

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

Case # ██████████
Client ID # ██████████
Request # 195152

ADMINISTRATIVE DISQUALIFICATION HEARING
NOTICE OF DECISION

PARTY

██████████
████████████████████
████████████████████

REASON FOR HEARING

On ██████████, 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received a request for an Administrative Disqualification Hearing (“ADH”) seeking disqualification of ██████████ (the “Defendant”) from participation in the Supplemental Nutrition Assistance Program (“SNAP”) for twelve (12) months from the Department of Social Services (“Department”) Investigations and Recoveries Division (“Investigations Unit”). The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) by misrepresenting his household composition. The Department also seeks to recover overpaid SNAP benefits. During the hearing proceedings, the Department argued the SNAP overpayment amount totaled \$1,593; however, following their recalculation the Department reduced the overpaid SNAP amount to \$1,317.

On ██████████, 2022, the OLCRAH mailed the Defendant a Notice of Administrative Hearing (“NoAH”) via United States Postal Service (“USPS”) certified mail informing the Defendant that the Department scheduled an Administrative Disqualification hearing for ██████████, 2022. The NoAH included notification of the Defendant’s rights in these proceedings, the Department’s hearing summary and evidence supporting the Department’s case against the Defendant.

On ██████████, 2022, the notifications were delivered and signed for by the Defendant.

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).

PRESENT AT THE HEARING

The following individuals were present at the hearing:

[REDACTED], Defendant
Shannon Hales-Eaton, Investigator, Department's Representative
Jessica Gulianello, Hearing Officer

The hearing record remained open to allow both parties time to submit additional information. Additional documents were received from the Department only and on [REDACTED], 2022, the hearing record closed accordingly.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Defendant committed an intentional program violation ("IPV") of the SNAP and is subject to a twelve (12) month disqualification penalty under the SNAP.

A secondary issue to be decided is whether the Department's proposal to pursue a SNAP overpayment claim for the period of [REDACTED], 2021, through [REDACTED], 2022, in the amount of \$1,317 (formerly \$1,593) is correct.

FINDINGS OF FACT

1. The Defendant is a recipient of SNAP benefits. (Hearing Record)
2. On [REDACTED], 2021, the Department received an [REDACTED] signed SNAP renewal form ("ONRE"). The ONRE reflected a SNAP household of six individuals: the Defendant ([REDACTED]) and his five children: [REDACTED] [REDACTED] as members of the SNAP household. The ONRE reflected the Defendant as employed [REDACTED] with [REDACTED]. The ONRE reflected both the Defendant's son, [REDACTED] and his daughter, [REDACTED] each receive [REDACTED] Income ([REDACTED]) from [REDACTED]. The ONRE reflected the Defendant receives a housing assistance [REDACTED]. The Defendant's rent expense was listed as \$330 with \$940 being paid by [REDACTED] for a total monthly rent of \$1,179 plus utility expenses paid separately. (Exhibit 2: ONRE)
3. The SNAP certification cycle ended on [REDACTED], 2021. (Exhibit 3: Case Notes)
4. On [REDACTED], 2021, the Department reviewed the ONRE and conducted an interview with the Defendant by phone. The Defendant reported [REDACTED]

employment with [REDACTED] and [REDACTED] employment with [REDACTED]. The Defendant reported his son, [REDACTED] and his daughter, [REDACTED] both receive [REDACTED]. The Defendant reported his rent increased to \$1,245 per month as he was no longer receiving [REDACTED]. The Department initiated the SNAP renewal but left it in a pending status and issued the Defendant a request for proof of his income and rent. (Exhibit 3: Case Notes)

