

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: 194087

**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 for committing an intentional Program violation.

On ██████████ 2022, the OLCRAH issued a *Notice of Administrative Hearing* with a copy of the Department's administrative disqualification hearing summary and exhibits to the Defendant by certified mail, restricted delivery at his then-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 or participate. An individual at that address signed receipt of the certified mailing on ██████████ 2022.

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 by telephone and did not request a postponement of the proceedings for good cause. The following individuals participated by telephone conferencing:

Danielle Morrison, Quality Assurance/Fraud Unit, Department Representative  
Eva Tar, Hearing Officer

On [REDACTED] 2022, the hearing officer issued correspondence to the Defendant's newly reported address and enclosed additional documents submitted for the hearing record, extending the close of the hearing record through [REDACTED] 2022, for receipt of the Defendant's written comment.

The Defendant did not submit written comment and did not contact the hearing officer or the hearings unit.

The hearing record closed [REDACTED] 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.

### **FINDINGS OF FACT**

1. On [REDACTED] 2013, the Stamford Superior Court entered a judgment of divorce between the Defendant and [REDACTED] (the "ex-wife"). (Department Exhibit 11)
2. The Defendant and his ex-wife are the parents of a minor child. (Department Representative Testimony) (Department Exhibit 6)
3. The Defendant's SNAP benefits terminated effective [REDACTED] [REDACTED] 2021. (Department Exhibit 6)
4. In the relevant period from [REDACTED], 2022 through [REDACTED] 2022, the Defendant represented to the Department orally and in writing that he lived at [REDACTED], [REDACTED] (the [REDACTED] address"). (Department Exhibits 6, and 12 through 15)
5. The ex-wife is the sole owner of the [REDACTED] address, a single-family home. (Department Representative Testimony) (Department Exhibit 10)
6. On [REDACTED] 2022, the Defendant reapplied for SNAP benefits, identifying his address as the [REDACTED] address on the online SNAP application. (Department Exhibit 12)
7. The Defendant was not eligible to receive expedited SNAP benefits. (Department Exhibit 6)

8. On [REDACTED] 2022, the Defendant reported to the Department in a telephone interview that his ex-wife and child lived with him at the [REDACTED] address, and his ex-wife was employed full-time. (Department Exhibit 6)
9. During the [REDACTED] 2022 interview, a Department employee instructed the Defendant that he, his ex-wife, and their child were considered an intact family. (Department Exhibit 6)
10. On [REDACTED] 2022, the Defendant verbally withdrew his SNAP application to the Department employee during the telephone interview. (Department Exhibit 6)
11. For the [REDACTED] 2022 SNAP service month, the Department issued the Defendant \$345.00 in SNAP benefits, or \$250.00 (on [REDACTED] 022) and a \$95.00 supplement (on [REDACTED] 22). (Department Exhibit 15)<sup>1</sup>
12. On [REDACTED] 2022, the Department received the Defendant's online SNAP application, filed after business hours on [REDACTED] 2022. (Department Exhibit 13)
13. On the [REDACTED] 2022 SNAP application, the Defendant reported that he lived as a roomer at the [REDACTED] address. The Defendant did not list his ex-wife and child as members of his household. (Department Exhibit 13)
14. On [REDACTED] 2022, the Department initiated an internal FRED [Fraud Early Detection] investigation. (Department Exhibit 15)
15. The Defendant denied the following during a [REDACTED] 2022 telephone interview with a Department investigator: 1) having previously reported to the Department on [REDACTED] 2022 that he was living with the ex-wife and their child at the [REDACTED] address; and 2) that his ex-wife had ever lived at the [REDACTED] address. The Defendant also asserted that his cousin [REDACTED] lived at the [REDACTED] address and provided the Defendant with some support. (Department Representative Testimony) (Department Exhibit 6)
16. The Department confirmed that the ex-wife lived at the [REDACTED] address through town records, employment records, and Department of Motor Vehicle records. (Department Representative Testimony) (Department Exhibits 7 through 10, and 15)
17. The Defendant's ex-wife and child live at the [REDACTED] address. (Department Representative Testimony)
18. On [REDACTED] 2022, the Department completed its FRED investigation. (Department Exhibits 6 and 15)

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<sup>1</sup> It is unclear from the hearing record as to why, after determining the Defendant was ineligible for expedited SNAP benefits, the Department issued the Defendant SNAP benefits for an individual living alone on [REDACTED] 2022, the same day that the Defendant filed and withdrew his SNAP application.

