STATE OF CONNECTICUT DEPARTMENT OF SOCIAL SERVICES OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS 55 FARMINGTON AVENUE HARTFORD, CT 06105-3730

2022 Signature Confirmation

Case ID # Client ID # Request # 195345

NOTICE OF DECISION PARTY



PROCEDURAL BACKGROUND

On 2022, the Department of Social Services ("the Department") (the "Appellant") a Notice of Client Initiated Electronic Benefit Trans	
("EBT") Supplemental Nutrition Assistance Program ("SNAP") Account Adjustr Request denying his call to replace EBT purchases made on Appellant states he did not make.	
On 2022, the Appellant requested an administrative hearing to contest the de of the replacement of SNAP benefits withdrawn from his EBT account.	enial
On 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings, ("OLCRAH") issued a notice scheduling the administrative hearing 2022.	
On 2022, in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184 or Connecticut General Statutes, inclusive, the Department held an administrative hearing telephonic conferencing.	

The following individuals participated in the hearing:

Kristen Krawetsky, Department's Associate Fiscal Administrative Officer Christopher Turner, Hearing Officer

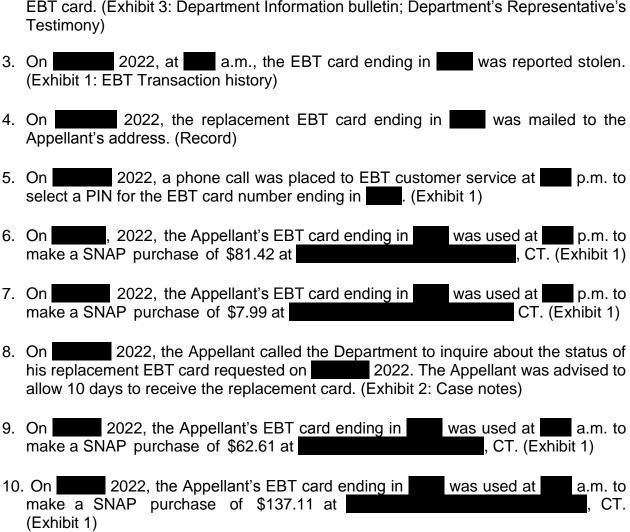
STATEMENT OF THE ISSUE

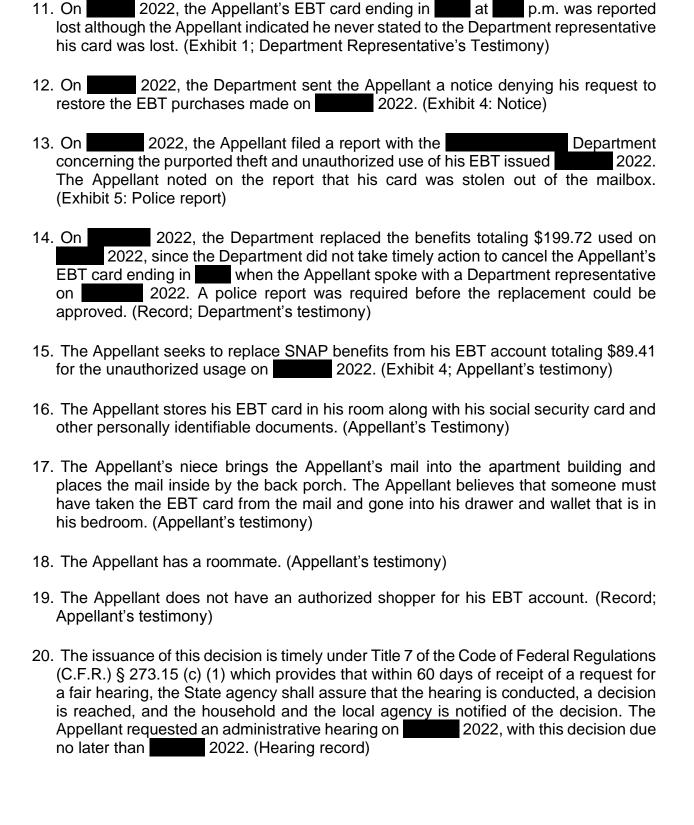
The issue is whether the Department correctly denied the Appellant's request for the replacement of SNAP EBT benefits withdrawn from his EBT account that he states he did not make.

