

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

[REDACTED] 2022  
**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") due to misuse of her EBT card and SNAP benefits. The Department further seeks to recover the overpaid SNAP benefits in the amount of \$285.52.

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/Lead Investigator, Nicholas Coco  
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 (12) 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's household consists of herself and her child. She does not have an Authorized Representative ("AREP") or an Authorized Shopper listed on her case. (Department's Testimony)
3. The Defendant has no previous IPV's. (Exhibit 6: Electronic Disqualification Recipient System ("EDRS") Printout, Department's Testimony)
4. On [REDACTED] 2020, the Defendant signed a W-1ER Notice of Renewal of Eligibility form. Included with the W-1ER form was a W-0016RR Rights and Responsibilities form. By signing, the Defendant agreed to the following condition outlined in the SNAP Rights and Responsibilities portion of the form: "I am not allowed to use, or have in my possession, an Electronic Bank Transfer ("EBT") card that is not mine (unless I am an authorized SNAP shopper) and not to let others use my card (unless they are an authorized SNAP shopper)." (Exhibit 5: W-1ER Notice of Renewal of Eligibility/W-0016RR Rights and Responsibilities Form)
5. On [REDACTED] 2021, at [REDACTED], the Defendant's EBT card was debited for \$88.23 at the [REDACTED] located at [REDACTED]  
[REDACTED] Exhibit 3: EBT Transaction Details Report, Exhibit 4: [REDACTED] Receipts & Images)
6. On [REDACTED] 2021, at [REDACTED] the Defendant's EBT card was debited for \$197.29 at the [REDACTED] located at [REDACTED]  
[REDACTED] Exhibit 3, Exhibit 4)
7. On [REDACTED], 2021, the Department's investigations unit processed a referral that was received alleging that an individual named [REDACTED] was debiting multiple EBT cards that did not belong to him. In processing the referral, the Department found that [REDACTED] was in possession of two EBT cards – one card belonging to the Defendant and one belonging to another client. (Department's Testimony)

8. ██████ admitted to having used the Defendant's EBT card on the two transactions listed above. Still images of the ██████ 2021 transaction were obtained via subpoena and show ██████ as the only person present during that transaction. (Exhibit 4, Department's Testimony)
9. On ██████, 2022, the Department issued the Defendant a W-1448 Notice of Prehearing Interview form for the SNAP program advising her that she was being charged with misuse of her EBT card and SNAP benefits. Also, an overpayment of \$285.52 was being established related to the misuse of the EBT card. The notice further stated that an appointment was scheduled for ██████, 2022 at the Defendant's place of residence (████████████████████) to discuss the EBT misuse charge and subsequent overpayment. (Exhibit 1: W-1448 Notice of Prehearing Interview)
10. On ██████ 2022, the Department issued the Defendant a W-1449 Waiver of Disqualification Hearing form for SNAP. The notice stated that the Department believes the Defendant caused a SNAP IPV and proposed a twelve-month (12) disqualification period due to the IPV. The form further stated that the Defendant had until ██████ 2022 to sign and return the waiver form, and that failure to do so would result in the Department considering administrative action. (Exhibit 2: W-1449 Waiver of Disqualification Hearing Form)
11. The Department alleges that the Defendant was overpaid a total of \$285.52 in SNAP benefits as a result of the EBT misuse IPV. The Department alleges that the Defendant committed an IPV because she provided her EBT card to a non-household member for purchasing of groceries that may or may not have been received by the Defendant. (Department's Testimony)
12. The Defendant did not contact the Department, nor did she sign or return the waiver form. (Department's Testimony)
13. The Defendant was not present for the Administrative Disqualification Hearing.
14. 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 ██████ 2022; therefore, this decision is due no later than ██████ 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 she show good cause for failing to appear.**

5. *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)
6. *Obtaining SNAP benefits.* An authorized representative may be designated to obtain benefits. Even if the household is able to obtain benefits, it should be encouraged to name an authorized representative for obtaining benefits in case of illness or other circumstances which might result in an inability to obtain benefits. The name of the authorized representative must be recorded in the household's case record. The authorized representative for obtaining benefits may or may not be the same individual designated as an authorized representative for the application process or for meeting reporting requirements during the certification period." 7 C.F.R. § 273.2(n)(2)
7. "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)
8. *Using benefits.* A household may allow any household member or nonmember to use its EBT card to purchase food or meals, if authorized, for the household. Drug or alcohol treatment centers and group living arrangements which act as authorized representatives for residents of the facilities must use SNAP benefits for food prepared and served to those residents participating in SNAP (except when residents leave the facility as provided in § 273.11(e) and (f))." 7 C.F.R. § 273.2(n)(3)

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 Department correctly determined that the Defendant committed an Intentional Program Violation by providing her EBT card to a non-household member who was not authorized to serve as her representative or as an Authorized Shopper.**

10. *“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 providing her EBT card to a non-household member who was not authorized to serve as her representative or as an Authorized Shopper.**

11. *“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)

12. *“Length of Disqualification.* If the intentional recipient error occurred on or after [REDACTED] 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 (1) year as this is her first violation.**

13. *“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)

14. "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 \$285.52 in SNAP benefits that were debited during the transactions on [REDACTED] 2021 and [REDACTED] 2021, and which qualified as EBT misuse.**

### DECISION

The Defendant is found **GUILTY** of committing a first offense IPV in the SNAP program due to EBT misuse/providing her EBT card to a non-household member who was not authorized to serve as her representative or as an Authorized Shopper. The Defendant is hereby disqualified from the SNAP program for a period of twelve (12) months and the resulting overpayment of \$285.52 is subject to recovery.

  
\_\_\_\_\_  
**Joshua Couillard**  
**Fair Hearing Officer**

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

Nicholas Coco, Lead Investigator New Haven Regional Office

## **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.