

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

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PROCEDURAL BACKGROUND

On ██████████ 2022, the Department of Social Services (the “Department”) issued ██████████ ██████████ (the “Appellant”) a notice denying her request for the replacement of her Supplemental Nutrition Assistance Benefits (“SNAP”) dispensed by Electronic Benefit Transfer (“EBT”).

On ██████████, 2022, the Appellant requested an administrative hearing to contest the Department’s decision to deny the replacement of her SNAP benefits.

On ██████████ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2022.

On ██████████ 2022, the following individuals participated at the hearing telephonically per the Appellant’s request.

████████████████████, Appellant
████████████████████, Interpreter, Translations Services
Kristin Krawetzky, Department’s representative
Joseph Alexander, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department’s determination that the Appellant is not entitled to replacement of stolen SNAP EBT benefits is correct.

FINDINGS OF FACT

1. On [REDACTED], 2019, the Appellant’s EBT card ending in [REDACTED] was issued by the Department. (Hearing Record)
2. Between [REDACTED], 2022, and [REDACTED] 2022, the EBT card ending in [REDACTED] and the Personal Identification Number (“PIN”) were used to make the following purchases.

Date	Time	Amount	Location
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]

(Dept. Ex. 1: EBT Transaction History)

3. On [REDACTED], 2022, the Appellant notified the Department of the unauthorized use of her EBT card ending in [REDACTED] and the Department deactivated said card. (Hearing Record)
4. No transactions were completed with EBT card ending in [REDACTED] after it was deactivated. (Hearing Record)
5. On [REDACTED] 2022, the Department sent the Appellant a Notice of the Client Initiated EBT SNAP Account Adjustment Request. The notice stated the Appellant’s request was denied because, “We can only make a correction when we have proof that a system error has occurred that has unjustly debited your account.” (Dept. Ex. 3: Notice of the Client Initiated EBT Supplemental Nutritional Assistance Program (SNAP) Account Adjustment Request).
6. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations (“C.F.R.”) § 273.15 (c) (1) which provides that within [REDACTED] days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency is notified of the decision. The hearing request was received on [REDACTED] 2022, making this decision due no later than [REDACTED] 2022, as [REDACTED], 2022 is a [REDACTED].

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides that the Department of Social Services be designated as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.
2. Federal Regulation provides as follows: (a) Basic issuance requirements. State agencies shall establish issuance and accountability systems which ensure that only certified eligible households receive benefits; that Program benefits are timely distributed in the correct amounts; and that benefit issuance and reconciliation activities are properly conducted and accurately reported to FNS. (b) System classification. State agencies may issue benefits to households through any of the following systems: (1) An on-line Electronic Benefit Transfer (EBT) system in which Program benefits are stored in a central computer database and electronically accessed by households at the point of sale via reusable plastic cards. (2) An off-line EBT system in which benefit allotments can be stored on a card or in a card access device and used to purchase authorized items at a point-of-sale (POS) terminal without real-time authorization from a central processor. Title 7 of the Code of Federal Regulations ("C.F.R") § 7 CFR 274.1
3. Federal Regulation provides for EBT cards and Personal Identification Numbers (PINs). (1) State agencies which issue EBT cards by mail shall, at a minimum, use first class mail and sturdy non forwarding envelopes or packages to send EBT cards to households. (2) The State agency shall permit SNAP households to select their PIN. (i) PIN assignment procedures shall be permitted in accordance with industry standards as long as PIN selection is available to clients if they so desire and clients are informed of this option. (ii) If assigning a PIN by mail in conjunction with card issuance, State agencies shall mail the PIN separate from the card one business day after the card is mailed. 7 C.F.R § 274.2 (f)

The Department correctly determined the Appellant's SNAP benefits were paid by means of EBT and accessed through a department-issued debit card.

4. "A State agency shall make adjustments to an account to correct an auditable, out-of-balance settlement condition that occurs during the redemption process as a result of a system error. A system error is defined as an error resulting from a malfunction at any point in the redemption process: from the system host computer to the switch, to the third-party processors, to a store's host computer or POS device. These

adjustments may occur after the availability date and may result in either a debit or credit to the household. 7 CFR 274.2(g)(2)

The Department correctly determined the Appellant's SNAP benefits were correctly deposited into her EBT account and were not lost because of Departmental error or malfunction of the EBT system.

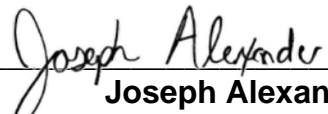
5. "An immediate hold shall be placed on accounts at the time notice is received from a household regarding the need for card or PIN replacement. The State agency shall implement a reporting system which is continually operative. Once a household reports that their EBT card has been lost or stolen, the State agency shall assume liability for benefits subsequently drawn from the account and replace any lost or stolen benefits to the household. The State agency or its agent shall maintain a record showing the date and time of all reports by households that their card is lost or stolen. 7 C.F.R § 274.6(b)(2)

The Department correctly determined the Appellant's EBT issued SNAP benefits could not be treated as stolen because said benefits were used prior to reporting the need for a replacement and deactivation of the EBT card.

The Department correctly denied the Appellant's request for replacement of SNAP benefits.

DECISION

The Appellant's appeal is **DENIED**



Joseph Alexander
Administrative Hearing Officer

CC: Kristin Krawetzky, Associate Fiscal Administrative Officer, DSS, Central Office

RIGHT TO REQUEST RECONSIDERATION

The Appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within 25 days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on §4-1181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

RIGHT TO APPEAL

The appellant has the right to appeal this decision to Superior Court with 45 days of the mailing of this decision, or 45 days after the agency denies 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 06105-3725. 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 appellant resides.