

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 # 176467

ADMINISTRATIVE DISQUALIFICATION HEARING
NOTICE OF DECISION

PARTY

██████████
██████████
████████████████████

REASON FOR HEARING

On ██████████ 2021, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received 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 from the Department of Social Services (“Department”) Investigations and Recoveries Division (“Investigations Unit”). The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) by failing to report household income. The Department also seeks to recover overpaid SNAP benefits of \$1,241.00.

On ██████████ 2021, the OLCRAH mailed the Defendant a Notice of Administrative Hearing (“NoAH”) informing the Defendant that the Department scheduled of an administrative disqualification hearing for ██████████ 2021 via certified mail. The NoAH included notification of the Defendant’s rights in these proceedings and the Department’s hearing summary and evidence supporting the Department’s case against the Defendant.

On [REDACTED] [REDACTED] 2021, the United States Postal Service (“USPS”) returned the NoAH and supporting documents sent by certified mail on [REDACTED] [REDACTED] 2021 to the OLCRAH.

On [REDACTED] [REDACTED] 2021, the OLCRAH remailed the Defendant the NoAH and supporting documents via regular mail.

As of [REDACTED] [REDACTED] 2021, the USPS has not returned the NoAH sent by regular mail on [REDACTED] [REDACTED] 2021.

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).

As of the hearing issuance date, the USPS has not returned the NoAH sent by regular mail on [REDACTED] [REDACTED] 2021.

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 claim of \$1,241.00 for the period [REDACTED] [REDACTED] 2018 through [REDACTED] [REDACTED] 2019 is correct.

FINDINGS OF FACT

1. The Defendant received benefits under the SNAP for himself. (Hearing Record)
2. On [REDACTED] [REDACTED] 2017, the Department issued the Defendant a Notice of Action informing the Defendant of a decrease in the amount of his SNAP for the beginning [REDACTED] [REDACTED] 2017 ending [REDACTED] [REDACTED] 2018 from \$194.00 per month to \$192.00 per month. The notice listed the Defendant’s SNAP period of eligibility as [REDACTED] [REDACTED] 2016 to [REDACTED] [REDACTED] 2018. Included in the notice, the Department listed the following

reporting rules: “You must call the Benefit Center at 1-855-626-6632 to report the following changes to us during your SNAP period of eligibility: 1. If your household’s total monthly gross income is more than \$1,287.00. Total monthly gross income is all wages from working and money you get from any other source before taxes and deductions. 2. If you or a member of your household who is subject to time-limited SNAP works fewer than 80 hours in a month or is in an approved employment and training program for fewer than 80 hours in a month. You must report changes to us by the 10th day of the month following the month of the change. For example, if your income goes over the limit in March you must tell us by April 10th.” (Exhibit 12: Notices of Action)

3. On [REDACTED] [REDACTED] 2018, the Defendant began working full time for [REDACTED] [REDACTED] (the “employer”) earning \$16.00 per hour and received his first check on [REDACTED] [REDACTED] 2018. (Exhibit 4: The Work Number Social Services Verification)
4. The Defendant earned the following weekly pays from the employer for the period beginning [REDACTED] [REDACTED] 2018 through [REDACTED] [REDACTED] 2019. Reference chart below. Paydate (“PD”) (Exhibit 4: The Work Number Social Services Verification)