5. On [REDACTED], 2021, the Department received a lease confirming a contract rent of \$1,640 for the period of [REDACTED], 2021, through [REDACTED], 2022, signed and dated [REDACTED]/2021 reflecting the dwelling unit would be occupied by the Defendant, [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. (Exhibit 3: Case Notes, Exhibit 15: Lease)
6. On [REDACTED], 2021, the Defendant contacted the Department's Benefit Center to confirm receipt of verification. The Department reviewed the lease and updated the online eligibility management system ("ImpaCT"). The Department verbally informed the Defendant additional proof of his income was required and the SNAP remained in a closed status. (Exhibit 3: Case Notes)
7. On [REDACTED], 2021, the Defendant contacted the Department's Benefit Center again. The Department informed the Defendant the income verification received was insufficient and advised he reapply. The Defendant reported his intention to file for an Administrative Hearing. (Exhibit 3: Case Notes)
8. On [REDACTED], 2021, the Department reviewed the Defendant's case in response to the OLCRAH scheduling an Administrative Hearing concerning the SNAP discontinuance for failure to provide information. The Department reviewed the case, reinstated SNAP benefits effective [REDACTED], 2021, and updated the Defendant's income. The Department contacted the Defendant by phone to discuss the actions taken and the Defendant agreed to withdraw his request for a Hearing. (Exhibit 3: Case Notes)
9. On [REDACTED], 2021, the Department mailed the Defendant a Notice of Action ("NOA") advising the household (comprised of six individuals) was determined eligible for SNAP benefits in the amount of \$226 for [REDACTED] 2021 and \$189 for [REDACTED] 2022 and ongoing with a benefit period end date of [REDACTED], 2022. The NOA reflected the following individuals as members of the SNAP household: [REDACTED]
[REDACTED]
[REDACTED]. The NOA reflected the following Income: (Exhibit 13: NOA, [REDACTED]/2021)

Individual	Type	Amount	Frequency
[REDACTED]	[REDACTED]	\$702	[REDACTED]
[REDACTED]	[REDACTED]	\$141.94	[REDACTED]
[REDACTED]	[REDACTED]	\$841.00	[REDACTED]
[REDACTED]	[REDACTED]	\$828.50	[REDACTED]

10. On [REDACTED], 2022, the Defendant contacted the Department's Benefit Center to report he was no longer employed with [REDACTED], and that [REDACTED] adjusted his rent to \$350 per month. The Department confirmed via [REDACTED] the Defendant's last date worked with [REDACTED] was [REDACTED], 2021. The SNAP amount increased to \$1,190 per month effective [REDACTED] 2022. The corresponding case note does not specify the specific updates that were completed in ImpaCT. (Exhibit 16: Case Notes)
11. On [REDACTED], 2022, the Department received a [REDACTED] complaint alleging the Defendant was misrepresenting his household composition and income. The referral was assigned to Shannon Hales-Eaton ("Investigator") with the Department. (Exhibit 1: ImpaCT Referral, [REDACTED]/2022)
12. On [REDACTED], 2022, the Department received a correspondence from [REDACTED] of the [REDACTED] ("[REDACTED]") dated [REDACTED] 2021 (electronically signed on [REDACTED]/2022) identifying [REDACTED] as the primary caretaker of [REDACTED], [REDACTED], and [REDACTED], residential address of [REDACTED]. (Exhibit 17: ImpaCT Document Search)
13. On [REDACTED], 2022, the Department contacted the Defendant by [REDACTED]. The Defendant [REDACTED] confirmed his [REDACTED] youngest children have been in the care of [REDACTED] since [REDACTED] 2021. The Defendant disclosed [REDACTED] involvement, and he willingly provided contact information for his assigned [REDACTED] worker. The Department verbally informed the Defendant he may have been overpaid SNAP benefits. (Hearing Record)
14. On [REDACTED], 2022, the Investigator contacted [REDACTED] of the [REDACTED] by [REDACTED] and requested confirmation of the whereabouts of the Defendant's [REDACTED] children. [REDACTED] responded the same day by [REDACTED] and confirmed [REDACTED] that [REDACTED] remained residing with the Defendant but [REDACTED], [REDACTED] and [REDACTED] have been residing with [REDACTED] since [REDACTED] 2021. (Exhibit 18: [REDACTED], [REDACTED]/2022)
15. On [REDACTED], 2022, the Department determined the Defendant had committed an IPV and his household was overpaid SNAP benefits in the amount of \$1,593. The Department mailed the Defendant a W-1448: Notice of Prehearing Interview to [REDACTED] scheduling him for an in-person interview on [REDACTED], 2022, at [REDACTED] am to discuss the overpayment, repayment, and options for signing the enclosed W-1449 Waiver form. (Exhibit 8: Notice of Prehearing Interview, Exhibit 12: Waiver, Department's Testimony)
16. On [REDACTED], 2022, the Defendant did not attend the scheduled appointment. The Department unsuccessfully attempted to contact the Defendant by [REDACTED] and left him a [REDACTED] message. (Department's Testimony)

