

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

██████████ 2022
SIGNATURE CONFIRMATION

CASE # ██████████
CLIENT# ██████████
REQUEST# ██████████

NOTICE OF DECISION
PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the "Department") sent ██████████ (the "Appellant"), a Notice of the Client Initiated Electronic Benefit Transfer ("EBT") Supplemental Nutrition Assistance Program ("SNAP") Account Adjustment Request which denied her request for a replacement of SNAP benefits, which the Appellant states she did not make.

On ██████████ 2022, the Appellant requested an administrative hearing to contest the denial of the replacement of her SNAP benefits.

On ██████████, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling the administrative hearing for ██████████ 2022.

On ██████████ 2022, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing. The following individuals participated in the hearing:

Appellant's ██████████
Department's Representative/Associate Fiscal Administrative Officer, Kristin Krawetzky
Hearing Officer, Joshua Couillard

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department correctly denied the Appellant's request for the replacement of stolen SNAP EBT benefits withdrawn from her EBT account on [REDACTED] 2022.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Department deposited \$250.00 in SNAP benefits into the Appellant's EBT account. (Exhibit 1: EBT Transaction History)
2. On [REDACTED] 2022, the Appellant's AREP gave the Appellant's EBT card and PIN to AREP's [REDACTED] then lost the card and the PIN. (AREP's Testimony)
3. [REDACTED] is not an AREP or an authorized shopper for the Appellant. (AREP's Testimony)
4. On [REDACTED] 2022, the Department's EBT Customer Service line received four calls from [REDACTED] number ([REDACTED]) at 12:40 am, 12:45 am, 12:49 am and 4:53 am. [REDACTED] was unable to get through the Department's Interactive Voice Response ("IVR") prompts due to not having the Appellant's PIN and was thus unable to cancel the EBT card. (Department's Testimony)
5. On [REDACTED] 2022, the Appellant's EBT card was used at 10:45 am to make a SNAP purchase of \$167.11 at [REDACTED] [REDACTED] (Exhibit 1, Exhibit 3: Notice of the Client Initiated Electronic Benefit Transfer Supplemental Nutrition Assistance Program Account Adjustment Request)
6. On [REDACTED] 2022, the Appellant's EBT card was used at 11:13 am to make a SNAP purchase of \$82.89 at [REDACTED] (Exhibit 1, Exhibit 3)
7. On [REDACTED] 2022, at 12:02 pm, the Appellant's AREP reported that the Appellant's EBT card was lost. (Exhibit 1, Hearing Record)
8. On [REDACTED] 2022, the Department issued a notice to the Appellant denying her request to replace the EBT purchases made on [REDACTED] 2022. (Exhibit 3)
9. Neither the Appellant nor the Appellant's AREP filed a police report regarding the lost/stolen EBT card. (AREP's Testimony)
10. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 60 days of the request for

an administrative hearing. The hearing request was received on [REDACTED] 2022; therefore, this decision is due no later than [REDACTED] 2022.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. The Department's Uniform Policy Manual ("UPM") "is the equivalent of a state regulation and, as such, carries the force of law." *Bucchere v. Rowe*, 43 Conn. Supp. 175, 177 (1994) (citing Conn. Gen. Stat. 17-3f(c) [now 17b-10]; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A. 2d 712(1990))
3. "*Benefit Issuance*. Cash and food stamp benefits deposited in an EBT account in a financial institution must be accessed through the use of Department issued debit cards." UPM § 6515

The Department correctly determined that the Appellant's SNAP benefits were paid by means of EBT and accessed through Department-issued debit cards.

4. "*Accessing Benefits Deposited in an EBT Account*. EBT SNAP benefits may be accessed by a. the head of the assistance unit; b. an authorized representative of the assistance unit; c. an individual acting as an emergency authorized representative." UPM § 6515.15(A)(2)
5. "If the person redeeming EBT SNAP benefits is an authorized representative and not the head of the assistance unit, the person's name and the client's identification number must appear on the Department issued debit card." UPM § 6515.15(A)(4)

The Department correctly determined that the Appellant and her AREP were the only two authorized users of the Appellant's EBT card.