| PD | Gross | PD | Gross | PD | Gross | PD | Gross | PD | Gross | Month Total |
|------------|---------|--------------|---------|------------|-------|------------|---------|------------|-------|-------------|
| [REDACTED] | \$1,132 | | | | | | | | | \$1,132.00 |
| [REDACTED] | \$1,204 | [REDACTED] | \$1,000 | [REDACTED] | \$988 | [REDACTED] | \$1,312 | [REDACTED] | \$820 | \$5,324.00 |
| [REDACTED] | \$922 | [REDACTED] | \$688 | [REDACTED] | \$820 | [REDACTED] | \$808 | | | \$3,238.00 |
| [REDACTED] | \$616 | [REDACTED] 1 | \$868 | [REDACTED] | \$982 | | | | | \$2,466.00 |
| [REDACTED] | \$808 | [REDACTED] | \$652 | [REDACTED] | \$790 | [REDACTED] | \$922 | | | \$3,172.00 |
| [REDACTED] | \$682 | [REDACTED] | \$826 | [REDACTED] | \$600 | [REDACTED] | \$480 | | | \$2,588.00 |
| [REDACTED] | \$850 | [REDACTED] | \$688 | [REDACTED] | \$632 | [REDACTED] | \$712 | | | \$2,882.00 |
| [REDACTED] | \$658 | [REDACTED] | \$44 | | | | | | | \$702.00 |

5. On [REDACTED] [REDACTED] 2018, the Department received a Renewal of Eligibility document (“renewal document”) from the Defendant requesting continued benefits under the SNAP. The renewal document contained the following preprinted information: [REDACTED] (“home address”), [REDACTED] (“mailing address”), cell number [REDACTED] and monthly rent \$219.00. The Defendant reported a change in his cell phone number on the renewal document. The Defendant indicated no changes to report under the following sections of the document: name and address, household members, student information, household assets, income from work, new income, shelter and utility expenses. The Defendant failed to write that he began working for the employer full time on [REDACTED] [REDACTED] 2018 earning \$16.00 per hour on the renewal document.

The renewal document is void of any income information. (Department Representative's Testimony and Exhibit 2: Notice of Renewal of Eligibility)

6. On [REDACTED] [REDACTED] 2018, the Department completed the renewal interview with the Defendant. The Defendant failed to disclose his employment to the Department at the time of interview. (Department Representative's Testimony and Exhibit 3: Case Notes)
7. On [REDACTED] [REDACTED] 2018, the Department issued a Notice of Action to the Defendant. The notice listed the Defendant's period of eligibility as [REDACTED] [REDACTED] 2018 to [REDACTED] [REDACTED] 2019. The notice included the following reporting rules: "You must call the Benefit Center at 1-855-626-6632 to report the following changes to us during your SNAP period of eligibility: 1. If your household's total monthly gross income is more than \$1,316.00. Total monthly gross income is all wages from working and money you get from any other source before taxes and deductions. 2. If you or a member of your household who is subject to time-limited SNAP works fewer than 80 hours in a month or is in an approved employment and training program for fewer than 80 hours in a month. You must report changes to us by the 10th day of the month following the month of the change. For example, if your income goes over the limit in March you must tell us by April 10th." (Exhibit 12: Notices of Action)
8. As of [REDACTED] [REDACTED] 2019, the Appellant stopped working for the employer and began collecting worker's compensation benefits ("WC"). The Defendant received the following WC payments for the period [REDACTED] [REDACTED] 2019 through [REDACTED] [REDACTED] 2019. Paydate ("PD") (Exhibit 5: WC Statement)

| PD | Gross | PD | Gross | PD | Gross | PD | Gross | PD | Gross | Month Total |
|------------|------------|------------|----------|------------|----------|------------|------------|------------|----------|-------------|
| [REDACTED] | \$600 | [REDACTED] | \$300 | [REDACTED] | \$300 | [REDACTED] | \$1,291.80 | | | \$2,491.80 |
| [REDACTED] | \$1,495.08 | | | | | | | | | \$1,495.08 |
| [REDACTED] | \$498.36 | [REDACTED] | \$498.36 | [REDACTED] | \$498.36 | [REDACTED] | \$498.36 | [REDACTED] | \$498.36 | \$2,491.80 |
| [REDACTED] | \$498.36 | [REDACTED] | \$498.36 | [REDACTED] | \$498.36 | | | | | \$1,495.08 |