17. The Defendant did not sign the W-1449: State of CT DSS Waiver of Disqualification Hearing SNAP Program form. (Hearing Record)
18. The Department determined the Defendant committed an IPV and fraudulently received SNAP benefits for the period of [REDACTED] 2021 through [REDACTED] 2022 as he failed to report the change in his household composition on the [REDACTED] 2021 ONRE. (Hearing Record)
19. The Defendant was paid the following SNAP benefits for each of the [REDACTED] in question: (Exhibit 11: ImpaCT Benefit Issuance Search)

[REDACTED]	SNAP Amount Paid
[REDACTED] 2021	\$230 *
[REDACTED] 2022	\$189
[REDACTED] 2022	\$1,190
[REDACTED] 2022	\$1,190

*\$4 of the [REDACTED] 2021 issuance were intended for [REDACTED] 2021.

20. Initially, the Department determined the Defendant was overpaid SNAP benefits in the following amounts for the period of [REDACTED] 2021 through [REDACTED] 2022 totaling \$1,593. (Exhibit 7: W1216: SNAP Computation Sheets)

[REDACTED]	Overpayment
[REDACTED] 2021	\$230
[REDACTED] 2022	\$189
[REDACTED] 2022	\$587
[REDACTED] 2022	\$587

21. The Defendant asserted he was not adequately prepared during the hearing proceedings as he did not have documentation in hand to support his testimony. The hearing record remained open until [REDACTED], 2022, at the request of the Defendant to afford him time to submit additional information to support his position. Additional documents were also requested from the Department. (Hearing Record)
22. On [REDACTED], 2022, the Department submitted a supplemental Administrative Disqualification Hearing Summary and additional exhibits to support their position. No additional exhibits were received from the Defendant. (Hearing Record)
23. The [REDACTED] confirms the Defendant was paid the following gross wages for each of the [REDACTED] months in question. (Exhibit 15: [REDACTED])

			Gross Wages:
2021	/21: \$100	/21: \$740 /21: \$808 /21: \$760	\$2,408
2022	/22: \$111.15 /22: \$48.49 /22: \$287.04 /22: \$95.94	\$0	\$542.62
2022	/22: \$127.14 /22: \$48.36	\$0	\$175.50
2022	\$0	\$0	\$0

24. The Department correctly recalculated the Defendant's actual gross wages paid from the [REDACTED] employers for each of the [REDACTED] in question. (Hearing Record)

25. The Defendant's [REDACTED]-year-old son [REDACTED] receives [REDACTED] Income ("[REDACTED]") from [REDACTED]. [REDACTED] was receiving \$794 per month in [REDACTED] 2021. The [REDACTED] amount increased to \$841 per month effective [REDACTED] 2022 due [REDACTED]. (Exhibit 15: Unearned Income Details, Hearing Record)

26. The Defendant's [REDACTED]-year-old daughter [REDACTED] also receives [REDACTED]. (Hearing Record)

27. The Department recalculated the SNAP overpayment for the period of [REDACTED] 2021 through [REDACTED] 2022. The Department is seeking to recoup overpaid SNAP benefits in the amount of \$1,317. (Exhibit 21: Supplemental Administrative Disqualification Hearing Summary, Exhibit: Amended W1216: SNAP Computation Sheets)

