewal interview. (Department Representative's Testimony)
12. On █ 2019, the Department recertified the Defendant's benefits under the SNAP for a household of three, the Defendant, the adult child, and the minor child, for a twelve (12) month period beginning █ 2019 through █ 2020 in the amount of \$304.00 per month. The Department included the following: monthly child support of \$106.93 per month, \$297.00 weekly UCB, \$850.00 monthly rent, and the standard utility allowance of \$728 for █ 2019 and \$736 beginning █ 2019 with a maximum shelter hardship as \$535 for █ 2019 and \$552 beginning █ 2019. (Exhibit 3: Case Notes, Exhibit 4: Notice of Action, Exhibit 10: ImpaCT Federal SNAP Income Test, and Exhibit 11: ImpaCT Benefit Issuance Search)
13. The Department issues Periodic Report Forms ("PRF") to recipients of SNAP benefits midway through their recertification cycles to complete and return. Recipients must report changes in household composition and income on the PRF. (Department Representative's Testimony)
14. On █ 2019, the Defendant completed and signed a PRF reporting the following changes: employment with █ █ ("new employer"), 40 hours per week at \$14.00 per hour, child support changes due to non-compliance, and change of address and monthly rent expense increase to \$1,200.00. (Exhibit 5: PRF)
15. The Defendant earned the following wages while working for the new employer:

pay date	Gross Pay	pay date	Gross Pay	pay date	Gross Pay
█/█/19	\$448.00	█/█/19	\$560.00	█/█/19	\$525.00
		█/█/19	\$546.00	█/█/19	\$399.00
		█/█/19	\$532.00	█/█/19	\$553.00
		█/█/19	\$532.00	█/█/19	\$532.00
		█/█/19	\$553.00		
Total █/2019	\$448.00	Total █/2019	\$2,723.00	Total █/2019	\$2,009.00
pay date	Gross Pay	pay date	Gross Pay	pay date	Gross Pay

█/█/19	\$483.00	█/█/19	\$532.00	█/█/19	\$322.00
█/█/19	\$560.00	█/█/19	\$532.00	█/█/19	\$532.00
█/█/19	\$560.00	█/█/19	\$560.00	█/█/19	\$560.00
█/█/19	\$455.00	█/█/19	\$546.00	█/█/19	\$560.00
		█/█/19	\$560.00		
Total █/2019	\$2,058.00	Total █/2019	\$2,730.00	Total █/2019	\$1,974.00

(Exhibit 9: The Work Number)

16. On █ 2019, the Department processed the changes reported by the Appellant on the PRF, confirming child support terminated in █ 2019, UCB ended, and updated the Appellant's new employment reducing the Appellant's SNAP benefits for the household of three, the Appellant, the adult child, and the minor child to \$151.00 effective █ 2019. (Exhibit 5: PRF, Exhibit 6: Case Notes, and Exhibit 11: Benefit Issuance Search)
17. The Defendant failed to report DCF removed the minor child from her custody on █ 2018 to the Department on the PRF. (Department Representative's Testimony)
18. On █ 2019, the DCF reunified the Defendant with the minor child returning the minor child to the Defendant's care. (Department Representative's Testimony)
19. On █ 2019, the Investigations Unit of the Department initiated a review of the Appellant's eligibility for benefits under the SNAP after receiving a referral from the Child Support Unit alleging the Defendant committed a program violation under the SNAP for the reason the minor child was not in the home. (Exhibit 1: Impact Update Referral, Exhibit 19: Report of Suspected IPV, and Department Representative's Testimony)
20. The Department determined the Defendant failed to report to the Department that on █ 2018 DCF removed the minor child from her home at time of recertification because the Defendant failed to disclose the child's removal from the home by DCF on the renewal form signed on █ 2019 and during the recertification interview with the Department on █ 2019. Additionally, the Defendant failed to report to the Department that on █ 2018 DCF removed the minor child from her home on the PRF signed by the Defendant on █ 2019. Changes in household composition must be reported at time of recertification and on the PRF. (Hearing Record)
21. The Department determined the Defendant committed an intentional program violation under the SNAP because the Defendant failed to report