9. On [REDACTED] [REDACTED] 2019, the Department submitted a referral to the Investigations Unit to investigate the Defendant's failure to report new employment and failure to report receipt of worker's compensation timely. (Department Representative's Testimony and Exhibit 1: Referral)
10. The Investigations Unit determined the Defendant failed to report new employment and that his monthly gross income from the employer and worker's compensation exceeded the SNAP gross income limit of 130% of the federal poverty level ("FPL"). The Defendant failed to report employment on the redetermination document submitted to the Department on [REDACTED] [REDACTED] 2018 and failed to report employment during the renewal interview on [REDACTED] [REDACTED] 2018 with the Department. In

addition, the Defendant failed to report his monthly household income which included employment earnings and worker's compensation benefits for the period ██████████ 2018 through through ██████████ 2019 exceed the SNAP gross income limit of 130% of the FPL. Reference chart below. (Exhibit 2: Renewal of Eligibility, Exhibit 6: W1448 Notice of Prehearing Interview/W1449 Waiver of Disqualification, Exhibit 4: The Work Number Social Services Verification, Exhibit 5: Worker's Compensation Statement, and Department Representative's Testimony)

As of ██████████ 2018, the SNAP gross income limit is \$1,316.00, 130% of the FPL for a household of one. (Department Representative's Testimony)

| Month | Total Wages | Total WC | Total Household Income | 130% FPL |
|-----------------|-------------|------------|------------------------|------------|
| ██████████ 2018 | \$5,324.00 | | \$5,324.00 | \$1,316.00 |
| ██████████ 2018 | \$3,238.00 | | \$3,238.00 | \$1,316.00 |
| ██████████ 2019 | \$2,466.00 | | \$2,466.00 | \$1,316.00 |
| ██████████ 2019 | \$3,172.00 | | \$3,172.00 | \$1,316.00 |
| ██████████ 2019 | \$2,588.00 | | \$2,588.00 | \$1,316.00 |
| ██████████ 2019 | \$2,882.00 | | \$2,882.00 | \$1,316.00 |
| ██████████ 2019 | \$702.00 | \$1,200.00 | \$1,902.00 | \$1,316.00 |
| ██████████ 2019 | | \$3,285.24 | \$3,285.24 | \$1,316.00 |
| ██████████ 2019 | | \$2,491.80 | \$2,491.80 | \$1,316.00 |
| ██████████ 2019 | | \$1,495.08 | \$1,495.08 | \$1,316.00 |

11. On ██████████ 2019, the Investigations Unit spoke with the Defendant regarding unreported employment and a SNAP overpayment claim. The Defendant reported he is no longer working for the employer but collecting workers compensation. The Defendant failed to establish good cause for the omission of employment information at renewal and his failure to report to the Department his earning exceeded the SNAP gross income limit. The Defendant informed the Department he would submit wage stubs to the Investigations Unit. (Department Representative's Testimony)
12. The Investigations Unit did not receive proof of income from the Defendant. (Hearing Record)
13. The Investigations Unit determined the Defendant committed an IPV under the SNAP because he failed to comply with SNAP regulations when he failed to report his household income exceeded the SNAP gross income limit, failed to list employment on the redetermination document and failed to disclose employment during the redetermination telephone interview. (Hearing Record)

14. The Defendant received the following SNAP benefits for the period [REDACTED] 2018 through [REDACTED] 2019: (Exhibit 8: Benefit Issuance Search)

| Issuance Month | Amount Received |
|-----------------|-----------------|
| [REDACTED] 2018 | \$192.00 |
| [REDACTED] 2019 | \$192.00 |
| [REDACTED] 2019 | \$192.00 |
| [REDACTED] 2019 | \$192.00 |
| [REDACTED] 2019 | \$192.00 |
| [REDACTED] 2019 | \$192.00 |
| [REDACTED] 2019 | \$89.00 |
| Total Paid | \$1,241.00 |

