

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 ID # ██████████  
Client ID # ██████████  
Request # 194302

ADMINISTRATIVE DISQUALIFICATION HEARING  
NOTICE OF DECISION

PARTY

██████████  
██████████  
██████████

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 Nutritional Assistance Program (“SNAP”) for a period of 12 months. The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) as a result of the Defendant’s failure to report moving to the state of ██████████. This is the Defendant’s first IPV offense in the SNAP program.

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. The Defendant did not sign for the certified mail per the United States Postal Service (“USPS”) tracking, as it was awaiting pickup. On ██████████ 2022, the OLCRAH mailed the notice to the Defendant by regular mail. The notification outlined the Defendant’s rights in these proceedings. The ADH was scheduled for ██████████ 2022.

On ██████████ 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 Defendant was not present at the hearing and did not provide good cause for not appearing.

The following individuals were present at the hearing:

Elizabeth Martinez, Department's Representative  
Scott Zuckerman, Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Defendant committed an IPV in the SNAP program.

### **FINDINGS OF FACT**

1. From [REDACTED] 2021, through [REDACTED], 2021, the Defendant's SNAP Electronic Benefit Transfer ("EBT") card was used for transactions in Connecticut. (Exhibit 9: Transaction Detailed Report, State of CT, [REDACTED] 2021 to April [REDACTED])
2. From [REDACTED] 2021, through [REDACTED] 2021, the Defendant's SNAP EBT card was used for transactions in [REDACTED]. (Exhibit 9: Transaction Detailed Report, State of CT, [REDACTED] 2021 to [REDACTED] 2022)
3. From [REDACTED] 2021, through [REDACTED], 2021, the Defendant's SNAP EBT card was used for transactions in [REDACTED]. (Exhibit 9)
4. From [REDACTED] 2021, through [REDACTED], 2021, the Defendant's SNAP EBT card was used for transactions in [REDACTED]. (Exhibit 9)
5. From [REDACTED] 2021, through [REDACTED], 2021, the Defendant's SNAP EBT card was used for transactions in [REDACTED]. (Exhibit 9)
6. On [REDACTED] 2021, the Department received returned mail from the post office, "return to sender, [REDACTED], Temporarily Away." The mail contained a Notice of Action dated [REDACTED], 2021, addressed to [REDACTED]. (Exhibit 5: Return mail)
7. From [REDACTED] 2021, through [REDACTED], 2021, the Defendant's SNAP EBT card was used for transactions in [REDACTED]. (Exhibit 9)
8. On [REDACTED] 2021, the Department received returned mail, "return to sender, Not Deliverable as addressed, unable to forward". The mail contained a SUA Dollar issuance notice dated [REDACTED], 2021 addressed to the Defendant at [REDACTED]. (Exhibit 5)

9. From [REDACTED] 2021, through [REDACTED], 2021, the Defendant's SNAP EBT card was used for transactions in [REDACTED]. (Exhibit 9)
10. From [REDACTED] 2021, through [REDACTED], 2021, the Defendant's SNAP EBT card was used for transactions in [REDACTED]. (Exhibit 9)]
11. From [REDACTED] 2022, through [REDACTED], 2022, the Defendant's SNAP EBT card was used for transactions in [REDACTED]. (Exhibit 9)
12. On [REDACTED], 2022, the Department received New Hires Matched SSN Report indicating the Defendant residing at [REDACTED], [REDACTED]. (Exhibit 7: New Hires Match)
13. From [REDACTED] 2022, through [REDACTED], 2022, the Defendant's SNAP EBT card was used for transactions in [REDACTED]. (Exhibit 9)
14. On [REDACTED] 2022, the Department received returned mail from the post office "Return to Sender, [REDACTED] [REDACTED]". The mail contained a Notice of Renewal of Eligibility dated [REDACTED], 2022, addressed to the Defendant at [REDACTED]. (Exhibit 6: Return mail)
15. On [REDACTED] 2022, the Defendant submitted an online renewal indicating his home address as [REDACTED]. (Exhibit 1: Online renewal, [REDACTED] 2022)
16. From [REDACTED] 2022, through [REDACTED], 2022, the Defendant's SNAP EBT card was used for transactions in [REDACTED]. (Exhibit 9)
17. On [REDACTED] 2022, the Department contacted the Defendant by phone. The Defendant stated he went to [REDACTED] for a visit and decided to stay. (Department's testimony)
18. The Department contacted the Defendant's mother, [REDACTED], who confirmed the Defendant is residing in [REDACTED] (Department's testimony and Hearing Summary)
19. On [REDACTED] 2022, the Department mailed the Defendant a W-1448, Notice of Prehearing Interview. The notice stated that the Department believes you broke the rules of the SNAP program on purpose. The Department scheduled a telephone appointment with the Defendant for [REDACTED], 2022, to discuss the proposed IPV. (Exhibit 4: W-1448, Notice of Prehearing Interview)