- the minor child did not live with her at time of recertification and on the PRF. Refer to Finding of Fact #20. (Hearing Record)
22. On [REDACTED] [REDACTED] 2021, the Department issued the Defendant a notice requesting the Defendant appear at the Regional Office on [REDACTED] [REDACTED] 2021 to discuss past benefits under the SNAP. The notice included an option for the Defendant to contact the Department to reschedule. (Exhibit 15: Notice to Appear)
 23. On [REDACTED] [REDACTED] 2021, the Defendant failed to appear at the Regional Office and failed to contact the Department to reschedule her [REDACTED] [REDACTED] 2021 appointment. (Department Representative's Testimony)
 24. On [REDACTED] [REDACTED] 2021, the Department issued the Defendant a Notice of Appointment scheduling an appointment for the Defendant to appear at the Regional Office on [REDACTED] [REDACTED] 2021 to discuss her benefits. The notice included an option for the Defendant to contact the Department to reschedule. (Exhibit 14: Notice of Appointment)
 25. On [REDACTED] [REDACTED] 2021, the Defendant failed to appear at the [REDACTED] [REDACTED] 2021 appointment and failed to contact the Department to reschedule this appointment. (Department Representative's Testimony)
 26. On [REDACTED] [REDACTED] 2021, the Department issued the Defendant a Notice of Prehearing Interview (form W1448") scheduling an appointment with the Defendant for [REDACTED] [REDACTED] 2021 at the Regional Office to discuss her SNAP benefits. The notice stated the Defendant broke the SNAP rules on purpose because "you received food stamps for a child not in your care from [REDACTED] 2018 – [REDACTED] 2019." The Department enclosed Waiver of Disqualification Hearing (form W1449") notice informing the Defendant of an overpayment of SNAP benefits resulting from an IVP. The waiver notice states, "This intentional program violation caused an overpayment in the amount of \$1,550. It is for the period from [REDACTED] 2019 through [REDACTED] 2019." The Department proposed three repayment options: lump sum payment, \$115 per month beginning [REDACTED] [REDACTED] 2021 or benefit reduction equal to 20% beginning [REDACTED] [REDACTED] 2021. Form W-1449 informed the Defendant of the Department's proposal to disqualify her from the SNAP for a period of 12 months beginning [REDACTED] [REDACTED] 2021. (Exhibit 17: Notice of Prehearing Interview and Exhibit 18: Waiver of Disqualification Hearing)
 27. On [REDACTED] [REDACTED] 2021, the Defendant failed to appear for the prehearing interview and failed to contact the Defendant to reschedule the prehearing interview. The Department did not receive a signed form W-1449 from the Defendant. (Hearing Record)

28. On [REDACTED] [REDACTED] 2021, the OLCRAH conducted an administrative disqualification hearing. (Hearing Record)
29. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of twelve (12) months due to an IPV when the Defendant failed to inform the Department the minor child no longer resided in the home at recertification and on the PRF. This would be the first disqualification penalty under the SNAP for the Defendant. (Hearing Record)
30. The Department seeks to recover \$1,491.00 in overpaid SNAP benefits because the Defendant failed to follow the SNAP regulations when she failed to report the change in household composition at time of recertification and on the PRF. (Hearing Record)

Month	Received	Entitled	Overpayment
[REDACTED] 2019	\$304.00	\$70.00	\$234.00
[REDACTED] 2019	\$304.00	\$164.00	\$140.00
[REDACTED] 2019	\$304.00	\$164.00	\$140.00
[REDACTED] 2019	\$304.00	\$75.00	\$229.00
[REDACTED] 2019	\$304.00	\$355.00	\$00.00
[REDACTED] 2019	\$304.00	\$00.00	\$304.00
[REDACTED] 2019	\$304.00	\$87.00	\$217.00
[REDACTED] 2019	\$151.00	\$75.00	\$76.00
[REDACTED] 2019	\$151.00	\$00.00	\$151.00
Totals	\$2,430.00	\$990.00	\$1,491.00

31. The issuance of this decision is timely under Title 7 Section 273.16(e)(2)(iv) of the Code of Federal Regulations, which requires that a decision be issued within 90 days of the notice of the initiation of the ADH process. On [REDACTED] [REDACTED] 2021, the OLCRAH mailed the Defendant notification of the initiation of the ADH process. Therefore, this decision is due not later than [REDACTED] [REDACTED] 2021.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes ("Conn. Gen. Stat.") provides that the Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. State statute provides as follows:

If a beneficiary of assistance under the state supplement program, medical assistance program, aid to families with dependent children

program, temporary family assistance program, state-administered general assistance program, food stamp program or supplemental nutrition assistance program receives any award or grant over the amount to which he is entitled under the laws governing eligibility, the Department of Social Services (1) shall immediately initiate recoupment action and shall consult with the Division of Criminal Justice to determine whether to refer such overpayment, with full supporting information, to the state police, to a prosecuting authority for prosecution or to the Attorney General for civil recovery, or (2) shall take such other action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings for cases involving alleged fraud in the food stamp program, supplemental nutrition assistance program, the aid to families with dependent children program, the temporary family assistance program or the state-administered general assistance program.