15. For the period [REDACTED] 1, 2018 through [REDACTED] 2019, the Investigations Unit determined the Defendant ineligible for benefits under the SNAP for the reason the Defendant's household income exceeds the SNAP gross income limit resulting in an overpayment claim totaling \$1,241.00. (Exhibit 7: SNAP Computation Sheets, Exhibit 6: Benefit History Listing and Department Representative's Testimony)

| Issuance Month | Amount Received | Amount Entitled | Overpayment Amount |
|-----------------|-----------------|-----------------|--------------------|
| [REDACTED] 2018 | \$192.00 | \$00.00 | \$192.00 |
| [REDACTED] 2019 | \$192.00 | \$00.00 | \$192.00 |
| [REDACTED] 2019 | \$192.00 | \$00.00 | \$192.00 |
| [REDACTED] 2019 | \$192.00 | \$00.00 | \$192.00 |
| [REDACTED] 2019 | \$192.00 | \$00.00 | \$192.00 |
| [REDACTED] 2019 | \$192.00 | \$00.00 | \$192.00 |
| [REDACTED] 2019 | \$89.00 | \$00.00 | \$89.00 |
| Total | \$1,241.00 | \$00.00 | \$1,241.00 |

16. On [REDACTED] 2021, the Investigations Unit issued a W-1448 Notice of Prehearing Interview Food Stamp Program ("W-1448") to the Defendant. The W-1448 charged that the Defendant broke the SNAP rules by failing to report employment resulting in an overpayment of benefits paid totaling \$1,261.01 under the SNAP. The Department listed \$1,261.01 in error, the correct overpayment amount equals \$1,241.00. The Investigations Unit scheduled an appointment for [REDACTED] 2021 to meet with the Defendant at the regional office to discuss the charges. (Exhibit 6: W1448 Notice of Prehearing Interview/W1449 Waiver of Disqualification and Department Representative's Testimony)
17. On [REDACTED] 2021, the Investigations Unit mailed a Waiver of Disqualification Hearing ("W-1449") to the Defendant. The notice charges the Defendant with an IPV. The notice informs the Defendant of an overpayment claim totaling \$1,261.01 for the period [REDACTED] 2018

- through [REDACTED] 2019, lists repayment options, and gives the Defendant options to voluntarily admit to the violation, voluntarily sign a waiver or exercise his right to an administrative hearing. The Investigations Unit listed \$1,261.01 in error, the correct overpayment amount equals \$1,241.00. (Exhibit 6: W1448 Notice of Prehearing Interview/W1449 Waiver of Disqualification and Department Representative's Testimony)
18. The Department did not receive a signed W-1449 from the Defendant. (Hearing Record)
 19. On [REDACTED] [REDACTED] 2021, the OLCRAH received a request from the Investigations Unit for an administrative disqualification hearing. Submitted with this request were the hearing summary and documents prepared by the Investigations Unit supporting their claim that the Defendant committed an IPV and is subject to a 12 month disqualification penalty under the SNAP. Additionally, the Department is seeking repayment of SNAP benefits for the period [REDACTED] [REDACTED] 2018 through [REDACTED] [REDACTED] 2019 totaling \$1,241.00. (Hearing Record)
 20. On [REDACTED] [REDACTED] 2021, the OLCRAH mailed the Defendant a Notice of Administrative Hearing ("NoAH") informing the Defendant that the Department scheduled of an administrative disqualification hearing for [REDACTED] [REDACTED] 2021 via certified mail. The NoAH included notification of the Defendant's rights in these proceedings and the Department's hearing summary and evidence supporting the Department's case against the Defendant. (Hearing Record)
 21. On [REDACTED] [REDACTED] 2021, the United States Postal Service ("USPS") returned the NoAH packet mailed to the Defendant on [REDACTED] [REDACTED] 2021 to the OLCRAH. (Hearing Record)
 22. On [REDACTED] [REDACTED] 2021, the OLCRAH reissued the NoAH packet to the Defendant via USPS first class mail. This NoAH packet has not been returned to the OLCRAH as of the date this decision has been issued. (Hearing Record)
 23. On [REDACTED] [REDACTED] 2021, the OLCRAH conducted an administrative disqualification hearing. The Defendant did not appear for the hearing. (Hearing Record)
 24. The Department searched the Electronic Disqualified Recipient System ("eDRS") by the Defendant's first and last name and social security number and found no record of prior disqualifications for the Defendant. (Exhibit 11: eDRS Query)
 25. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of twelve (12) months due to an IPV because the

