

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

[REDACTED]  
**SIGNATURE CONFIRMATION**

**CASE #** [REDACTED]  
**CLIENT#** [REDACTED]  
**REQUEST#** [REDACTED]

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

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**PROCEDURAL BACKGROUND**

On [REDACTED] 2022, the Department of Social Services (the "Department") requested an Administrative Disqualification Hearing ("ADH") to seek disqualification of [REDACTED] (the "Defendant") from participating in the Supplemental Nutrition Assistance Program ("SNAP") program for a period of twelve (12) months. The Department alleged that the Defendant committed an Intentional Program Violation ("IPV") by trafficking his SNAP benefits. The Department further seeks to recover the overpaid SNAP benefits in the amount of \$431.09.

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

On [REDACTED] 2022, the Defendant signed for the certified mail.

On [REDACTED] 2022, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive, of the Connecticut General Statutes, OLCRAH held an administrative hearing.

The Defendant was not present at the hearing. The Defendant did not show good cause for failing to appear. The following individuals were present at the hearing:

Department's Representative/Social Services Investigator, William Carrasquillo  
Hearing Officer, Joshua Couillard

**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 the program for twelve months, and whether the resulting overpayment is subject to recovery.

**FINDINGS OF FACT**

1. The Defendant is currently receiving SNAP benefits. (Department’s Testimony)
2. The Defendant has no previous IPV’s. (Exhibit 8: Electronic Disqualification Recipient System (“EDRS”) Printout, Department’s Testimony)
3. On multiple dates the Defendant conducted Electronic Bank Transfer (“EBT”) transactions at [REDACTED]. The table shown below lists the dates, times and amounts of each transaction that occurred.

| <b>Date of Transaction</b> | <b>Time of Transaction</b> | <b>Amount of Transaction</b> |
|----------------------------|----------------------------|------------------------------|
| [REDACTED]                 | [REDACTED]                 | \$50.00                      |
| [REDACTED]                 | [REDACTED]                 | \$2.50                       |
| [REDACTED]                 | [REDACTED]                 | \$48.52                      |
| [REDACTED]                 | [REDACTED]                 | \$52.00                      |
| [REDACTED]                 | [REDACTED]                 | \$18.00                      |
| [REDACTED]                 | [REDACTED]                 | \$40.00                      |
| [REDACTED]                 | [REDACTED]                 | \$60.00                      |
| [REDACTED]                 | [REDACTED]                 | \$60.00                      |
| [REDACTED]                 | [REDACTED]                 | \$50.25                      |
| [REDACTED]                 | [REDACTED]                 | \$49.82                      |

(Exhibit 1: Overpayment/Disqualification Letter, Exhibit 4: EBT Transaction History Printout)

4. The total value of the Defendant’s questionable transactions that occurred at JC Mini Market LLC was \$431.09. These transactions were deemed questionable by the United States Department of Agriculture (“USDA”) Food and Nutrition Service (“FNS”) because there were multiple transactions within a 24-hour period, as well as multiple transactions within those periods which ended with the same cent value; .00, .25, and .50. (Exhibit 1, Hearing Record, Department’s Testimony)
5. On [REDACTED] 2021, [REDACTED] was charged with trafficking because a USDA analysis of store records and a review of the store’s characteristics, food stock and store pricing established repetitive patterns of unusual, irregular and inexplicable EBT activity between [REDACTED] 2021 and [REDACTED] 2021. [REDACTED] violated federal SNAP regulations when it participated in trafficking activities with SNAP program

recipients. The USDA proposed to permanently disqualify [REDACTED] from participating in the SNAP program. (Exhibit 5: USDA Letter dated [REDACTED] 2021)