Conn. Gen. Stat. § 17b-88

3. Title 7 Section 273.16(a)(1) of the Code of Federal regulations ("C.F.R.") provides as follows:

The state agency shall be responsible for investigating any case of alleged intentional Program violation, and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or referral to a court of appropriate jurisdiction in accordance with the procedures outlined in this section. Administrative disqualification procedures or referral for prosecution action should be initiated by the State agency in cases in which the State agency has sufficient documentary evidence to substantiate that an individual has intentionally made one or more acts of intentional Program violation as defined in paragraph (c) of this section. If the State agency does not initiate administrative disqualification procedures or refer for prosecution a case involving an over issuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the over issuance by establishing an inadvertent household error claim against the household in accordance with the procedures in §273.18. The State agency should conduct administrative disqualification hearings in cases in which the State agency believes the facts of the individual case do not warrant civil or criminal prosecution through the appropriate court system, in cases previously referred for prosecution that were declined by the appropriate legal authority, and in previously referred cases where no action was taken within a reasonable period of time and the referral was formally withdrawn by the State agency. The State agency shall not initiate an administrative disqualification hearing against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of appropriate jurisdiction, if the factual issues of the case arise out of the

same, or related, circumstances. The State agency may initiate administrative disqualification procedures or refer a case for prosecution regardless of the current eligibility of the individual.

4. Federal regulation provides as follows:

The State agency shall base administrative disqualifications for intentional Program violations on the determinations of hearing authorities arrived at through administrative disqualification hearings in accordance with paragraph (e) of this section or on determinations reached by courts of appropriate jurisdiction in accordance with paragraph (g) of this section. However, any State agency has the option of allowing accused individuals either to waive their rights to administrative disqualification hearings in accordance with paragraph (f) of this section or to sign disqualification consent agreements for cases of deferred adjudication in accordance with paragraph (h) of this section. Any State agency which chooses either of these options may base administrative disqualifications for intentional Program violation on the waived right to an administrative disqualification hearing or on the signed disqualification consent agreement in cases of deferred adjudication.

7 C.F.R. § 273.16(a)(3)

5. Federal regulation provides in pertinent part: *“Household responsibility to report. ... Simplified reporting households are subject to the procedures as provided in paragraph (a)(5) of this section. ...”* 7 C.F.R. § 273.12(a)(1)

“The State agency may establish a simplified reporting system in lieu of the change reporting requirements specified under paragraph (a)(1) of this section.” 7 C.F.R. § 273.12(a)(5)

6. The Department correctly determined the Defendant subject to simplified reporting under the SNAP.

7. Federal regulation provides as follows:

General. No household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14(a)

Federal regulation provides as follows:

Application. The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of §273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in §273.2(b)(2), and provide the household with a notice of required verification as specified in §273.2(c)(5).

7 C.F.R. § 273.14(b)(2)

Federal regulation provides as follows:

Interview. As part of the recertification process, the State agency must conduct an interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The provisions of §273.2(e) also apply to interviews for recertification. The State agency may choose not to interview the household at interim recertifications within the 12-month period. The requirement for an interview once every 12 months may be waived in accordance with §273.2(e)(2).

7 C.F.R. § 273.14(b)(3)

8. Federal regulation provides as follows:

Submission of periodic reports by non-exempt households. Households that are certified for longer than 6 months, except those households described in §273.12(a)(5)(iii)(A), must file a periodic report between 4 months and 6 months, as required by the State agency. Households in which all adult members are elderly or have a disability with no earned income and are certified for periods lasting between 13 months and 24 months must file a periodic report once a year. In selecting a due date for the periodic report, the State agency must provide itself sufficient time to process reports so that households that have reported changes that will

reduce or terminate benefits will receive adequate notice of action on the report in the first month of the new reporting period.

