

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

██████████ 2022  
Signature confirmation

Case: ██████████  
Client: ██████████  
Request: 190083

**SNAP ADMINISTRATIVE DISQUALIFICATION HEARING**

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

The Department of Social Services (the “Department”) petitioned the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) to conduct an administrative disqualification hearing to address whether ██████████ (the “Defendant”) may be barred from participating in the Supplemental Nutrition Assistance Program (“SNAP”) for twelve months. The Department alleged that the Defendant had committed an intentional Program violation.

On ██████████ 2022, the OLCRAH issued a *Notice of Administrative Hearing* with a copy of the Department’s summary and exhibits to the Defendant by certified mail at his address of record. The *Notice* stated that an administrative disqualification hearing would be held by telephone conferencing on ██████████ 2022 and a decision issued even should the Defendant not appear. On ██████████ 2022, the Defendant signed for the certified mailing.

On ██████████, 2022, the OLCRAH conducted an administrative disqualification hearing in accordance with Title 7, Section 273.16 of the Code of Federal Regulations (“C.F.R.”), and Section 17b-88 of the Connecticut General Statutes.

The Defendant did not appear and did not request a postponement of the proceedings. The following individuals participated by telephone conferencing:

Ashley Miller, Investigations Unit, Department’s Representative  
Eva Tar, Hearing Officer

The hearing record closed ██████████, 2022.

### **STATEMENT OF ISSUE**

The issue is whether the Defendant committed an intentional Program violation of the SNAP, permitting the Department to disqualify the Defendant from participating in the SNAP for 12 months.

The Department also seeks affirmation of its intent to recover from the Defendant \$936.00 in SNAP benefits for SNAP benefits issued to him for the service months of [REDACTED] 2021, [REDACTED] 2021, [REDACTED] 2021, and [REDACTED] 2021.

### **FINDINGS OF FACT**

1. The Defendant is under the age of [REDACTED] years and is not disabled. (Department's Representative Testimony)
2. In 2021, the Department issued the Defendant SNAP benefits as an individual. (Exhibit 10)
3. From [REDACTED] 2020 through [REDACTED] 2021, the Defendant worked for [REDACTED] [REDACTED] for \$20.00 per hour. (Exhibit 2)
4. The Department did not report his employment at [REDACTED] to the Department. (Department's Representative Testimony)
5. From [REDACTED] 2021 through [REDACTED] 2021, the SNAP gross income limit for an individual equaled \$1,968.00. (Exhibit 4)
6. In [REDACTED] 2020, the Defendant grossed \$2,706.40 in wages. (Exhibit 2)
7. In [REDACTED] 2021, the Defendant grossed \$3,641.50 in wages. (Exhibit 2)
8. In [REDACTED] 2021, the Defendant grossed \$3,098.20 in wages. (Exhibit 2)
9. In [REDACTED] 2021, the Defendant grossed \$1,961.20 in wages. (Exhibit 2)
10. In [REDACTED] 2021, the Defendant grossed \$3,044.10 in wages. (Exhibit 2)
11. In [REDACTED] 2021, the Defendant grossed \$2,162.30 from wages. (Exhibit 2)
12. On or after [REDACTED] 2021, the Department received the Defendant's RENEWAL OF ELIGIBILITY FORM, signed by him on [REDACTED] 2021. (Exhibit 5)
13. On the [REDACTED] 2021 RENEWAL OF ELIGIBILITY FORM, the Defendant left blank the "Income from Work" section which asked if anyone in the household had started a new job and requested specific information as to the name of the person working, the start date of the new job, wages, and frequency of payment. (Exhibit 5)
14. On the [REDACTED] 2021 RENEWAL OF ELIGIBILITY FORM, the Defendant attested that he certified under penalty of perjury that all the information given on this form is "true and complete

to the best of his knowledge” and he understood that he could be “criminally or civilly prosecuted under state or federal law if [he] knowingly give incorrect information or fail to report something [he] should report.” (Exhibit 5)

