

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

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████████████████████
Request # 192560

ADMINISTRATIVE DISQUALIFICATION HEARING
NOTICE OF DECISION

PARTY

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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 \$1,460.02. This is the Defendant’s first IPV offense in the SNAP program.

On ██████████ 2022, the Department requested an ADH to address the Defendant’s trafficking of SNAP benefits.

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

The Defendant did not claim ADH packet sent by certified mail.

On [REDACTED] 2022, OLCRAH notified the Defendant of the initiation of the ADH process via the United States Postal Service's first-class mail. The hearing was scheduled for [REDACTED] 2022.

On [REDACTED] 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 following individuals were present at the hearing:

William Carrasquillo, Investigator, Department's Representative
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 was not present at the ADH. (Hearing Record)
2. The Defendant is currently receiving SNAP assistance. (Department's Testimony)
3. [REDACTED] is located at [REDACTED], Connecticut. It is a 1500 square foot store that sells food items such as bread, cereal, dairy products, fruit, vegetables, and meats. The store also sells alcohol, tobacco and automobile products, and health and beauty aids. The store does not have optical scanners at checkout. There are no shopping carts or baskets for customer use. (Exhibit 10: General Store Information)
4. On multiple dates, as shown in the table below, the Defendant's Electronic Bank Transfer ("EBT") card was used at [REDACTED], to access SNAP benefits from the Defendant's account.

Date	Amount	Time
[REDACTED]	\$94.02	8:56 am
[REDACTED]	\$80.00	9:15 am
[REDACTED]	\$92.48	8:07 am
[REDACTED]	\$28.02	8:53 am
[REDACTED]	\$19.02	8:54 am
[REDACTED]	\$80.00	4:08 pm
[REDACTED]	\$48.95	1:06 pm

██████████	\$41.25	7:30 am
██████████	\$79.00	7:06 am
██████████	\$40.00	5:03 pm
██████████	\$40.00	7:18 am
██████████	\$68.85	7:21 am
██████████	\$41.09	12:32 pm
██████████	\$64.19	10:04 am
██████████	\$60.00	5:04 pm
██████████	\$30.00	6:49 pm
██████████	\$39.50	7:24 pm
██████████	\$42.50	8:08 am
██████████	\$81.08	9:20 am
██████████	\$40.64	12:14 pm
██████████	\$30.00	7:30 am
██████████	\$24.00	8:47 pm
██████████	\$69.87	12:41 pm
██████████	\$20.00	7:28 am
██████████	\$83.56	7:45 am
██████████	\$30.00	10:56 am
██████████	\$22.00	7:04 am
██████████	\$20.00	9:16 pm
██████████	\$30.00	6:54 pm
██████████	\$20.00	7:48 pm
Total	\$1,460.02	

(Exhibit 1: Overpayment/Disqualification Notice, █████/22; Exhibit 3: EBT Recipient Transaction History)

5. The total value of the SNAP benefits trafficked total \$1,460.00. (Exhibit 1; Hearing Summary)
6. On █████ 2021, █████, located at █████ Connecticut was charged with trafficking because the EBT transactions conducted at the store established repetitive patterns of unusual, irregular, and inexplicable activity. █████ violated federal SNAP regulations when it participated in trafficking activities with SNAP program recipients. The United States Department of Agriculture (“USDA”) proposed to permanently disqualify █████ from participating in the SNAP. (Exhibit 4: USDA letter, █████/21)
7. On █████ 2021, the USDA upheld its decision to permanently disqualify █████ from participating in the SNAP. (Exhibit 5: USDA letter, █████/21)

8. Because the USDA found [REDACTED] located at [REDACTED] Connecticut, guilty of trafficking in SNAP benefits, it forwarded a list of client identification numbers and transactions to the Department for further investigation. (Exhibit 3; Hearing Summary)
9. The Department has marked the above transactions as trafficking because they are of high dollar value, end in \$.00, \$.25, \$.50, or \$.75. Also, several transactions were made within a 24-hour period. (Department's Testimony)
10. On [REDACTED] 2022, the Department sent the Defendant a W-1448 Notice of Prehearing Interview and a W-1449 Waiver of Disqualification Hearing for the SNAP informing her 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 **\$1,460.02** for the period covering [REDACTED] 2021, through [REDACTED] 2021. The Defendant was given a deadline of [REDACTED] 2022. to respond. (Exhibit 2: Notice of Prehearing Interview and Waiver of Disqualification Hearing Notices)
11. The Department did not attend the Pre-Hearing Interview and did not sign the Waiver of Disqualification Hearing. The Department has not had any contact with the Defendant to discuss the charges. (Department's Testimony; Hearing Summary)
12. The Defendant has no prior IPV's. (Exhibit 7: eDRS Screen Print, Hearing Record).
13. The Department is seeking to disqualify the Defendant from participating in the SNAP for a period of one year and is seeking recovery of \$1,460.02 in overpaid SNAP benefits due to an IPV of trafficking. (Exhibit 1; Exhibit 2; Hearing Summary)

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. Section 17b-88 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to recover any public assistance overpayment and take such other action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings.
3. Title 7 of the Code of Federal Regulations ("C.F.R.") 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.

4. Title 7 C.F.R. § 273.16(e) provides that the State agency shall conduct administrative disqualification hearings for individuals accused of Intentional Program Violation.
5. “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))
6. 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.

The Defendant was not present at the hearing.

7. Title 7 C.F.R. § 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.

The hearing record clearly and convincingly established that the Defendant intentionally violated program rules by trafficking her SNAP benefits.

8. Title 7 C.F.R. § 273.16(b) provides that 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.

The hearing record established that the Defendant committed a first offense IPV.

The Department is correct to seek the disqualification of the Defendant from participating in the SNAP program for a period of twelve months.

The Department is correct to seek recoupment of \$1,460.02 in SNAP benefits from the Defendant.

DECISION

The Defendant is **GUILTY** of committing a first intentional program violation in the SNAP. The Department's request to disqualify the Defendant from the SNAP is **GRANTED**. The Defendant is disqualified from the program for a period of twelve months and must make restitution of \$1,460.02.



Carla Hardy
Hearing Officer

Pc: DSS, Quality Assurance
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.