7 C.F.R. § 273.12(a)(5)(iii)(B)

“The periodic report form must request from the household information on any changes in circumstances in accordance with paragraphs (a)(1)(i) through (a)(1)(vii) of this section and conform to the requirements of paragraph (b)(2) of this section.” 7 C.F.R. § 273.12(a)(5)(iii)(C)

Federal regulation provides in pertinent part:

Monthly reporting households are required to report as provided in §273.21. Quarterly reporting households are subject to the procedures as provided in paragraph (a)(4) of this section. Simplified reporting households are subject to the procedures as provided in paragraph (a)(5) of this section. Certified change reporting households are required to report the following changes in circumstances:

- ii. All changes in household composition, such as the addition or loss of a household member.
- iii. changes in residence and the resulting change in shelter costs.

7 C.F.R. § 273.12(a)(1)(ii) and 7 C.F.R. § 273.12(a)(1)(iii)

9. Federal regulation provides as follows:

Failure to report. If the State agency discovers that the household failed to report a change as required by paragraph (a) of this section and, as a result, received benefits to which it was not entitled, the State agency shall file a claim against the household in accordance with §273.18. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if the household's benefits are reduced. A household shall not be held liable for a claim because of a change in household circumstances which it is not required to report in accordance with §273.12(a)(1). Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the disqualification procedures specified in §273.16.

7 C.F.R. § 273.12(d)

10. The Department correctly determined the Defendant failed to report a change in household composition because the Defendant failed to notify the Department that the minor child, under DCF custody, no longer resided in the home on the renewal document signed by the Defendant on [REDACTED] 2019 and during the renewal interview with

the Department on ██████████ 2019. In addition, the Defendant failed to report that the minor child no longer resided in the home on the PRF completed and signed by the Defendant on ██████████ 2019. The Defendant failed to establish good cause for the omission of changes to household composition. Changes in household composition is a change recipients of SNAP are required to report at recertification and on the PRF.

11. "The State agency shall conduct administrative disqualification hearings for individual accused of intentional Program violation in accordance with the requirements outlined in this section." 7 C.F.R. § 273.16(e)

"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, intentional Program violation as defined in paragraph (c) of this section." 7 C.F.R. § 273.16(e)(6)

Federal regulation provides as follows:

Definition of 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 SNAP, SNAP regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of SNAP benefits or BET cards.

7 C.F.R. § 273.16(c)

12. **The Department correctly determined that the Defendant committed an intentional program violation (IPV) of the SNAP federal regulations because the Defendant misrepresented her household and withheld information when she failed to disclose to the Department a change in household composition as required by federal regulations on the renewal document and during the renewal interview at recertification and on the PRF. The Defendant failed to report a change in household composition on three (3) separate occasions.**

13. Federal regulation provides as follows:

Imposition of disqualification penalties. (i) If the hearing authority rules that the individual has committed an intentional Program violation, the

household member must be disqualified in accordance with the disqualification periods and procedures in paragraph (b) of this section. The same act of intentional Program violation repeated over a period of time must not be separated so that separate penalties can be imposed.

7 C.F.R. § 273.16(e)(8)(i)

Federal regulation provides as follows:

Disqualification penalties. Individuals found to have committed an intentional Program violation either through an administrative disqualification hearing or by a Federal, State or local court, or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the Program: For a period of twelve months for the first intentional Program violation, except as provided under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section.

7 C.F.R. § 273.16(b)(1)(i)

14. The Department was correct to seek the disqualification of the Defendant from participating in the SNAP for a period of 12 months under a first violation because the Defendant committed an IPV and subject to disqualification under the SNAP for a period of 12 months. Refer to Conclusion of Law (“COL”) # 12.

15. Federal regulation provides as follows:

Income eligibility standards. Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP. Households which are categorically eligible as defined in §273.2(j)(2) or 273.2(j)(4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

7 C.F.R. § 273.9(a)

Federal regulation provides as follows:

Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. Unearned income shall include, but not be limited to: Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in §272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

7 C.F.R. § 273.9(b)(2)(ii)

Federal regulation provides as follows:

Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. Unearned income shall include, but not limited to: Payments from Government-sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit.

7 C.F.R. § 273.9(b)(2)(v)

“Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include (i) all wages and salaries of employee.” 7 C.F.R. § 273.9(b)

16. For the period [REDACTED] 2019 through [REDACTED] 2019, the Department correctly included the Defendant's UCB for the purpose of determining eligibility and calculating benefits under the SNAP.

17. For the period [REDACTED] 2019 through [REDACTED] 2019, the Department incorrectly excluded the Defendant's child support received for the purpose for determining eligibility and calculating benefits under the SNAP.

18. For the period [REDACTED] 2019 through [REDACTED] 2019, the Department correctly included the Defendant's earnings for the purpose of determining eligibility and calculating benefits under the SNAP.