Defendant broke the rules governing SNAP. The Defendant failed to report new employment at time of recertification by excluding employment information on the redetermination document and failing to disclose his employment during the telephone interview. The Defendant failed to report his household income exceeded the SNAP gross income limit during the 2018 and 2019 certification period. (Hearing Record)

26. The Department seeks to recover \$1,241.00 in overpaid SNAP benefits because the Defendant failed to follow the SNAP rules when he failed to report his employment information on the redetermination document and during the redetermination interview and failed to report his household income exceeded the SNAP gross income limit during the certification period. (Hearing Record)
27. 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 (“CGS”) 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 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 of the Code of Federal Regulations ("C.F.R.") § 273.16(a)(1) 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 overissuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the overissuance 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 as follows:

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 EBT cards.

7 C.F.R. § 273.16(c)

6. 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:

Mandatory verification. State agencies shall verify the following information prior to certification for households initially applying: (i) *Gross nonexempt income.* Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the State agency, and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information.

7 C.F.R. § 273.2(f)(1)(i)

Federal regulation provides as follows:

At recertification the State agency shall verify a change in income if the source has changed or the amount has changed by more than \$50. Previously unreported medical expenses, actual utility expenses and total recurring medical expenses which have changed by more than \$25 shall also be verified at recertification. The State agency shall not verify income if the source has not changed and if the amount is unchanged or has changed by \$50 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The State agency shall also not verify total medical expenses, or actual utility expenses claimed by households which are unchanged or have changed by \$25 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. For households eligible for the child support deduction or exclusion, the State agency may use information provided by the State CSE agency in determining the household's legal obligation to pay child support, the amount of its obligation and amounts the household has actually paid if the household pays its child support exclusively through its State CSE agency and has signed a statement authorizing release of its child support payment records to the State agency. A household would not have to provide any

additional verification unless they disagreed with the information provided by the State CSE agency. State agencies that choose to use information provided by their State CSE agency in accordance with this paragraph (f)(8)(i)(A) must specify in their State plan of operation that they have selected this option. For all other households eligible for the child support deduction or exclusion, the State agency shall require the household to verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a nonhousehold member. The State agency shall verify reportedly unchanged child support information only if the information is incomplete, inaccurate, inconsistent or outdated.

7 C.F.R. § 273.2(f)(8)(i)(A)

Federal regulation provides as follows:

As part of the recertification process, the State agency must conduct a face-to-face 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)

Federal regulation provides as follows:

The State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely

offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

7 C.F.R. § 273.2(e)(2)

7. **The Department correctly determined the Defendant failed to report employment at recertification. Specifically, the Defendant failed to list employment information on the [REDACTED] 2018 renewal document and failed to disclose his employment on [REDACTED] 2018 during the recertification interview.**
8. "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)

Federal regulation provides as follows:

Reporting when gross income exceeds 130 percent of poverty level. A household subject to simplified reporting in accordance with paragraph (a)(5)(i) of this section, whether or not it is required to submit a periodic report, must report when its monthly gross income exceeds the monthly gross income limit for its household size, as defined at 273.9(a)(1). The household shall use the monthly gross income limit for the household size that existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.

7 C.F.R. § 273.12(a)(5)(v)

Federal regulation provides as follows:

The gross income eligibility standards for the Food Stamp Program shall be as follows: the income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty level for the 48 contiguous States and the District of Columbia.

7 C.F.R. § 273.9(a)(1)(i)

Federal regulation provides as follows:

130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.