19. The Department administratively added the Defendant's ex-wife and child to the Defendant's SNAP household as related to the ██████████ 2022 SNAP application. (Department Exhibit 15)
20. On ██████████ 2022, the Department denied the Defendant's ██████████ 2022 SNAP application, citing as the reason for denial "[t]he monthly gross income of your household is more than the limit for this program." (Department Exhibit 15)
21. The Defendant did not receive SNAP benefits in conjunction with the ██████████ 2022 SNAP application. (Department Exhibit 15)
22. The Department's printouts of the ██████████ 2022 SNAP application and the ██████████ 2022 SNAP application as submitted for the hearing record do not contain the following: 1. in prominent and boldface lettering and understandable terms, a statement that the information provided by the applicant in connection with the application for SNAP benefits will be subject to verification by Federal, State and local officials to determine if such information is factual, that if any information is incorrect, SNAP benefits may be denied to the applicant, and that the applicant may be subject to criminal prosecution for knowingly providing incorrect information; 2. in prominent and boldface lettering and understandable terms, a description of the civil and criminal provisions and penalties for violations of the Food and Nutrition Act of 2008; and 3. a statement to be signed by one adult household member which certifies, under penalty of perjury, the truth of the information contained in the application, including the information concerning citizenship and alien status of the members applying for benefits. (Department Exhibits 12 and 13)
23. On ██████████ 2022 and ██████████ 2022, the Department issued the Defendant a *Notice of Prehearing Interview (W-1448)* and a *Waiver of Disqualification Hearing (W-1449)* to complete and return. (Department Exhibits 2 through 5)
24. The Defendant did not complete and return the *Notices of Prehearing Interview (W-1448)* and the *Waivers of Disqualification Hearing (W-1449)*. (Department Representative Testimony)
25. The Defendant has not previously been disqualified from participation in the SNAP for an intentional Program violation. (Department Exhibit 1)
26. At some point between ██████████ 2022 and ██████████ 2022, the Defendant reapplied for and was granted SNAP benefits as a household of one living at an address other than the ██████████ address. (Department Representative Testimony) (Department Exhibit 15)
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 [REDACTED] 2022, an individual permitted to receive certified mail, restricted delivery on the Defendant’s behalf received notification of OLCRAH’s scheduling of an administrative disqualification hearing. This final decision would become due no later than [REDACTED] 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 the authority for the Department to conduct administrative disqualification hearings for cases involving alleged fraud in the SNAP.

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. Subsection (a)(1) of this section provides in part: “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. Title 7, Section 273.1 (b) of the Code of Federal Regulations addresses special household requirements. Subsection (b)(1) of this Section provides:

***Required household combinations.*** The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.

(i) Spouses;

(ii) *A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and*

(iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

7 C.F.R. § 273.1 (b)(1). (emphasis added)

**The Defendant's minor child, as a person under 22 years of age who is living with his natural parent(s), was a mandatory member of the Defendant's SNAP household in the [REDACTED] 2022 service month.**

**The Defendant's ex-wife was a mandatory member of the Defendant's SNAP household, as she lived with the Defendant and their minor child in the same single-family home.**

**As a condition of SNAP eligibility, the Defendant was required to accurately disclose his household composition on the [REDACTED] 2022 SNAP application.**

3. Title 7, Section 273.2 (b) of the Code of Federal Regulations addresses the SNAP application form and its contents. Subsection (b)(1)(i), (ii), (iii) of this Section provides the requirement of a warning for knowingly providing incorrect information:
    - (1) A State agency may consider an application form to be a paper document, on-line document or a recorded conversation. Each application form shall contain:
      - (i) In prominent and boldface lettering and understandable terms a statement that the information provided by the applicant in connection with the application for SNAP benefits will be subject to verification by Federal, State and local officials to determine if such information is factual; that if any information is incorrect, SNAP benefits may be denied to the applicant; and that the applicant may be subject to criminal prosecution for knowingly providing incorrect information;
      - (ii) In prominent and boldface lettering and understandable terms a description of the civil and criminal provisions and penalties for violations of the Food and Nutrition Act of 2008;
      - (iii) A statement to be signed by one adult household member which certifies, under penalty of perjury, the truth of the information contained in the application, including the information concerning citizenship and alien status of the members applying for benefits; ....
- 7 C.F.R. § 273.2 (b)(1)(i), (ii), and (iii).

**The Department committed procedural error as the Defendant's [REDACTED] 2022 online SNAP application did not incorporate the warning language and attestation under penalty of perjury of the truth of the information contained in the application, as required by 7 C.F.R. § 273.2 (b).**

4. "*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 did not attest under penalty of perjury as to the truth of the information contained in the [REDACTED] 2022 online SNAP application.

The Department did not provide clear and convincing evidence that the Defendant had committed an intentional Program violation of the SNAP.

**DECISION**

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

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

Cc: Danielle Morrison, DSS-New Haven  
OLCRAH.QA.DSS@ct.gov

### **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.