19. Federal regulation provides as follows:

Determining income-(1) Anticipating income. For the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the

household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by §273.12.

7 C.F.R. § 273.10(c)(1)(i)

Federal regulation provides as follows:

Income only in month received. Income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged. Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the State agency shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15, use the State Agency's PA conversion standard, or use the exact monthly figure if it can be anticipated for each month of the certification period. Nonrecurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income.

7 C.F.R. § 273.10(c)(2)(i)

20. The Department incorrectly determined the Appellant's monthly gross UCB for the following months: █████ 2019, █████ 2019, █████ 2019, and █████ 2019. For █████ 2019, the Department correctly determined █████ 2019 gross UCB as \$1,188.00. The Department calculated the monthly gross UCB using the check week ending (CWE) date rather than the payment date (PD). Refer to Finding of Fact ("FOF") # 10.

Month 2019	Incorrect Gross UCB	Correct Gross UCB
█████ 2019	\$1,485.00	\$1,188.00
█████ 2019	\$1,188.00	\$1,485.00

████ 2019	\$1,485.00	\$1,188.00
████ 2019	\$297.00	\$594.00

21. For the months █████ 2019 through █████ 2019, the Department correctly determined the Appellant gross monthly wages as follows:

Month	Gross Wages
████ 2019	\$448.00
████ 2019	\$2,723.00
████ 2019	\$2,009.00
████ 2019	\$2,058.00
████ 2019	\$2,730.00

22. "Determining deduction. Deductible expenses include only certain dependent care, shelter, medical and at State agency option, child support costs as described in § 273.9." 7 C.F.R. § 273.10(d)

Federal regulation provides as follows:

Excess shelter deduction. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in §271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12 month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

- A. Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.
- B. Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.
- C. The cost of fuel for heating; cooling (i.e., the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well

installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.

- D. The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.
- E. Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

7 C.F.R. § 273.9(d)(6)(ii)

Federal regulation provides as follows:

A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

7 C.F.R. § 273.9(d)(6)(iii)(C)

23. For the months █████ 2019 through █████ 2019, the Department correctly determined the Defendant's rent as \$850.00. For the months █████ 2019 through █████ 2019, the Department incorrectly determined the Appellant's rent as \$850.00. The correct rent is \$1,200.00 per month as reported by the Defendant on the PRF.
24. For the month of █████ 2019, the Department incorrectly determined the SUA as \$728.00. Effective █████ 2018, the SUA equaled \$736.00 per month. For the month █████ 2019 through █████ 2019, the Department correctly determined the SUA as \$736.00 per month.
25. For the month of █████ 2019, the Department incorrectly determined the maximum shelter hardship deduction as \$535.00. The correctly maximum shelter hardship deduction is \$552.00. For █████ 2019 and █████ 2019, the Department incorrectly determined the maximum shelter hardship deduction as \$552.00. Beginning █████ 2019, the maximum shelter hardship deduction increased to \$569.00 per month.
26. Federal regulation provides as follows: *Calculating net income and benefit levels – Net monthly income.* To determine a household's net monthly income, the State agency shall: 7 C.F.R. § 273.10(e)(1)(i)
- A. Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with §273.11(a)(2)(iii).
 - B. Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with §273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income.
 - C. Subtract the standard deduction.
 - D. If the household is entitled to an excess medical deduction as provided in §273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.
 - E. Subtract allowable monthly dependent care expenses, if any, as specified under §273.9(d)(4) for each dependent.

- F. If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with §273.9(d)(5), subtract allowable monthly child support payments in accordance with §273.9(d)(5).
- G. Subtract the homeless shelter deduction, if any, up to the maximum of \$143.
- H. Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section
- I. Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

7 C.F.R. § 273.10(e)(1)(i)

“As a State agency, you do not apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this action is the basis for the claim.” 7 C.F.R. § 273.18(c)(1)(ii)(B)

27. Federal regulation provides as follows:

Standard deduction-48 States, District of Columbia, Alaska, Hawaii, and the Virgin Islands. Effective October 1, 2002 in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under paragraph (a)(2) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household.

7 C.F.R. § 273.9(d)(1)(i)

28. Federal regulation provides as follows:

Except as provides in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) for this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways: The State agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

29. Federal regulation provides as follows:

Thrifty Food Plan (TFP) and Maximum SNAP Allotments. Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at www.fns.usda.gov/fsp.