	Paid Amount:	Entitlement:	Overpayment:
2021	\$230	\$0	\$230
2022	\$189	\$517	\$0
2022	\$1,190	\$635	\$555
2022	\$1,190	\$658	\$532

28. The Department did not evaluate the Emergency SNAP supplements paid in the latter portion of these months in question and the Department is not seeking recoupment of such benefits. (Department's Testimony)

29. The Defendant provided testimony confirming [REDACTED] has had [REDACTED] custody of their [REDACTED] children since [REDACTED] 2021. (Defendant's Testimony)

30. As of [REDACTED], 2022, the Defendant had no prior IPV disqualifications in the U.S. (Exhibit 9: EDRs)
31. The Department is seeking to disqualify the Defendant from participating in the SNAP for a period of one year due to a first offense IPV. (Hearing Record)
32. The Defendant's case has not been referred to the state police, a prosecuting attorney, or the Attorney General for recovery in the court system. (Department's Testimony)

CONCLUSIONS OF LAW

1. Section 17b-2(a)(7) of the 2018 Supplement to the Connecticut General Statutes 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.

The Department has the authority to administer SNAP.

2. Section 17b-88 of the Connecticut General Statutes provides that 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 confirms 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.

The Department has the authority to recover SNAP.

3. Title 7 of the Code of Federal Regulations ("CFR") 273.16(a)(1) provides that 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.

Title 7 of the CFR § 273.16(e) provides that the State agency shall conduct administrative disqualification hearings for individuals accused of an Intentional Program Violation (“IPV”) in accordance with the requirements outlined in this section.

4. The Department’s Uniform Policy Manual (“UPM”) is the equivalent of a state regulation and, as such, carries the force of law.” *Bucchere v Rowe*, 43 Conn Supp. 175 178 (194) (citing Conn. Gen. Stat. § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d712(1990)).
5. UPM § 7050 provides that in the Food Stamp program the Department conducts Administrative Disqualification Hearings in certain instances of alleged intentional recipient error as an alternative to referrals to the court system for prosecution. Individuals, who are determined to have committed an intentional recipient error are subjected to recoupment requirements and, in some cases, are disqualified from the SNAP program for a specified amount of time.

UPM § 7050.05(B) provides that the following situations involving alleged intentional recipient errors are referred to the Administrative Disqualification Hearing process at the option of the Department: (1) Those cases involving active and previously active assistance unit members alleged to have committed acts of intentional recipient errors which are not referred to the State Police, to a prosecuting authority or to the Attorney General; (2) Those cases involving active and previously active assistance unit members alleged to have committed acts of intentional recipient errors which are referred to the State Police, to a prosecuting

authority, or to the Attorney General and subsequently rejected for prosecution, dismissed, dropped or nulled by the court system.

The Department has the authority to initiate a SNAP Administrative Disqualification Hearing.

The Defendant's case has not been referred to the state police, a prosecuting attorney, or the Attorney General for recovery in the court system.

6. Title 7 of the CFR § 273.16(c) provides that 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 the Food Stamp Act, the Food Stamp Program Regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, or possessing, or trafficking of coupons, authorization cards, or reusable documents used as part of an automated benefit delivery system (access device).

Title 7 of the CFR § 273.16(e)(6) provides that 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. UPM § 7000.01 defined Intentional Recipient Error as an intentionally oral or written statement made by the assistance unit regarding circumstances affecting eligibility or the amount of benefits. An intentional recipient error is also the intentional failure by the assistance unit to report timely the receipt of income or assets or other changes in circumstances affecting eligibility or the amount of benefits.
8. UPM § 7005.10(A)(1) provides that the Department classified errors as agency, recipient or provider caused. (2) If an overpayment is caused by the assistance unit, the Department makes a preliminary determination regarding whether the error was intentional or unintentional, and whether to pursue a legal action against the assistance unit on fraud charges. (3) If the Department seeks to impose a penalty again the assistance unit, a final determination regarding the nature of a recipient error is made either by a court of jurisdiction or by the Department through the Administrative Disqualification Hearing Process.