15. In █████ 2021, the Defendant grossed \$800.00 from unreported wages. (Exhibit 2)
16. In █████ 2021, the Defendant grossed \$2,343.40 from unreported wages. (Exhibit 2)
17. In █████ 2021, the Defendant grossed \$2,047.00 from unreported wages. (Exhibit 2)
18. The Department discovered that the Defendant had unreported wages by means of a tip to the Fraud Hotline. (Exhibit 12) (Department’s Representative Testimony)
19. The Defendant’s gross income from wages exceeded the SNAP’s gross income limit for a household of one for the service months of █████ 2021(\$3,641.50), █████ 2021 (\$3,098.20), █████ 2021 (\$3,044.10), █████ 2021 (\$2,162.30), █████ 2021 (\$2,343.40), and █████ 2021 (\$2,047.00). (Exhibits 2 and 4)
20. The Department seeks recovery of \$936.00 in SNAP benefits issued to the Defendant for the service months of █████ 2021 (\$234.00), █████ 2021 (\$234.00), █████ 2021 (\$234.00), and █████ 2021 (\$234.00). (Department’s Representative Testimony) (Exhibits 6, 8, and 10)
21. The Defendant received \$234.00 in SNAP benefits in █████ 2021. (Exhibit 10)
22. The Defendant has not previously received a disqualification for an intentional Program violation of the SNAP. (Exhibit 11)
23. The Defendant is active on SNAP. (Department’s Representative Testimony)
24. On █████ 2022, the Defendant signed a *Waiver of Disqualification Hearing* and added the sentence “THIS IS CONFUSING.” to the bottom of the form. (Exhibit 7)
25. The Defendant told the Department’s Representative that he wanted a hearing. (Department’s Representative Testimony)
26. For the purposes of this proceeding, the Defendant’s oral communication to the Department’s Representative was a rescission of the █████ 2022 *Waiver of Disqualification Hearing*. (Hearing Officer Oral Ruling)
27. Title 7, Section 273.16 (e)(2)(iv) of the Code of Federal Regulations (“C.F.R.”) provides that “Within 90 days of the date the household member is notified in writing that a State or local hearing initiated by the State agency has been scheduled, the State agency shall conduct the hearing, arrive at a decision and notify the household member and local agency of the decision....”

On █████ 2022, the Defendant received notification in writing of OLCRAH’s scheduling of an administrative disqualification hearing. Therefore, this final decision would become due by █████ 2022. This decision is timely.

## **CONCLUSIONS OF LAW**

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

Section 17b-88 of the Connecticut General Statutes provides in part that the Department may take such action as conforms to federal regulations, including, but not limited to conducting administrative disqualification hearings for cases involving alleged fraud in the supplemental nutrition assistance program.

Title 7, Section 273.16 of the Code of Federal Regulations (“C.F.R.”) addresses Program disqualification for intentional Program violations with respect to the SNAP. “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....”

**State statute and federal regulation permit the Department to initiate a SNAP administrative disqualification hearing.**

2. “*Definition of income.* 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 an employee.” 7 C.F.R. § 273.9 (b)(1)(i).

**For the purposes of the SNAP, the Defendant’s unreported wages were counted earned income.**

3. “Households that do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for the SNAP....” 7 C.F.R. § 273.9 (a).

**As an individual who was not elderly and not disabled, the Defendant’s income had to fall within the gross and net income eligibility standards of the SNAP as a condition of SNAP participation.**

4. Title 7, Section 273.9 (a)(1)(i) of the Code of Federal Regulations provides that the gross 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 levels for the 48 contiguous States and the District of Columbia.”

Title 7, Section 273.9 (a)(2) of the Code of Federal Regulations provides the net income eligibility standards for the SNAP. Subsection (a)(3)(i) provides that the income eligibility limits 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, and notes that “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.”

The monthly gross and net income eligibility standards for all areas are prescribed in tables posted on the Food and Nutrition Service website, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap). 7 C.F.R. § 273.9 (a)(4).

The 2021 Federal Poverty Standards are published in the Federal Register at 86 FR 7732. Effective [REDACTED], 2021, the Federal poverty guidelines for a household of one living in Connecticut equaled \$12,880.00 per year.

Effective [REDACTED], 2021, 130 percent of the Federal poverty guidelines for a household of one living in Connecticut equaled \$16,744.00 per year.

Connecticut implements the State option of Expanded Categorical Eligibility of 185% of the Federal poverty guidelines for households that contain no elderly or disabled members. See 7 C.F.R. § 273.2 (j)(2)(ii) and (iii). One hundred and eighty-five percent of the Federal poverty guidelines for a household of one living in Connecticut equaled \$23,828.00 per year in 2021, or \$1,986.00 per month in 2021.

**The Defendant was ineligible to receive SNAP benefits in any service month in 2021 in which his gross monthly income from all sources exceeded \$1,986.00 per month, as his income would have exceeded the gross income eligibility standards of the SNAP as to Expanded Categorical Eligibility.**

**The Department correctly determined that the Defendant was ineligible to receive SNAP benefits for the service months of [REDACTED] 2021, [REDACTED] 2021, [REDACTED] 2021, and [REDACTED] 2021.**

**The Department incorrectly determined that the Defendant was eligible to receive SNAP benefits for the service month of [REDACTED] 2021, as it undercounted the Defendant’s wages received in [REDACTED] 2021. The Defendant was not eligible to receive SNAP benefits in [REDACTED] 2021 as his gross monthly income received in [REDACTED] 2021 exceeded \$1,986.00.**

5. Title 7, Code of Federal Regulations § 273.12 (a) (5) (v) provides:

*Reporting when gross income exceeds 130 percent of poverty.* 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).

**The Defendant was obligated to report to the Department that his monthly gross income exceeded \$1,395.00, or 130% of the Federal poverty level for a household of one.**

6. "Certified change reporting households are required to report the following changes in circumstances: ... (B) A change in the source of income, including starting or stopping a job or changing jobs, if the change in employment is accompanied by a change in income." 7 C.F.R. § 273.12 (a)(1)(i)(B).