6. "*Entitlement*. The State agency shall restore to households benefits which were lost whenever the loss was caused by an error by the State agency or by an administrative disqualification for intentional Program violation which was subsequently reversed as specified in paragraph (e) of this section, or if there is a statement elsewhere in the regulations specifically stating that the household is entitled to restoration of lost benefits. Furthermore, unless there is a statement elsewhere in the regulations that a household is entitled to lost benefits for a longer period, benefits shall be restored for not more than twelve months prior to whichever of the following occurred first: (i) The date the State agency receives a request for restoration from a household; or (ii) The date the State agency is notified or otherwise discovers that a loss to a household has occurred." 7 Code of Federal Regulations ("C.F.R.") § 273.17(a)(1)

7. *Adjustments.* A State agency shall make adjustments to an account to correct an auditable, out-of-balance settlement condition that occurs during the redemption process as a result of a system error. A system error is defined as an error resulting from a malfunction at any point in the redemption process: from the system host computer, to the switch, to the third party processors, to a store's host computer or POS device. These adjustments may occur after the availability date and may result in either a debit or credit to the household." 7 C.F.R. § 274.2(g)(2)
8. *Benefit Replacement.* Subject to the limitations of this chapter, the Department authorizes the replacement of EBT issued benefits that are considered stolen or lost." UPM § 6530.05(A)(2)
9. *Lost Benefits.* EBT issued cash and food stamp benefits are treated as lost benefits if they are not accepted into an EBT account of an eligible client due to Department error or a malfunction of the electronic benefits transfer system." UPM § 6530.15(C)

The Department correctly determined that the SNAP benefits in question were accepted into the Appellant's EBT account and are not considered to be lost due to a Departmental error or malfunction of the EBT system.

10. *Stolen Benefits.* EBT issued cash and food stamp benefits are treated as stolen benefits if the cash and food stamp benefits are taken by someone other than the client or the client's authorized representative between the time the Department's designee receives notice from a household regarding the need for card replacement and the time that the Department's designee deactivates the client's stolen or lost debit card." UPM § 6530.20(A)(3)
11. *Agency Responsibilities.* The Department will not replace any recipient cash or food stamp benefits that have been correctly deposited into an EBT account in a financial institution. Such benefits are considered to have been properly received and are not subject to replacement except as provided in section A above or sections 6530.15, 6530.35 or 6530.40." UPM § 6530.20(B)(3)

The Department correctly determined that the Appellant's EBT-issued SNAP benefits could not be treated as stolen because the benefits were used on ██████████ 2022, prior to the Appellant's AREP reporting the card missing.

12. *Police Report.* The individual requesting the replacement of stolen EBT issued cash and food stamp benefits is required to file a police report regarding the theft." UPM § 6530.20(C)(2)
13. "Stolen cash benefits and Food Stamp benefits are not replaced if a police report has not been filed." UPM § 6530.20(C)(3)

The Department correctly determined that neither the Appellant nor the Appellant's AREP filed a police report regarding the theft of the Appellant's SNAP benefits, therefore the benefits cannot be replaced.

DISCUSSION

The Department correctly determined that only the Appellant and her AREP were the only two authorized users of the Department-issued EBT card. The Appellant's AREP testified that she gave the card and PIN to her [REDACTED] who then lost them both. [REDACTED] is not an authorized user of the EBT card.

Furthermore, the benefits in question were used prior to the AREP calling in to report the card lost/stolen. No police report was filed either. Based off the evidence and testimony submitted with this hearing, the Department's decision to deny the Appellant's request for replacement SNAP benefits is upheld.

DECISION

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



Joshua Couillard
Fair Hearing Officer

CC: Middletown Regional Office Manager, Brian Sexton
DSS Central Office, Associate Fiscal Administrative Officer, Kristin Krawetzky

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.