

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

CASE # ██████████
CLIENT ID # ██████████
REQUEST# ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services made a request for an Administrative Disqualification Hearing (“ADH”) to seek disqualification of ██████████ (the “Defendant”) from participation in the Supplemental Nutrition Assistance Program (“SNAP”) for twelve (12) months. The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) by trafficking his SNAP benefits. The Department also seeks to recover overpaid SNAP benefits totaling \$826.22.

On ██████████, 2022, the Office of Legal Counsel, Regulations and Administrative Hearings (“OLCRAH”) mailed the Defendant notification of the initiation of the ADH process scheduled for ██████████ 2022, which included notification of his rights in these proceedings via certified mail.

On ██████████, 2022, the United States Postal Service (“USPS”) delivered the notification of the initiation of the ADH process certified mail packet to the Defendant’s address and the Defendant signed for the notification.

On [REDACTED], 2022, OLCRAH conducted the ADH in accordance with section 17b-88 of the Connecticut General Statutes and Title 7 of the Code of Federal Regulations section 273.16 subsection (e). The following individuals were present at the hearing:

William Carrasquillo, Department of Social Services Investigator
Joseph Alexander, Administrative Hearing Officer

The defendant was not present at the hearing and did not show good cause for failing to appear at the hearing.

STATEMENT OF THE ISSUE

The issues to be decided are whether the Defendant committed an intentional program violation (“IPV”) of the SNAP and is therefore subject to a twelve (12) month disqualification penalty, and whether the Department’s proposal to recoup a SNAP overpayment of \$826.22 for the period of [REDACTED] 2021, through [REDACTED] 2021, is correct.

FINDINGS OF FACT

1. The Defendant is an active recipient of SNAP benefits. (Dept. Ex. 9: Benefit History-Search)
2. On [REDACTED], 2021, the United States Department of Agriculture’s (“USDA”) Food and Nutrition Service (“FNS”) sent a letter to the owner(s) of [REDACTED] located at [REDACTED] regarding charging them with a trafficking violation. The letter specified [REDACTED] would be permanently disqualified from the SNAP. (Dept. Ex. 4: USDA FNS letter dated [REDACTED])
3. On [REDACTED], 2021, the USDA FNS sent a letter to [REDACTED] regarding permanent disqualification from participating in the SNAP. (Dept. Ex. 5: USDA FNS letter dated [REDACTED])
4. Between [REDACTED] 2021, and [REDACTED], 2021, the Defendant made the following purchases at [REDACTED] his Electronic Benefit Transfer (“EBT”) card: (Dept. Ex. 3: EBT Transaction History)

Transaction Date	Transaction Time	Amount
[REDACTED]	10:06am	\$32.50
[REDACTED]	12:24pm	\$21.00
[REDACTED]	10:11am	\$65.68
[REDACTED]	10:14am	\$7.20
[REDACTED]	2:17pm	\$47.50
[REDACTED]	8:49am	\$44.02
[REDACTED]	12:11pm	\$20.12

██████████	3:18pm	\$40.00
██████████	4:19pm	\$40.00
██████████	6:08pm	\$36.00
██████████	8:10am	\$52.00
██████████	3:12pm	\$40.10
██████████	3:13pm	\$20.10
██████████	8:52pm	\$3.50
██████████	8:59pm	\$40.00
██████████	8:51am	\$32.50
██████████	6:45pm	\$48.50
██████████	7:42am	\$44.00
██████████	5:04pm	\$20.00
██████████	8:12am	\$29.25
██████████	8:19am	\$23.00
██████████	7:51pm	\$13.00
██████████	7:57am	\$14.75
██████████	7:59am	\$4.00
██████████	5:51pm	\$23.50
██████████	7:44pm	\$14.00
██████████	8:06am	\$10.00
██████████	5:12pm	\$20.00
██████████	5:38pm	\$20.00
████████████████████		\$826.22

5. The Department concluded the purchases displayed patterns of irregular activity as multiple transactions ended in the same cent value (E.g., .00, .50) and multiple transactions were made within a twenty-four (24) hour period. (Hearing Record)

6. On ██████████, 2022, the Department's Investigations Division sent the Defendant a notice informing him that evidence showing he had violated the SNAP regulations by trafficking had been compiled and a one-year disqualification was being sought. (Dept. Ex. 1: Disqualification letter)

