

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

████████████████████  
████████████████████  
Request # 189692

**ADMINISTRATIVE DISQUALIFICATION HEARING**  
**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

The Department of Social Services (the "Department") requested an Administrative Disqualification Hearing ("ADH") to seek the disqualification of ██████████ (the "Defendant"), from participating in the Supplemental Nutrition Assistance Program ("SNAP") for a period of twelve (12) months. The Department alleges that the Defendant committed an Intentional Program Violation ("IPV") by trafficking her SNAP benefits. The Department seeks to recover the overpaid SNAP benefits of \$273.50. This is the Defendant's first IPV offense in the SNAP program.

On ██████████ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") notified the Defendant of the initiation of the ADH process scheduled for ██████████ 2022, via certified mail delivery. The notification outlined the Defendant's rights in these proceedings.

On ██████████ 2022, notice of the hearing and the Department's summary were delivered to the Defendant's address.

On ██████████ 2022, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Disqualification Hearing. The Defendant was not present at the hearing and did not show good cause for failing to appear for the ADH. The following individuals were present at the hearing:

William Carrasquillo, Investigator, Department's Representative  
Ashley Miller, Department's Observer  
Carla Hardy, Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Defendant committed an IPV of the SNAP program, is subject to disqualification from program participation for 12 months.

The second issue to be decided is whether the Department's proposal to recoup a SNAP overpayment is correct.

### **FINDINGS OF FACT**

1. The Defendant is currently receiving SNAP assistance. (Department's Testimony)
2. The Defendant has had no prior IPV's. (Exhibit 8: USDA Electronic Disqualification System ("eDRS") Screen Print, Hearing Record).
3. [REDACTED] is located at [REDACTED], Connecticut. It is a 1500 square foot store that sells food items such as dairy products, fruits, vegetables, bread, and meats. The store also sells alcohol, tobacco products, and health and beauty aids. The store does not have shopping carts or baskets available for customer use. (Exhibit 11: General Store Information)
4. On [REDACTED] 2021, the Defendant's Electronic Bank Transfer ("EBT") card was used two times at [REDACTED] to access SNAP benefits from the Defendant's account. Two transactions for \$50.00 each occurred at 7:28 pm. (Exhibit 1: Overpayment/Disqualification Notice, [REDACTED]/21; Exhibit 4: Transaction History)
5. On [REDACTED], 2021, the Defendant's EBT card was used at [REDACTED] to access SNAP benefits from the Defendant's account in the amount of \$73.50. (Exhibit 1, Exhibit 4)
6. On [REDACTED] 2021, the Defendant's EBT card was used two times at [REDACTED] [REDACTED] to access SNAP benefits from the Defendant's account. The first transaction for 60.00 occurred at 3:58 pm. The second transaction for \$40.00 occurred at 4:58 pm. (Exhibit 1, Exhibit 4)
7. The items purchased by the Defendant at [REDACTED] were of high dollar value. The Defendant also made multiple transactions within a 24-hour period. (Department's Testimony, Hearing Summary)

8. The total value of the trafficked benefits equals \$273.50 (\$50.00 + \$50.00 + 73.50 + \$60.00 + \$40.00 = \$273.50). (Exhibit 1)
9. On [REDACTED] 2021, the USDA charged [REDACTED] located at [REDACTED], Connecticut with trafficking for violating SNAP regulations. (Exhibit 5: United States Department of Agriculture (“USDA”) letter, [REDACTED]/21)
10. On [REDACTED] 2021, after consideration of the information and evidence provided, the USDA permanently disqualified [REDACTED] from participating in the SNAP program effective upon the receipt of the [REDACTED] 2021, letter. (Exhibit 6: USDA letter, [REDACTED]/21)
11. On [REDACTED] 2021, the Department sent the Defendant a W-1448, Notice of Prehearing Interview for the SNAP program and a W-1449 Waiver of Disqualification Hearing for the SNAP program stating that she could schedule an appointment to discuss the allegation of fraud and that there was an IPV that had caused an overpayment in the amount of \$273.50 for the period covering [REDACTED] 2021, through [REDACTED] 2021. The Defendant was given a deadline of [REDACTED], 2021, to respond. (Exhibit 2: Notice of Prehearing Interview, [REDACTED]/21; Exhibit 3: Waiver of Disqualification Hearing)
12. The Defendant did not respond to the Notice of Prehearing Interview or the Waiver of Disqualification Hearing notice by the [REDACTED] [REDACTED] 2021, deadline. (Department’s Testimony)
13. The Defendant did not sign and return the W-1449. (Hearing Record)
14. The Department is seeking to disqualify the Defendant from participating in the SNAP for a period of one year and is seeking recovery of \$273.50 in overpaid SNAP benefits due to an IPV of trafficking. (Exhibits 2, Exhibit 3)
15. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative hearing. The Department requested an administrative hearing on [REDACTED] 2022. Therefore, this decision is due not 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.
2. Title 7 of the Code of Federal Regulations (“CFR”) Section 273.16(a)(1) provides that 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.

3. "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, 178 (1994) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712 (1990))
4. Uniform Policy Manual ("UPM") § 7050.25 D.3 provides that if the assistance unit member or his or her representative cannot be located or fails to appear at a hearing without good cause, the hearing is conducted without the assistance unit member being represented.

**5. The Defendant was not present at the hearing.**

6. Title 7 CFR § 271.2 defines trafficking as:

(1) The buying, selling, stealing, or otherwise affecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;

(2) The exchange of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of title 21, United States Code, for SNAP benefits;

(3) Purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;

(4) Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or

(5) Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food.

(6) Attempting to buy, sell, steal, or otherwise affect an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signatures, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone.

7. The Department established that the Defendant intentionally violated program rules by trafficking her SNAP benefits.
8. Title 7 CFR § 273.16(b) provides that for 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:
  - (i) 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;
  - (ii) For a period of twenty-four months upon the second occasion of any intentional Program violation, except as provided in paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section; and
  - (iii) Permanently for the third occasion of any intentional Program violation.
9. UPM § 7050.30(A) provides that an individual is disqualified from participating in the AFDC or Food Stamp program if:
  - a. a court determines that he or she is guilty of intentional recipient error or grants the individual accelerated rehabilitation; or
  - b. a determination of an intentional recipient error is made by an Administrative Disqualification Hearing official; or
  - c. the individual signs a waiver of rights to an Administrative Disqualification hearing.

**10. The Department established that the Defendant committed an IPV.**

11. UPM § 7050.30(B)(2)(b) provides for the length of disqualification for the Food Stamp Program. If the intentional recipient error occurred on or after August 1, 1984, the length of the disqualification period as determined as follows:
  - (1) The length of disqualification is the length specified by the court order if a court specifies a period of disqualification.
  - (2) When the court order does not specify a period of disqualification, the Department determines the length of the disqualification based upon the individual's previous history of intentional recipient error as follows:
    - (a) for the first offense, the length of disqualification is one year;
    - (b) for the second offense, two years; and
    - (c) for the third offense, the disqualification is permanent.

**12. The Defendant is subject to a SNAP disqualification for a period of twelve months as she is found guilty of committing a first IPV.**

**DECISION**

The Defendant is **GUILTY** of committing a first intentional program violation in the SNAP. She is disqualified from the program for a period of one year and must make restitution of \$273.50, the amount of the overpayment.

  
Carla Hardy  
Hearing Officer

Pc: OLCRAH.QA.DSS@ct.gov  
William Carrasquillo, Investigator, DSS

### **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.