7 C.F.R. § 273.9(a)(3)(i)

“The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.” 7 C.F.R. § 273.9(a)(3)

The 2019 poverty guidelines for the 48 contiguous states and the District of Columbia for a household of two is \$12,140.00 annually. [Federal Register/Vol. 83, No. 12/Thursday, January 18, 2018/Notices p. 2643]

9. The Department correctly determined the Defendant subject to simplified reporting which states changes to monthly gross income exceeding the 130% of the FPL must be reported to the Department.

10. The SNAP Gross Monthly Income Eligibility Standards or 130% of the FPL for the 48 States, DC, Guam, and Virgin Islands for the period October 1, 2018 through September 30, 2019 for a household of one equals \$1,316.00. (United States Department of Agriculture, SNAP - Fiscal Year 2019 Cost-of-Living Adjustments Memo, July 28, 2018)

11. The Department correctly determined the SNAP gross income limit for a household of one as \$1,316.00 effective [REDACTED] 2018. (\$12,140.00 annual FPL / 12 months = \$1,011.666 gross per month; \$1,012.00 per month x 130% = \$1,315.6 per month gross income limit under the SNAP)

12. Federal regulation provides as follows:

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)

Federal regulation provides as follows:

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 resource starting in the month received and shall not be counted as income.

7 C.F.R. § 273.10(c)(2)(i)

13. For the period [REDACTED] 2018 through [REDACTED] 2019, the Department correctly determined the Defendant's monthly gross income exceeded the SNAP gross income limit of \$1,316.00 per month or 130% of the FPL. The Department incorrectly determined the Defendant's [REDACTED] 2019 monthly gross income as \$1,902.00 by excluding [REDACTED] 2019 WC issuance of \$1,291.80 in the calculation. The Department incorrectly determined the Defendant's [REDACTED] 2019 income as \$3,285.24 by adding the Defendant's [REDACTED] 2019 WC distribution to [REDACTED] 2019 gross monthly income. However, there is no impact on the result as the Defendant's monthly gross income for [REDACTED] 2019 and [REDACTED] 2019 exceed the SNAP gross income limit as demonstrated in the chart below.

| Month | Gross Wages | Gross WC | Total Monthly Gross Income | | 130% of FPL |
|-----------------|-------------|------------|----------------------------|---|-------------|
| [REDACTED] 2018 | \$5,324.00 | | \$5,324.00 | > | \$1,316.00 |
| [REDACTED] 2018 | \$3,238.00 | | \$3,238.00 | > | \$1,316.00 |
| [REDACTED] 2019 | \$2,466.00 | | \$2,466.00 | > | \$1,316.00 |
| [REDACTED] 2019 | \$3,172.00 | | \$3,172.00 | > | \$1,316.00 |
| [REDACTED] 2019 | \$2,588.00 | | \$2,588.00 | > | \$1,316.00 |
| [REDACTED] 2019 | \$2,882.00 | | \$2,882.00 | > | \$1,316.00 |
| [REDACTED] 2019 | \$702.00 | \$2,491.80 | \$3,193.80 | > | \$1,316.00 |
| [REDACTED] 2019 | | \$1,495.08 | \$1,495.08 | > | \$1,316.00 |
| [REDACTED] 2019 | | \$2,491.80 | \$2,491.80 | > | \$1,316.00 |
| [REDACTED] 2019 | | \$1,495.08 | \$1,495.08 | > | \$1,316.00 |

14. Federal regulation provides as follows:

Certified households must report changes within 10 days of the date the change becomes known to the household, or at the State agency's option, the household must report changes within 10 days of the end of the month in which the change occurred. For reportable changes of income, the State agency shall require that change to be reported within 10 days of the date that the household receives the first payment attributable to the change. For households subject to simplified reporting, the household must report changes no later than 10 days from the end of the calendar month in which the change occurred, provided that the household receives the payment with at least 10 days remaining in the month. If there are not 10 days remaining in the month, the household must report within 10 days from receipt of the payment. Optional procedures for reporting changes are contained in paragraph (f) of this section for households in States with forms for jointly reporting SNAP and public assistance changes and SNAP and general assistance changes.