7 C.F.R. § 273.10(e)(4)(i)

Federal regulation provides as follows:

Adjustment. Effective October 1, 1996, the maximum SNAP allotments must be based on 100% of the cost of the TFP as defined in §271.2 of this chapter for the preceding June, rounded to the nearest lower dollar increment, except that on October 1, 1996, the allotments may not fall below those in effect on September 30, 1996.

7 C.F.R. § 273.10(e)(4)(ii)

For the period October 1, 2018 through September 30, 2019, the maximum SNAP allotment for the 48 States and DC for a household of two equaled \$353.00 per month. (FNS Policy Memo (7/27/2018) SNAP – Fiscal Year 2019 Cost-of-Living Adjustments)

For the period October 1, 2019 through September 30, 2020, the maximum SNAP allotment for the 48 States and DC for a household of

two equaled \$355.00 per month. (FNS Policy Memo (7/24/2019) SNAP – Fiscal Year 2020 Cost-of-Living Adjustments)

30. Based on the hearing record, the █████ 2019 SNAP benefit cannot be determined because the Department failed to include child support income when calculating the correct benefit amount. Additionally, the Department incorrectly calculated the Defendant's monthly UCB, the SUA, and the maximum shelter allowance. The Department also failed to include the standard deduction of \$164.00. The Department incorrectly determined the TFP for a household of two as \$355.00. In █████ 2019, the TFP for a household of two equaled \$353.00.
31. Based on the hearing record, the █████ 2019 SNAP benefits cannot be determined because the Department failed to include child support income when calculating the correct benefit amount. Additionally, the Department incorrectly calculated the Defendant's monthly UCB, failed to allow for the standard deduction of \$164.00 and incorrectly determined the TFP as \$355.00 for a household of two. In █████ 2019, the TFP equaled \$353.00.
32. Based on the hearing record, the █████ 2019 SNAP benefits cannot be determined because the Department failed to include child support income when calculating the correct benefit amount. Additionally, the Department incorrectly failed to allow for the standard deduction of \$164.00 per month and incorrectly determined the TFP for a household of two as \$355.00. In █████ 2019, the TFP equaled \$353.00.
33. Based on the hearing record, the █████ 2019 SNAP benefits cannot be determined because the Department failed to include child support income when calculating the correct benefit amount. Additionally, the Department incorrectly calculated the Defendant's monthly UCB, failed to allow for the standard deduction of \$164.00, and incorrectly determined the TFP for a household of two as \$355.00 per month. In █████ 2019, the TFP equaled \$353.00 for a household of two.
34. Based on the hearing record, the █████ 2019 SNAP benefits cannot be determined because the Department failed to include child support income when calculating the correct benefit amount. Additionally, the Department incorrectly calculated the Defendant's monthly UCB and incorrectly determined the TFP as \$355.00 for a household of two. In █████ 2019, the TFP equaled \$353.00 per month for a household of two.
35. For █████ 2019, the Department correctly calculated a SNAP benefit of \$00.00 for a household of two. Although the Department

incorrectly determined the TFP as \$355.00, rather than \$353.00, there is no impact on the SNAP benefit of \$00.00.

INCOME	
Earned Income	\$2,723.00
Less 20%	<u>-\$544.60</u>
Total	<u>\$2,178.40</u>
Plus Unearned Income	<u>+\$00.00</u>
Total	\$2,178.40
Less standard deduction	<u>-\$164.00</u>
Adjusted gross income	\$2,014.40
<u>SHELTER COSTS</u>	
Rent	\$850.00
SUA	<u>+\$736.00</u>
Total shelter costs	\$1,586.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,586.00
Less 50% of adjusted gross income	<u>-\$1,007.20</u>
Total shelter hardship	\$578.80 <small>(Can not exceed \$552 unless elderly or disabled)</small>
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$2,014.40
Less shelter hardship	<u>-\$552.00</u>
Net Adjusted Income (NAI)	\$1,462.40
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for # Person/s	\$353.00
Less 30% of NAI	<u>-\$439.00</u>
SNAP award	\$00.00

36. For ██████████ 2019, the Department incorrectly determined the Defendant's SNAP benefit for a household of two as \$87.00 per month. The correct benefit is \$85.00. The Department's SNAP calculation applied the incorrect TFP of \$355.00 per month. The correct TFP for a household of two is \$353.00.