6. On [REDACTED] 2021, the USDA upheld its decision to permanently disqualify [REDACTED] from participating in the SNAP program. [REDACTED] was permanently disqualified upon receipt of the [REDACTED] 2021, USDA letter. (Exhibit 6: USDA Letter dated [REDACTED] 2021)
7. Once the USDA FNS disqualified [REDACTED], a list of client identification numbers and EBT transactions made by SNAP recipients that were found to be trafficking at [REDACTED] was forwarded to the Department for further investigation. The Defendant's client identification number was identified as one of the SNAP recipients that was involved in the trafficking activity at [REDACTED] [REDACTED] (Hearing Record)
8. On [REDACTED], 2022, the Department issued the Defendant a letter advising him that he violated the SNAP regulations regarding trafficking and would be subject to an IPV penalty of one year of disqualification from the SNAP program. (Exhibit 1)
9. On [REDACTED], 2022, the Department issued the Defendant a W-1448 Notice of Prehearing Interview form for the SNAP program advising him that he was being charged with trafficking of SNAP benefits and an overpayment of \$431.09 was being established related to the trafficking. The notice further stated that the Defendant should contact the Department's representative by [REDACTED] 2022, if the Defendant wished to discuss the trafficking charge and subsequent overpayment. (Exhibit 2: W-1448 Notice of Prehearing Interview)
10. On [REDACTED] 2022, the Department issued the Defendant a W-1449 Waiver of Disqualification Hearing form which notified the Defendant that the trafficking IPV caused a \$431.09 overpayment for the period of [REDACTED] 2021 through [REDACTED] 2021, and listed repayment options. The form also notified the Defendant that the Department proposed a twelve-month disqualification period due to the IPV. (Exhibit 3: W-1449 Waiver of Disqualification Hearing Form)
11. The Defendant did not contact the Department by [REDACTED] 2022, nor did he sign or return the waiver form. (Department's Testimony)
12. The Defendant was not present for the Administrative Disqualification Hearing.
13. 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. “*Administrative Responsibility*. 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.” Title 7 of the Code of Federal Regulations (“C.F.R”) § 273.16(a)(1)
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, 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))
4. “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.” UPM § 7050.25(D)(3)

**The Defendant was not present at the hearing, nor did he show good cause for failing to appear.**

5. “*Definitions*. Trafficking means: 1. The buying, selling, stealing, or otherwise effecting 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 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 C.F.R § 271.2

6. *“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 Department correctly determined that the Defendant committed an intentional program violation by trafficking his SNAP benefits.**

7. *“Disqualification Hearings.* Criteria for determining intentional Program violation. 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 C.F.R § 273.16(e)(6)

**The Department presented clear and convincing evidence that the Defendant committed and intended to commit an intentional program violation by trafficking his SNAP benefits.**

8. *“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 For a period of twelve months for the first intentional Program violation, except as provided under paragraph (b)(2), (b)(3), (b)(4), and (b)(5) of this section.” 7 C.F.R § 273.16(b)(1)(i)

9. *“Length of Disqualification.* If the intentional recipient error occurred on or after August 1, 1984, the length of the disqualification period is determined as follows: 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: for the first offense, the length of disqualification is one year.” UPM § 7050.30(B)(2)(b)(2)(a)

**The Department correctly determined that the disqualification period for the Defendant is one year as this is his first violation.**

10. *“Disqualification Penalties.* Even though only the individual is disqualified, the household, as defined in § 273.1, is responsible for making restitution for the amount of any overpayment. All intentional Program violation claims must be established and collected in accordance with the procedures set forth in § 273.18. 7 C.F.R. § 273.16(b)(12)

11. "In the AFDC and Food Stamp programs the Department conducts Administrative Disqualification Hearings in certain instances of alleged intentional recipient error as an alternative to referrals to the court system for prosecution. Individuals who are determined to have committed an intentional recipient error are subjected to recoupment requirements and, in some cases, are disqualified from the AFDC and/or Food Stamp programs for a specified amount of time." UPM § 7050

**The Department correctly determined that the Defendant is responsible for paying back the overpayment of \$431.09.**

**DECISION**

The Defendant is found **GUILTY** of committing a first offense IPV in the SNAP program by trafficking his SNAP benefits. He is hereby disqualified from the SNAP program for a period of twelve months and the resulting overpayment of \$431.09 is subject to recovery.

  
**Joshua Couillard**  
**Fair Hearing Officer**

**CC:** [OLCHRAH.QA.DSS@ct.gov](mailto:OLCHRAH.QA.DSS@ct.gov)

William Carrasquillo, DSS Bridgeport Regional Office Investigator

## **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.