FINDINGS OF FACT

 The Appellant is a current SNAP recipient. (Record; Appellant's testil 	s testimon\	pellant's test	Appellar	(Record: /	SNAP recipient.	a current	i ne Appellant is a	1.
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2.	SNAP recipients swipe their EBT cards and enter a personal identification number
	("PIN") to make purchases at retail stores and online. Purchases can be made without
	the EBT card if the card number and PIN are entered manually at checkout. To change
	or select a PIN, the EBT card number along with the recipient's date of birth and the
	last four digits of their social security number is needed. The user is responsible to
	protect their personal information to prohibit unauthorized access or usage of their
	EBT card. (Exhibit 3: Department Information bulletin; Department's Representative's
	Testimony)





CONCLUSIONS OF LAW

1. Connecticut General Statutes §17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to review the Appellant's SNAP benefit replacement request and determine whether he meets the program's eligibility requirements.

- 2. "The department's Uniform Policy Manual ("UPM") is the equivalent of state regulation and, as such, carries the force of law." Bucchere v. Rowe, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat. § 17b-10; Richard v. Commissioner of Income Maintenance, 214 Conn. 601, 573 A.2d 712 (1990)).
- UPM § 6515 provides in relevant part that cash and food stamp benefits deposited in an EBT account in a financial institution must be accessed using Department issued debit cards.

The Department correctly determined the Appellant's SNAP benefits are paid by way of EBT and accessed by Department issued debit cards.

4. UPM § 6515.15(A)(2) provides that EBT SNAP benefits may be accessed by: a. the head of the assistance unit; b. an authorized representative of the assistance unit; c. an individual acting as an emergency authorized representative.

The Department correctly determined that there was no authorized representative or authorized shopper on file to access the Appellant's account on his behalf.

- 5. 7 C.F.R. § 273.17 (a) (1) provides the State agency shall restore to households benefits that were lost whenever the loss was caused by an error by the State agency or by an administrative disqualification for intentional Program violation which was subsequently reversed as specified in paragraph (e) of this section, or if there is a statement elsewhere in the regulations specifically stating that the household is entitled to restoration of lost benefits. Furthermore, unless there is a statement elsewhere in the regulations that a household is entitled to lost benefits for a longer period, benefits shall be restored for not more than twelve months prior to whichever of the following occurred first:
 - (i) The date the State agency receives a request for restoration from a household; or
 - (ii) The date the State agency is notified or otherwise discovers that a loss to a household has occurred.

7 C.F.R. § 274.2 (g) (2) provides a State agency shall adjust 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.

The Department correctly determined that the SNAP benefits in question were accepted into the Appellant's EBT account and are not considered lost due to a system error or malfunction.

6. 7 C.F.R. § 274.6 (b) (2) provides 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.

UPM § 6530.20(A)(3) provides EBT issued cash and food stamp benefits are treated as stolen benefits if the cash and food stamp benefits are taken by someone other than the client or the client's authorized representative between the time the Department's designee receives notice from a household regarding the need for card replacement and the time that the Department's designee deactivates the client's stolen or lost debit card.

UPM § 6530.20(B)(3) provides that the Department will not replace any recipient cash or food stamp benefits that have been correctly deposited into an EBT account in a financial institution. Such benefits are considered to have been properly received and are not subject to replacement except as provided in section A above or sections 6530.15, 6530.35, 6530.40.

UPM § 6530.20(C)(2) provides that the individual requesting the replacement of stolen EBT issued cash and food stamp benefits is required to file a police report regarding the theft.

UPM §6530.20(C)(3) provides stolen cash benefits and Food Stamp benefits are not replaced if a police report has not been filed.

UPM §6530.50(C)(2) provides EBT issued Food Stamp benefits are treated as stolen benefits if the benefits are taken by someone other than the client or the client's authorized representative between the time the Department's designee receives notice from a household regarding the need for card replacement and the time that the Department's designee deactivates the client's stolen or lost debit card.

The Department correctly restored the Appellant EBT benefits used 2022.

The Department correctly determined that the Appellant is not entitled to the replacement of his SNAP benefits because the benefits were correctly deposited and received by the Appellant.

The Department correctly determined the Appellant's EBT issued SNAP benefits could not be treated as stolen because the Appellant's benefits were used on 2022, before the Appellant reported the need for a replacement card and the deactivation of his previous EBT card on 2022.

DECISION

The Appellant's appeal is denied.

Christopher Turner
Hearing Officer

Cc: Tim Latifi, DSS Operations Manager Bridgeport Robert Stewart, DSS Operations Manager Bridgeport Kristen Krawetsky, DSS Central Office, Hartford

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, law, and 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 <u>specific</u> grounds for the request: for example, indicate <u>what</u> error of fact or law, <u>what</u> new evidence, or <u>what</u> other good cause exists. Reconsideration requests should be sent to the 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 the 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 if 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 to 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 following §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.