INCOME	
Earned Income	\$2,009.00
Less 20%	<u>-\$401.80</u>

Total	<u>\$1,607.20</u>
Plus Unearned Income	<u>+\$00.00</u>
Total	\$1,607.20
Less standard deduction	<u>-\$164.00</u>
Adjusted gross income	\$1,443.20
<u>SHELTER COSTS</u>	
Rent	\$1,200.00
SUA	<u>+\$736.00</u>
Total shelter costs	\$1,936.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,936.00
Less 50% of adjusted gross income	<u>-\$721.60</u>
Total shelter hardship	\$1,214.40 (Can not exceed \$552 unless elderly or disabled)
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$1,443.20
Less shelter hardship	<u>-\$552.00</u>
Net Adjusted Income (NAI)	\$891.20
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for # Person/s	\$353.00
Less 30% of NAI	<u>-\$268.00</u>
SNAP award	\$85.00

37. For ██████████ 2019, the Department incorrectly determined the Defendant's SNAP benefit for a household of two as \$75.00 per month. The correct benefit is \$81.00 per month. The Department incorrectly determined the standard disregard as \$164.00 per month. As of ██████████ 2019, the standard disregard increased to \$167.00 per month.

INCOME	
Earned Income	\$2,058.00
Less 20%	<u>-\$411.60</u>
Total	<u>\$1,646.40</u>
Plus Unearned Income	<u>+\$00.00</u>
Total	\$1,646.40
Less standard deduction	<u>-\$167.00</u>
Adjusted gross income	\$1,479.40
<u>SHELTER COSTS</u>	
Rent	\$1,200.00

SUA	<u>+\$736.00</u>
Total shelter costs	\$1,936.00
SHELTER HARDSHIP	
Shelter costs	\$1,936.00
Less 50% of adjusted gross income	<u>-\$739.70</u>
Total shelter hardship	\$1,196.30 (Can not exceed \$569 unless elderly or disabled)
ADJUSTED NET INCOME	
Adjusted gross income	\$1,479.40
Less shelter hardship	<u>-\$569.00</u>
Net Adjusted Income (NAI)	\$910.40
BENEFIT CALCULATION	
Thrifty Food Plan for # Person/s	\$355.00
Less 30% of NAI	<u>-\$274.00</u>
SNAP award	\$81.00

38. For ██████████ 2019, the Department correctly calculated a SNAP benefit of \$00.00 for a household of two. Although the Department incorrectly determined the standard deduction as \$164.00 and the maximum shelter hardship as \$552.00, the result does not change. The Appellant's benefit equals \$00.00.

INCOME	
Earned Income	\$2,730.00
Less 20%	<u>-\$546.00</u>
Total	<u>\$2,184.00</u>
Plus Unearned Income	<u>+\$00.00</u>
Total	\$2,184.00
Less standard deduction	<u>-\$167.00</u>
Adjusted gross income	\$2,017.00
SHELTER COSTS	
Rent	\$1,200.00
SUA	<u>+\$736.00</u>
Total shelter costs	\$1,936.00
SHELTER HARDSHIP	
Shelter costs	\$1,936.00
Less 50% of adjusted gross income	<u>-\$1,008.50</u>
Total shelter hardship	\$927.50 (Can not exceed

	\$569 unless elderly or disabled)
ADJUSTED NET INCOME	
Adjusted gross income	\$2,017.00
Less shelter hardship	-\$569.00
Net Adjusted Income (NAI)	\$1,448.00
BENEFIT CALCULATION	
Thrifty Food Plan for # Person/s	\$355.00
Less 30% of NAI	-\$435.00
SNAP award	\$00.00

39. "A recipient claim is an amount owed because of benefits that are overpaid." 7 C.F.R. § 273.18(a)(1)(i)

"This claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency may establish and collect any claim by following these regulations." 7 C.F.R. § 273.18(a)(2)

"*Types of Claims:* There are three types of claims: Intentional Program violation (IPV) claim is any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in § 273.16." 7 C.F.R. § 273.18(b)(1)

40. The Department correctly determined the SNAP overpayment as intentional recipient error because the Defendant failed to report a change in household composition at time of recertification failing to properly report the minor child was no longer in the home on the renewal document and during the renewal interview and again on the PRF.

41. Federal regulation provides as follows:

Failure to report. If the State agency discovers that the household failed to report a change as required by paragraph (a) of this section and, as a result, received benefits to which it was not entitled, the State agency shall file a claim against the household in accordance with §273.18. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if the household's benefits are reduced. A household shall not be held liable for a claim because of a change in household circumstances which it is not required to report in accordance with §273.12(a)(1). Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the disqualification procedures specified in §273.16.