UPM § 7005.10 (B)(1) provides that Agency errors that cause overpayments include, but are not limited to failing to take timely action on a change reported by the assistance unit.

UPM § 7005.10(C)(2)(a) provides that the Department preliminarily classifies a recipient error as intentional if:

1. the assistance unit fails without good cause to report a change affecting eligibility in a timely manner; or
 2. the assistance unit knowingly misinforms the Department regarding information affecting eligibility; or
 3. the assistance unit commits an illegal act such as cashing a duplicate check after falsely claiming non-receipt of the first check.
 4. The assistance unit or its authorized representative withdraws cash or food stamp benefits from the EBT account after they notify the Department that they need a new debit card and before the time the Department's designee deactivates the card.
9. UPM § 7050 provides that in the AFDC and Food Stamp programs the Department conducts Administrative Disqualification Hearings in certain instances of alleged intentional recipient error as an alternative to referrals to the court system for prosecution. Individual who are determined to have committed an intentional recipient error are subjected to recoupment requirements and, in some cases, are disqualified from the AFDC and/or Food Stamp programs for a specified amount of time. This chapter describes the Department's policies and procedures concerning the Administrative Disqualification hearing process.
10. UPM § 7050.05(A)(1) provides that the Department considers an overpayment to be the result of an intentional recipient error if:
- a. A court of competent jurisdiction decrees that the assistance unit member has committed an intentional recipient error or grants individual accelerated rehabilitation; or
 - b. The Department, through the Administrative Disqualification hearing process, determines that the assistance unit member has committed an intentional recipient error; or
 - c. The assistance unit member waives his or her right to an Administrative Disqualification Hearing.

The Hearing Record established clear and convincing evidence that the Defendant intentionally violated the SNAP regulations and Departmental policy by mispresenting his household composition [REDACTED] and [REDACTED] during recurrent communications with the Department from [REDACTED] 2021 until [REDACTED] 2022.

11. 7 CFR § 273.16(b) identifies the disqualification penalties 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.

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

12. Title 7 CFR § 273.16(b)(12) provides that even though the individual is disqualified, the household, as defined in § 273.1, is responsible for making restitution for the amount of any overpayment. All intentional Program violation claims must be established and collected in accordance with the procedures set forth in § 273.18.

Title 7 CFR § 273.18(a)(2) provides that a claim for overpaid benefits represents a Federal debt and that the State agency must develop an adequate plan for establishing and collecting claims.

13. UPM § 7045.10(A)(3) provides that the Department recoups an overpayment caused by intentional recipient error if the overpayment occurred no earlier than 72 months prior to the month the Department discovers it.

UPM § 7045.10(A) provides (1) The Department recoups an overpayment caused by administrative error if the overpayment occurred no later than 12 months prior to the month the Department discovers it. (3) The Department recoups an overpayment caused by intentional recipient error if the overpayment occurred no earlier than 72 months prior to the month the Department discovers it.

UPM § 7045.15(E) provides that an overpayment caused by intentional recipient error begins the first date covered by an erroneously issued benefit, and ends the last day of the month the Department becomes aware of the error.

UPM § 7005.15(A) provides the Department computes the amount of the error by comparing the amount of the benefits the assistance unit should have received to the amount of benefits the assistance unit actually dd receive for a particular month of series of months.

The Department correctly determined the Defendant was overpaid as the result of an intentional program violation.

The Department proposed SNAP overpayments totaling \$1,593 for the months of [REDACTED] 2021-[REDACTED] 2022.

The Department recalculated the SNAP overpayments to be \$1,317.

I find the Department incorrectly determined the household's unearned income to be \$1,588 for the month of [REDACTED] 2021 on the recalculated manual W-1216: SNAP Computation Sheet. As previously noted, the Defendant's son, [REDACTED] is a recipient of [REDACTED]. [REDACTED] received an [REDACTED] benefit amount of \$794 for [REDACTED] 2021 that increased to \$841 effective [REDACTED] 2022. The Department incorrectly added [REDACTED] benefit of \$794 for the month of [REDACTED] 2021 when it has been established that the Defendant did not have custody of this child. Furthermore, the Department did not provide any evidence to support the Defendant remained the child's [REDACTED].