7. On ██████████, 2022, the Department issued a W-1448 Notice of Prehearing Interview SNAP Program and a W-1449 Waiver of Disqualification Hearing SNAP Program to the Defendant. The Defendant was instructed to contact the Department by ██████████, 2021, to discuss the matter or to sign the W-1449 by ██████████, 2021 should he choose not to contact the Department. (Dept. Ex. 2: W-1448 & W-1449 letters)

8. On ██████████, 2022, the Defendant contacted the Department to discuss the proposed disqualification and recoupment. (Hearing Record)

9. On ██████████ 2022, the OLCRAH conducted an administrative disqualification hearing. (Hearing Record)

10. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of twelve (12) months due to an IPV when the Defendant was determined to have trafficked his SNAP benefits. This would be the first disqualification penalty under the SNAP for the Defendant. (Hearing Record)
11. The Department seeks to recover \$826.22 in overpaid SNAP benefits because the Defendant had trafficked his SNAP benefits at [REDACTED] for the period of [REDACTED] through [REDACTED] (Hearing Record)
12. The issuance of this decision is timely under Title 7 Section 273.16(e)(2)(iv) of the Code of Federal Regulations, which requires that a decision be issued within [REDACTED] days of the notice of the initiation of the ADH process. On [REDACTED], 2022, the OLCRAH mailed the Defendant notification of the initiation of the ADH process. Therefore, this decision is due not later than [REDACTED], 2022.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes (“Conn. Gen. Stat.”) provides that the Department of Social Services is designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. Conn. Gen. Stat. § 17b-88 provides as follows:
If a beneficiary of assistance under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program, state-administered general assistance program, food stamp program or supplemental nutrition assistance program receives any award or grant over the amount to which he is entitled under the laws governing eligibility, the Department of Social Services (1) shall immediately initiate recoupment action and shall consult with the Division of Criminal Justice to determine whether to refer such overpayment, with full supporting information, to the state police, to a prosecuting authority for prosecution or to the Attorney General for civil recovery, or (2) shall take such other action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings for cases involving alleged fraud in the food stamp program, supplemental nutrition assistance program, the aid to families with dependent children program, the temporary family assistance program or the state-administered general assistance program.
3. Title 7 Section 273.16(a)(3) and (c) of the Code of Federal Regulations (“CFR”) specifies that an intentional program violation (“IPV”) occurs when an individual attempts to receive or receives benefits they were not eligible for, including duplicate participation, by intentionally:
 - making a false or misleading statement
 - misrepresenting, concealing, or withholding facts;

- committing any act that constitutes a violation of the Food and Nutrition Act; or
- trafficking benefits

IPV is found when the individual:

- signs an ADH hearing waiver or a disqualification consent agreement (DCA), or
- is found guilty of an IPV by an:
 - Administrative disqualification hearing (ADH), or
 - Federal, State, or local court of law

4. 7 CFR § 271.2 defines “trafficked benefits” as buying, exchanging, selling, or stealing SNAP benefits for cash or non-food items including but not limited to:

- Ammunition
- Certain controlled substances
- Explosives
- Firearms
- Reselling a product purchased with SNAP benefits for no-food items or cash
- Returning a container for a deposit if the product was purchased with SNAP benefits when the consents were intentionally discarded

5. 7 CFR § 273.18(d)(2)(ii)(B) & CT Policy provide for Eligibility Determination Group (“EDG”) related trafficking and specifies the Office of Quality Assurance Client Fraud Investigations Division may choose to pursue trafficking cases against individuals identified in retailer investigations by:

- computing the overpayment for the amount of trafficked benefits and establishing a claim; and
- disqualifying the individual when:
 - the individual admits to trafficking by signing an ADH waiver form as part of the admission of guilt; or
 - the individual is found guilty of trafficking by:
 - a court of law, or
 - ADH

The Department correctly determined the Defendant committed an Intentional Program Violation (“IPV”) of the SNAP when he trafficked his SNAP benefits at [REDACTED]

6. 7 CFR § 273.16(a)(1) of the Code of Federal regulations (“CFR”) provides as follows:

