

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

■■■■ 2022  
Signature Confirmation

Client ID ■■■■  
Case ID ■■■■  
Request # 195047

**NOTICE OF DECISION**

**PARTY**

■■■■  
■■■■  
■■■■

**PROCEDURAL BACKGROUND**

On ■■■■ 2022, the Department of Social Services (the "Department") sent ■■■■ (the "Appellant") a notice denying her request for an account adjustment under the Supplemental Nutritional Assistance Program ("SNAP") for benefits she reported as stolen.

On ■■■■ 2022, the Appellant requested an administrative hearing to contest the Department's decision to deny her request for replacement benefits under the SNAP.

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

On ■■■■ 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 via teleconference.

The following individuals called in for the hearing:

■■■■ Appellant  
Kristen Krawetzky, Department Representative  
Lisa Nyren, Fair Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Department's [REDACTED] [REDACTED] 2022 decision to deny the Appellant's request to replace unauthorized electronic benefit transfer ("EBT") transactions under her SNAP account between [REDACTED] [REDACTED] 2022 and [REDACTED] [REDACTED] 2022 was correct.

### **FINDINGS OF FACT**

1. The Appellant resides at [REDACTED] Connecticut with her five (5) children. No other individuals reside with the Appellant and her children. (Appellant's Testimony)
2. The Appellant receives SNAP benefits for a household of six, herself and her five children. (Appellant's Testimony)
3. Each month the Department electronically deposits SNAP benefits to a recipient's EBT account where recipients can access their benefits using their EBT card and personal identification number ("PIN") as chosen by the recipient. (Hearing Record)
4. SNAP recipients swipe their EBT cards and enter a PIN to make purchases at retail stores. Purchases can be made without the EBT card if the card number and PIN are entered manually at checkout. (Department Representative's Testimony)
5. On [REDACTED] [REDACTED] 2018, the Department issued the Appellant an EBT card ending in 0168. (Department Representative's Testimony)
6. The Appellant stores her EBT card in her wallet and lists her PIN on the EBT card. (Appellant's Testimony)
7. On [REDACTED] [REDACTED] 2022, the Department deposited [REDACTED] SNAP benefit of \$1,036.00 to the Appellant's EBT account. Based on an alphabetical breakdown, such benefits are available to the Appellant on [REDACTED] [REDACTED] 2022. (Exhibit 1: EBT Transaction History and Exhibit 2: SNAP Publication)
8. On [REDACTED] [REDACTED] 2022 at 3:48 pm, the Appellant reported to the Department unauthorized use of her EBT account during the period [REDACTED] [REDACTED] 2022 through [REDACTED] [REDACTED] 2022. The Appellant retained her EBT card ending in 0168 but did not authorize the transactions listed in the chart below. (Exhibit 1: EBT Transaction History, Exhibit 3: Denial Notice, and Appellant's Testimony)

Date & Time	Location	Amount
[REDACTED] @ 8:35 pm	[REDACTED]	\$33.44

██████████ 10:00 am	████████████████████	\$122.40
██████████ 5:12 pm	████████████████████	\$14.99
██████████ @ 3:27 pm	████████████████████	\$69.88
██████████ @ 6:57 pm	████████████████████	\$87.70
██████████ @ 7:13 pm	████████████████████	\$79.96
██████████ @ 2:56 pm	████████████████████	\$39.16
██████████ @ 3:02 pm	████████████████████	\$38.66
██████████ 6:03 pm	████████████████████	\$87.77
██████████ 9:37 pm	████████████████████	\$104.16
██████████ @ 12:56 pm	████████████████████	\$77.82
██████████ @ 12:34 pm	████████████████████	\$13.35
██████████ @ 1:07 pm	████████████████████	\$16.26
██████████ @ 1:35 pm	████████████████████	\$105.47
██████████ @ 5:50 pm	████████████████████	\$77.82
██████████ 8:17 pm	████████████████████	\$90.99
Total		\$1,059.83

9. On ██████████ 2022 at 3:48 pm, the Department cancelled the Appellant's EBT card ending in 0168 and issued the Appellant a new EBT card to prevent further unauthorized use of the Appellant's EBT account. (Department Representative's Testimony and Exhibit 1: EBT Transaction History)
10. The Appellant does not dispute the transactions listed in the chart below. (Exhibit 1: EBT Transaction History and Exhibit 3: Denial Notice)

Date and Time	Location	Amount
██████████ @ 6:51 pm	████████████████████	\$58.38
██████████ 7:14 pm	████████████████████	\$74.50
██████████ @ 6:44 pm	████████████████████	\$87.96
██████████ @ 6:02 pm	████████████████████	\$90.16
██████████ @ 2:52 pm	████████████████████	\$115.61
██████████ @ 3:27 pm	████████████████████	\$107.66

11. The Appellant seeks to replace SNAP benefits in which she did not authorize under her EBT account totaling \$1,059.83 during the period ██████████ 2022 through ██████████ 2022. (Appellant's Testimony and Exhibit 3: Denial Notice)
12. The Appellant did not contact the police to report SNAP benefits as stolen. The Appellant did not contact the retail stores where the unauthorized transactions occurred. (Appellant's Testimony)
13. The Department denied the Appellant's request to replace SNAP benefits reported as stolen because there are no provisions under SNAP policy which allow replacement of SNAP EBT unauthorized transactions. (Department Representative's Testimony)

14. On [REDACTED] [REDACTED] 2022, the Department issued the Appellant a notice denying her request to have SNAP benefits added back into her EBT account. The notice states, "The EBT system keeps complete records of every EBT transaction. We investigate every report of an error of this kind. We can only make a correction when we have proof that a system error has occurred that has unjustly debited your account. Your request to have SNAP benefits added back into your account has been denied based on a review of the EBT records." (Exhibit 3: Denial Notice)
15. The issuance of this decision is timely under Connecticut General Statutes § 17b-61(a), which requires that a decision be issued within 90 days of the request for an administrative hearing. The Appellant requested an administrative hearing on [REDACTED] [REDACTED] 2022. Therefore, this decision is due not later than [REDACTED] [REDACTED] 2022.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statutes provides as follows: 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. Title 7 Section 274.6(b) of the Code of Federal Regulation ("C.F.R.") provides for replacement EBT cards or PINs as follows:

The State agency shall make replacement EBT cards available for pick up or place the card in the mail within two business days following notice by the household to the State agency that the card has been lost, stolen or damaged unless the State agency implements a replacement procedure pursuant to [paragraph \(b\)\(5\)](#) of this section.

**On [REDACTED] [REDACTED] 2022, the Department correctly issued a replacement EBT card to the Appellant after the Appellant reported unauthorized transactions from her EBT account.**

3. Federal regulation provides as follows:

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)(1)

**The Department correctly denied the Appellant's request to replace SNAP benefits for which she did not authorize between [REDACTED] 2022 and [REDACTED] 2022. The Department assumes liability for any unauthorized transactions which occur after an EBT card is reported lost or stolen. All unauthorized transactions reported by the Appellant to the Department occurred prior to the Appellant's [REDACTED] 2022 report to the Department. There are no guaranteed protections under Federal law against unauthorized access to an EBT account.**

### **DECISION**

The Appellant's appeal is denied.

*Lisa A. Nyren*

Lisa A. Nyren  
Fair Hearing Officer

CC: Kristin Krawetzky, DSS CO

### **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 § 4-181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, what new evidence, 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.

### **RIGHT TO APPEAL**

The appellant 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 the Commissioner's 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.