

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

██████████ 2021
Signature confirmation

Case: ██████████
Client: ██████████
Request: 179653

NOTICE OF DECISION

PARTY

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

On ██████████, 2021, the Department of Social Services (the "Department") denied ██████████ (the "Appellant") request for replacement of her missing Supplemental Nutrition Assistance Program ("SNAP") benefits.

On ██████████ 2021, the Appellant filed a request for an administrative hearing with the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH").

On ██████████ 2021, the OLCRAH issued a notice scheduling the administrative hearing for ██████████ 2021. The OLCRAH granted the Appellant's request for a postponement.

On ██████████ 2021, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, the OLCRAH held an administrative hearing by telephone conferencing. The following individuals attended the proceeding:

██████████ Appellant
██████████ Appellant's interpreter
Kristin Kawetzky, Department Representative
Lindsay Brathwaite, Department Hearing Liaison
Garfield White, Department Hearing Liaison
Eva Tar, Hearing Officer

The administrative hearing record closed ██████████ 2021.

STATEMENT OF ISSUE

The issue is whether the Department's refusal to replace the Appellant's SNAP benefits for transactions occurring from [REDACTED] 2021 through [REDACTED] 2021 on her Electronic Benefits Transactions ("EBT") card is supported by federal regulations governing the SNAP.

FINDINGS OF FACT

1. The Appellant is a SNAP recipient. (Department Exhibits 1 and 3)
2. On [REDACTED] 2021, the Department issued an EBT card [REDACTED] (the "EBT card") to the Appellant at her address. (Department Exhibit 1)
3. On [REDACTED] 2021, the Appellant's EBT card was registered with the Appellant's date of birth and PIN [Personal Identification Number]. (Department Representative Testimony)
4. The Appellant saw purchases on her SNAP account that had been made in stores she did not shop at and completed at times when she was at home. (Appellant Testimony)
5. The Appellant did not give her EBT card and PIN to another person. (Appellant Testimony)
6. The final purchase on the EBT card was completed at 8:53 a.m. on [REDACTED] 2021. (Department Exhibit 1)
7. At 1:47 p.m. on [REDACTED] 2021, the Appellant reported to the Department that she had lost her EBT card. (Department Representative Testimony) (Department Exhibit 1)
8. On [REDACTED] 2021, the Department cancelled the EBT card. (Department Representative Testimony)
9. The Appellant requested replacement of her SNAP benefits for purchases made on the following dates: [REDACTED] 2021; [REDACTED] 2021; [REDACTED] 2021; [REDACTED] 2021; and [REDACTED] 2021. (Department Exhibit 3)
10. On [REDACTED] 2021, the Department denied the Appellant's request for replacement SNAP benefits, issuing a *Notice of the Client Initiated EBT Supplemental Nutrition Assistance Program (SNAP) Account Adjustments Request*. (Department Exhibit 3)
11. Title 7, Section 273.15 (c)(1) of the Code of Federal Regulations ("C.F.R.") provides that "[w]ithin 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision...." The OLCRAH received the Appellant's hearing request on [REDACTED] [REDACTED] 2021, requiring the hearing to be held and a decision issued by [REDACTED] 2021. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes in part designates the Department of Social Services as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

2. Title 7, Code of Federal Regulations (“C.F.R.”), Section 274.1 (a) provides; “State agencies shall establish issuance and accountability systems which ensure that only certified eligible households receive benefits; that Program benefits are timely distributed in the correct amounts; and that benefit issuance and reconciliation activities are properly conducted and accurately reported to FNS.” 7 C.F.R. § 274.1 (a).

“State agencies may issue benefits to households through any of the following systems: (1) An on-line Electronic Benefit Transfer (EBT) system in which Program benefits are stored in a central computer database and electronically accessed by households at the point of sale via reusable plastic cards.” 7 C.F.R. § 274.1 (b)(1).

The Department is authorized to provide SNAP benefits to recipients through the issuance and use of EBT cards.

3. Title 7, Code of Federal Regulations § 274.6 (b)(2) provides:
An immediate hold shall be placed on accounts at the time notice is received from a household regarding the need for card or PIN replacement. The State agency shall implement a reporting system which is continually operative. *Once a household reports that their EBT card has been lost or stolen, the State agency shall assume liability for benefits subsequently drawn from the account and replace any lost or stolen benefits to the household.* The State agency or its agent shall maintain a record showing the date and time of all reports by households that their card is lost or stolen.

7 C.F.R. § 274.6 (b)(2). (emphasis added)

The Department is not liable to replace SNAP benefits for transactions completed on the Appellant’s EBT account prior to 1:47 p.m. on [REDACTED] 2021, the date and time that the Appellant reported the loss of her EBT card to the Department.

The Department’s refusal to replace the Appellant’s missing SNAP benefits for the period from [REDACTED] 2021 through [REDACTED] 2021 is supported by federal regulations governing the SNAP.

DECISION

The Appellant’s appeal is DENIED.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Kristin Krawetzky, DSS-Central Office
Lindsay Brathwaite, DSS-Hartford
Garfield White, DSS-Hartford
Jay Bartolomei, DSS-Hartford
Musa Mohamud, DSS-Hartford
Judy Williams, DSS-Hartford
Jessica Carroll, DSS-Hartford

RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within **25** days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on § 4-181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue Hartford, CT 06105.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court within **45** days of the mailing of this decision, or **45** days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on § 4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue Hartford, CT 06105. A copy of the petition must also be served on all parties to the hearing.

The 45-day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than 90 days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or the Commissioner's designee in accordance with § 17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the appellant resides.