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. 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. If the State agency does not initiate administrative disqualification procedures or refer for prosecution a case involving an over issuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the over issuance by establishing an inadvertent household error claim against the household in accordance with the procedures in §273.18. The State agency should conduct administrative disqualification hearings in cases in which the State agency believes the facts of the individual case do not warrant civil or criminal prosecution through the appropriate court system, in cases previously referred for prosecution that were declined by the appropriate legal authority, and in previously referred cases where no action was taken within a reasonable period of time and the referral was formally withdrawn by the State agency. The State agency shall not initiate an administrative disqualification hearing against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of appropriate jurisdiction, if the factual issues of the case arise out of the same, or related, circumstances. The State agency may initiate administrative disqualification procedures or refer a case for prosecution regardless of the current eligibility of the individual.

7. 7 CFR § 273.16(a)(3) provides as follows:

The State agency shall base administrative disqualifications for intentional Program violations on the determinations of hearing authorities arrived at through administrative disqualification hearings in accordance with paragraph (e) of this section or on determinations reached by courts of appropriate jurisdiction in accordance with paragraph (g) of this section. However, any State agency has the option of allowing accused individuals either to waive their rights to administrative disqualification hearings in accordance with paragraph (f) of this section or to sign disqualification consent agreements for cases of deferred adjudication in accordance with paragraph (h) of this section. Any State agency which chooses either of these options may base administrative disqualifications for intentional Program violation on the waived right to an administrative disqualification hearing or on the signed disqualification consent agreement in cases of deferred adjudication.

8. 7 CFR § 273.16(e)(8)(i) provides as follows:

Imposition of disqualification penalties. (i) If the hearing authority rules that the individual has committed an intentional Program violation, the household member must be disqualified in accordance with the disqualification periods and procedures in paragraph (b) of this section. The same act of intentional Program Violation repeated over a period of time must not be separated so that separate penalties can be imposed.

9. 7 CFR § 273.16(b)(1)(i) provides as follows:

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 paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section.

The Department is correct to seek the disqualification of the Defendant from participating in the SNAP for a period of 12 months under first violation because the Defendant committed an IPV.

10. 7 CFR § 273.16(b)(12) & 7 CFR 273.18(b)(1) and (e)(8)(iii) provides for the claims and repayment process and specifies even though only the individual is disqualified, the EDG is responsible to repay any overpayment due to an IPV. The Office of Quality Assurance Client Fraud Investigations Division handles collection action and monitors SNAP OPV claims.

11. 7 CFR § 273.18(c)(1)(i) and CT Claim Management Plan provide for the overpayment period. The Office of Quality Assurance Client Fraud Investigations Division determines the overpayment period for IPV overpayments back to the Month the IPV act first occurred. The discovery date is the date the Client Fraud Investigations verifies the SIPV referral is valid.

The Department correctly determined the overpayment began [REDACTED] 2021.

12. 7 CFR § 273.18(c)(2)(1)-(iii) provides for overpayments related to trafficking and specifies that the amount of the overpayment is the value of the trafficked benefits as determined by:

- the individual's admission;
- adjudication; or
- the information that forms from the basis for the trafficking determination

The Department correctly determined the overpayment totals \$826.22.

13. 7 CFR § 273.18(a)(4)(i)-(ii) provides for the individuals liable for paying a claim as follows;

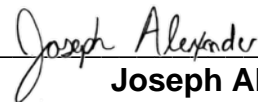
- Each adult member of the EDG receiving SNAP benefits when the overpayment occurred.
- Individuals connected to the EDG who actually trafficked or otherwise cause and overpayment or trafficking such as, but not limited to an:
 - A-REP, or
 - Authorized shopper
- Non-citizen sponsor if the sponsor caused the overpayment or trafficking

The Department correctly determined the Defendant is liable for paying the overpayment claim.

DECISION

With regard to the Intentional Program Violation under the SNAP and the Department's request to disqualify the Defendant from the SNAP for a period of 12 months, the Defendant is found guilty.

With regard to the Department's request to recover the overpayment claim of \$826.22 for the period of [REDACTED] 2021, through [REDACTED] 2021, the request is granted.



Joseph Alexander
Administrative Hearing Officer

CC: OLCRAH.QA.DSS@ct.gov

William Carrasquillo, CFIU Investigator, DSS, Bridgeport 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.