SNAP BENEFIT CALCULATION:

[REDACTED] 2021

<u>COUNTABLE GROSS UNEARNED INCOME</u>	
Gross Earned Income	\$2,408
Total Income	\$2,408
Minus 20% earned Income Deduction	-\$481.60
Adjusted Earned Income	\$1,926.40
Unearned Income	+\$794
Minus standard deduction (For a household of 3)	-\$177
Adjusted Gross Income	= \$2,543.40
<u>SHELTER COSTS</u>	
Rent	\$1,640
SUA	\$783
TUA	\$0
Total shelter costs	\$2,423
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$2,423

Minus 50% of adjusted gross income	-\$1,271.70
Total shelter hardship	\$1,151.30 (Cannot exceed \$569 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$2,543.40
Minus shelter hardship	\$1,151.30
Net Adjusted Income ("NAI")	\$1,392.10
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan Amount for 1 SNAP Member	\$658
Less 30% of NAI (rounded up)	(\$1,392.10 x .3)= \$417.63 rounded up to \$418
SNAP award Calculation: Thrifty Food Plan: - 30% NAI= SNAP Amount	\$658 - \$418 = \$240 SNAP Award

The Department is incorrect to seek recoupment of the SNAP overpayment in the amount of \$230 for ██████████ 2021. The proposed amount is invalid as an overpayment does not exist for this ██████████ as verified above.

The Department reduced the proposed SNAP overpayment claim from \$189 to \$0 for ██████████ 2022 on their own accord.

The Department is correct to seek recoupment of the \$555 proposed SNAP overpayment from the Defendant for ██████████ 2022.

The Department is correct to seek recoupment of the \$532 proposed SNAP overpayment from the Defendant for ██████████ 2022. However, as previously stated, the Defendant informed the Department his ██████████ children were in the care of ██████████ on ██████████, 2022. The SNAP overpayment that exists for ██████████ 2022 should be reclassified from an IPV to an agency error. As such, the overpayment remains subject to recoupment.

DECISION

1. The Defendant is **GUILTY** of committing a first intentional program violation in the SNAP program by misrepresenting his household composition. The Department's request that the Defendant be disqualified and ineligible to participate in the program for a period of one year is **GRANTED**.
2. The Department's proposal to pursue an overpayment claim under the SNAP is **GRANTED in part**. The Department incorrectly determined the SNAP overpayment claim to begin effective [REDACTED], 2021. The Department rescinded its initial proposal of overpayments for [REDACTED] 2022. I find overpayments exist for the period of [REDACTED], 2022, through [REDACTED], 2022. Furthermore, the Department miscalculated the claim amount as \$1,317. The correct amount of the claim equals \$1,087.

ORDER

1. The Department must recalculate the Defendant's SNAP eligibility and adjust the overpayment claim from \$1,317 for the period of [REDACTED], 2021, through [REDACTED] [REDACTED], to \$1,087 for the period of [REDACTED], 2022, through [REDACTED], 2022.
2. The Department will remove the proposed SNAP overpayment in the amount of \$230 for [REDACTED] 2021.
3. The Department will not seek a SNAP overpayment for [REDACTED] 2022.
4. The Department's request to recover the SNAP overpayment of \$555 for [REDACTED] 2022 is granted.
5. The Department's request to recover the SNAP overpayment of \$532 for [REDACTED] 2022 is granted with the stipulation that the overpayment type is reclassified from recipient to agency caused.
6. Compliance is due 10 days from the date of this decision.

Jessica Gulianello

Jessica Gulianello
Hearing Officer

CC: OLCRAH.QA.DSS@ct.gov
Shannon Hales-Eaton, DSS Investigator, RO 30

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.