20. On [REDACTED] 2022, the Department sent the Defendant a W-1449, Waiver of Disqualification Hearing SNAP Program. The Waiver stated the Department believes the Defendant broke the rules of the SNAP program on purpose, and that the Defendant may be disqualified from the program for one year due to this intentional program violation. The form states by signing the waiver the Defendant gives up his right to an administrative disqualification hearing. (Exhibit 3: DSS, Waiver of Disqualification, SNAP Program)
21. The Defendant did not attend the pre-hearing interview and did not sign the Waiver of Disqualification Hearing. (Hearing Record)
22. The Defendant has no prior Intentional Program Violations. (Hearing Summary, Exhibit 2: Electronic Disqualified Recipient System)
23. 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 90 days 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 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.") § 273.16(a)(1) 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 overissuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the overissuance 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.

“The State agency shall conduct administrative disqualification hearings for individuals accused of intentional Program violation in accordance with the requirements outlined in this section.” 7 C.F.R. § 273.16(e)

4. Federal regulation 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.

7 C.F.R. § 273.16(a)(3)

5. **“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.”  
7 C.F.R. § 273.16(c)(1)
6. **“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 CFR 273.16(e)(6)

Federal Regulation provides as follows:

7. 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;

7 CFR 273.16(b)(1)(i)

8. Federal Regulation provides as follows:

*A household shall live in the State in which it files an application for participation.* The State agency may also require a household to file an application for participation in a specified project area (as defined in § 271.2 of this chapter) or office within the State. No individual may participate as a member of more than one household or in more than one project area, in any month, unless an individual is a resident of a shelter for battered women and children as defined in § 271.2 and was a member of a household containing the person who had abused him or her. Residents of shelters for battered women and children shall be handled in accordance with § 273.11(g). The State agency shall not impose any durational residency requirements. The State agency shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Nor shall residency require an intent to reside permanently in the State or project area. Persons in a project area solely for vacation purposes shall not be considered residents.

7 C.F.R. § 273.3 (a)

9. “Households must report changes in residence and the resulting change in shelter costs.” 7 C.F.R. § 273.12(a)(1)(iii)

10. Federal regulation provides as follows:

*Application.* The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of §273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in §273.2(b)(2) and provide the household with a notice of required verification as specified in §273.2(c)(5).

7 C.F.R. § 273.14(b)(2)

11. Federal Regulation provides as follows:

If the State agency discovers that the household failed to report a change as required by paragraph (a) of this section and, as a result, received benefits to which it was not entitled, the State agency shall file a claim against the household in accordance with § 273.18. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if the household's benefits are reduced. A household shall not be held liable for a claim because of a change in household circumstances which it is not required to report in accordance with § 273.12(a)(1). Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the disqualification procedures specified in § 273.16(e)

7 C.F.R. § 273.12 (d)

12. Federal Regulation provides as follows:

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.

7 CFR 273.16(b)(1)

**The Hearing record clearly and convincingly established that the Defendant intentionally failed to report to the Department his move to the state of [REDACTED] and misrepresented the facts that he resided in Connecticut on his [REDACTED] 2022 renewal.**

**The Defendant was not entitled to SNAP benefits from Connecticut upon moving to the State of [REDACTED] as the household must live in the State in which it files an application for participation.**

**The Department is correct to seek the disqualification of the Defendant from participating in the SNAP program for a period of 12 months.**

### **DISCUSSION**

The Department met its burden to establish by clear and convincing evidence that the Defendant committed an intentional program violation pertaining to the SNAP.

### **DECISION**

The Defendant is guilty of committing a first offense intentional program violation in the SNAP program as the Defendant knowingly did not properly report moving to the State of [REDACTED] in [REDACTED] 2021. **The Department's request is GRANTED.** The Department may disqualify the Defendant from participating in the SNAP for a period of 12 months.

*Scott Zuckerman*  
Scott Zuckerman  
Hearing Officer

Cc: DSS, Quality Assurance

**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.