**As a condition of SNAP eligibility, the Defendant was required to accurately disclose his employment and wages on his [REDACTED] 2021 RENEWAL OF ELIGIBILITY FORM.**

9. "*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 EBT cards." 7 C.F.R. § 273.16 (c).

**The Defendant misrepresented facts when he indicated to the Department on his [REDACTED] 2021 RENEWAL OF ELIGIBILITY FORM that he was without income, at which time he had been receiving significant wages for at least six months.**

**The Defendant committed an intentional Program violation of the SNAP by misrepresenting facts as to his earned income to the Department.**

10. Title 7, Section 273.16 (b)(1) of the Code of Federal Regulations provides:  
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.7 C.F.R. § 273.16 (b)(1).

"The individual must be notified in writing once it is determined that he/she is to be disqualified. The disqualification period shall begin no later than the second month which follows the date the individual receives written notice of the disqualification. The disqualification period must continue uninterrupted until completed regardless of the eligibility of the disqualified individual's household." 7 C.F.R. § 273.16 (b)(13).

**The Department may disqualify the Defendant from participating in the SNAP for 12 months for this first intentional Program violation.**

11. "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. ... 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).

Title 7, Section 273.18 (b) of the Code of Federal Regulations breaks down the types of claims as follows: (1) Intention Program violation (IPV) claim as “any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in § 273.16;” (2) Inadvertent household error (IHE) claim as “any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household;” and (3) Agency error (AE) claim as “any claim for an overpayment caused by an action or failure to take action by the State agency.

Title 7, Section 273.18 of the Code of Federal Regulations addresses claims against households. Subsection (c)(1)(ii) provides the methodology for the actual steps for calculating a claim that is unrelated to trafficking.

**The Department incorrectly determined that the Defendant had received \$936.00 in SNAP benefits in 2021 for which he was not eligible, as the Department failed to include in its overpayment calculation the service month of [REDACTED] 2021. The Defendant had received \$1,170.00 in SNAP benefits for which he was not eligible.**

**The Department may recover from the Defendant the SNAP benefits issued to his household for the service months of [REDACTED] 2021, [REDACTED] 2021, [REDACTED] 2021, [REDACTED] 2021, and [REDACTED] 2021.**

### **DISCUSSION**

The Defendant started a job on [REDACTED] 2020 and failed to report his start of employment to the Department. The Defendant also indicated that he had no income on his [REDACTED] 2021 RENEWAL OF ELIGIBILITY FORM. The Department discovered the Defendant’s unreported wages by following up on tip to the Fraud Hotline.

The Department established by clear and convincing evidence that the Defendant had committed an intentional program violation of the SNAP. The Department may disqualify the Defendant from participating in the SNAP for 12 months.

The Department may also seek recovery from the Defendant of the SNAP benefits he received in the service months in which his gross monthly income exceeded the SNAP gross monthly income limit for an individual.

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It should be noted that the Department miscalculated the total SNAP overpayment owed by the Defendant by failing to incorporate in its calculation the SNAP benefit issued to the Defendant for the service month of [REDACTED] 2021. The Department had in error considered the Defendant’s gross monthly income in the service month of [REDACTED] 2021 to be \$613.40 (based on the gross wages associated with Pay Period End Dates that fell within [REDACTED] 2021) rather than the correct amount of \$2,162.30 (based on the gross wages associated with Pay Dates that fell within [REDACTED] 2021).

When the correct wages are assigned to the correct SNAP service months, the Defendant's gross wages exceeded the \$1,968.00 SNAP monthly gross income limit for an individual in the following months: ██████████ 2021(\$3,641.50),<sup>1</sup> ██████████ 2021 (\$3,098.20), ██████████ 2021 (\$3,044.10), ██████████ 2021 (\$2,162.30), ██████████ 2021 (\$2,343.40), and ██████████ 2021 (\$2,047.00). The Defendant received \$1,170.00 in SNAP benefits (total) for which he was not eligible; the Department may recover these overissued SNAP benefits from the Defendant.

**DECISION**

The Department's request to disqualify the Defendant from participating in the SNAP for 12 months is GRANTED.

With respect to the Department's intent to recover overissued SNAP benefits from the Defendant, the Department may recover \$1,170.00 in SNAP benefits that had been issued to the Defendant for which he was not eligible, i.e., those SNAP benefits issued to him for the service months of ██████████ ██████████, ██████████ 2021, ██████████ 2021, ██████████ 2021, and ██████████ 2021.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

Cc: Ashley Miller, DSS-Bridgeport  
[OLCRAH.QA.DSS@ct.gov](mailto:OLCRAH.QA.DSS@ct.gov)

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<sup>1</sup> The Department does not seek recovery for overissued SNAP benefits for the January 2021 service month, based on when the Defendant's unreported wages exceeded \$1,383.00, or 130% of the Federal Poverty Level for an individual. (Hearing Summary, 1/4/2022)



**RIGHT TO APPEAL**

The defendant 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 his 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.