7 C.F.R. § 273.12(a)(2)

15. The Department correctly determined the Defendant failed to report his [REDACTED] 2018 household income exceeded the SNAP gross income limit for a household of one by [REDACTED] [REDACTED] 2018. Under simplified reporting, the Defendant had until [REDACTED] [REDACTED] 2018 to report his monthly gross earnings for [REDACTED] 2018 exceeded the SNAP gross income limit. The Investigations Unit correctly determined the Defendant failed to report his gross monthly income exceeded the SNAP gross income limit no later than 10 days from the end of the following calendar months: [REDACTED] 2018, [REDACTED] 2019, [REDACTED] 2019, [REDACTED] 2019, [REDACTED] 2019, [REDACTED] 2019, and [REDACTED] 2019.

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

17. "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 CFR § 273.16(e)(6)

18. The Department correctly determined that the Defendant committed an intentional program violation (IPV) of SNAP regulations because the hearing record supports the Defendant's violation of SNAP regulations for the purpose of receiving continued benefits under the

SNAP program by withholding employment and income information from the Department. The Defendant failed to report new employment at time of recertification, specifically he failed to list employment on the renewal document and failed to inform the Department of this employment during the renewal interview. Additionally, the Defendant failed to report his household income for the months [REDACTED] 2018 through [REDACTED] 2019 exceeded the SNAP gross income limit for a household of one. Notices issued by the Department on [REDACTED] 2017 and [REDACTED] 2018 inform the Defendant of reporting requirements.

19. Federal regulation provides as follows:

The 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)

Federal regulation provides as follows:

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)

20. The Department was correct to seek the disqualification of the Defendant from participating in the SNAP program for a period of 12 months under a first violation because the Defendant committed an IPV and is subject to disqualification under the SNAP for a period of 12 months.

21. Federal regulation provides as follows:

Participation in the Program shall be limited to those household whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Household which contain an elderly

or disabled member shall meet the net income eligibility standards for SNAP. Household 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. Household 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)

22. For ██████████ 2018 through ██████████ 2019, the Department correctly determined the Defendant ineligible for SNAP benefits because his monthly gross income exceeded the SNAP gross income limit of \$1,316.00 or 130% of the FPL for a household of one. Refer to chart under Conclusion of Law #13.

23. "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)

24. "*Type of claim:* 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)

25. The Department correctly determined the SNAP overpayment as intentional recipient error because the Defendant failed to report his household income exceeded the SNAP gross income limit and the Defendant failed to report employment at recertification.

26. Federal regulation provides as follows:

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 a change in household circumstances which it is not required to report in accordance with § 273.12(a)(1). Individual 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)

27. Federal regulation provides as follows:

Calculating the claim amount-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)

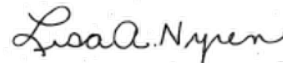
28. The Department correctly determined the Defendant overpaid beginning [REDACTED] 2018, the month in which the Defendant's new certification period began and the month the Defendant failed to report his household income exceeded the SNAP gross income limit, through [REDACTED] 2019.

| Month | Received | Entitled | Overpayment | Subject to Recoupment |
|------------|------------|----------|-------------|-----------------------|
| [REDACTED] | \$192.00 | \$00.00 | \$192.00 | \$192.00 |
| [REDACTED] | \$192.00 | \$00.00 | \$192.00 | \$192.00 |
| [REDACTED] | \$192.00 | \$00.00 | \$192.00 | \$192.00 |
| [REDACTED] | \$192.00 | \$00.00 | \$192.00 | \$192.00 |
| [REDACTED] | \$192.00 | \$00.00 | \$192.00 | \$192.00 |
| [REDACTED] | \$192.00 | \$00.00 | \$192.00 | \$192.00 |
| [REDACTED] | \$89.00 | \$00.00 | \$89.00 | \$89.00 |
| Totals | \$1,241.00 | \$00.00 | \$1,241.00 | \$1,241.00 |

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 \$1,241.00 for the period [REDACTED] 2018 through [REDACTED] 2019, the appeal is granted.



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.