7 C.F.R. § 273.12(d)

Federal regulation provides as follows:

Calculating the claim amount—(1) Claims not related to trafficking. As a State agency, you must calculate a claim back to at least twelve months prior to when you become aware of the overpayment and for an IPV claim, the claim must be calculated back to the month the act of IPV first occurred and for all claims, don't include any amounts that occurred more than six years before you became aware of the overpayment.

7 C.F.R. § 273.18(c)(1)(i)

Federal regulation provides as follows: The actual steps for calculating a claim are:

- A. You determine the correct amount of benefits for each month that a household received an overpayment;
- B. You do not apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim unless the claim is an AE claim then apply the earned income deduction.
- C. You subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment unless this answer is zero or negative then dispose of the claim referral.
- D. You reduce the overpayment amount by any EBT benefits expunged from the household's EBT benefit account in accordance with your own procedures. The difference is the amount of the claim unless you are not aware of any expunged benefits then the amount of the overpayment calculated in paragraph (c)(1)(ii)(C) of this section is the amount of the claim.

7 C.F.R. § 273.18(C)(1)(ii)

42. The Department correctly determined the Appellant overpaid in the 12 month certification period that began [REDACTED] 2019. The Department correctly determined the overpayment claim ended on [REDACTED] 2019, the month in which the minor child returned to the Defendant's household. However, based on the hearing record, the total overpayment claim cannot be determined because the hearing record is void of child support received for the period [REDACTED] 2019 through [REDACTED] 2019 which is necessary to determine the amount of benefits the Defendant would have been entitled to during this period. SNAP benefits received minus Correct SNAP benefit equals Overpayment Claim.

Month	SNAP Received	SNAP Correct Amt.	Overpayment Claim
[REDACTED] 2019	\$304.00	Unable to determine	Unable to determine

████ 2019	\$304.00	Unable to determine	Unable to determine
████ 2019	\$304.00	Unable to determine	Unable to determine
████ 2019	\$304.00	Unable to determine	Unable to determine
████ 2019	\$304.00	Unable to determine	Unable to determine
████ 2019	\$304.00	\$00.00	\$304.00
████ 2019	\$304.00	\$85.00	\$219.00
████ 2019	\$151.00	\$81.00	\$70.00
████ 2019	\$151.00	\$00.00	\$151.00
Totals	\$2,430.00	Unable to determine	Unable to determine

- 43. The Department correctly determine the Defendant committed an IPV and is subject to a 12 month penalty period. The Department correctly determined the Appellant overpaid for the period █████ 2019 through █████ 2019, however, the total amount of the claim cannot be determined based on the hearing record.**

DECISION

With regard to the Intentional Program Violation under the SNAP and the Department's request to disqualify the Defendant from SNAP for a period of 12 months, the Defendant is found guilty.

With regard to the Department's request to recover the overpayment claim of \$1,491.00 for the period █████ 2019 through █████ 2019, the appeal is remanded back for further review.

ORDER

1. The Department must properly recalculate the overpayment claim for the period █████ 2019 through █████ 2019. In order to properly recalculate the Overpayment claim, the Department must correctly calculate the benefits for █████ 2019 through █████ 2019 by:
 - a. including child support income received by the Defendant for each month;
 - b. recalculating the gross monthly UCB using benefits issued on the payment date (PD) rather than check week ending (CWE) date;
 - c. applying the gross monthly wages with earned income disregard;
 - d. applying the appropriate standard deduction: \$164.00 per month, \$167.00 per month effective █████ 2019;
 - e. correcting the Defendant's rental obligation from \$850.00 to \$1,200.00 beginning █████ 2019;
 - f. correcting the █████ 2019 SUA from \$728.00 to \$736.00;
 - g. correcting the █████ 2019 maximum shelter deduction from \$535.00 to \$552.00;

- h. correcting the [REDACTED] 2019 maximum shelter deduction from \$552.00 to \$569.00;
 - i. applying the appropriate TFP for a household of two: \$353.00 per month, \$355.00 per month effective [REDACTED] 2019.
2. The Department must issue a corrected notice of the overpayment claim to the Defendant for the period [REDACTED] 2019 through [REDACTED] 2019.
3. Compliance is due 14 days from the date of this decision.



Lisa A. Nyren
Fair Hearing Officer

CC: OLCRAH.QA.DSS@ct.gov
George Jones, DSS RO #10

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.