

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

██████████ 2022  
Signature confirmation

Case: ██████████  
Client: ██████████  
Request: 195459-SNAP

**SNAP ADMINISTRATIVE DISQUALIFICATION HEARING**

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██

**PROCEDURAL BACKGROUND**

The Department of Social Services (the “Department”) petitioned the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) to conduct an administrative disqualification hearing to address whether ██████████ (the “Defendant”) may be barred from participating in the Supplemental Nutritional Assistance Program (“SNAP”) for allegedly committing a first intentional Program violation.

On ██████████ 2022, the OLCRAH issued a *Notice of Administrative Hearing* with the Department’s summary and exhibits pertaining to the SNAP and the State Administered General Assistance program (“SAGA”) to the Defendant by certified mail/restricted delivery to his last known address. The *Notice* stated that an administrative disqualification hearing would be held by telephone conferencing on ██████████ 2022, and a decision issued even should the Defendant not appear. On ██████████ 2022, an individual signed for receipt of the certified mailing.

On ██████████ 2022, the OLCRAH conducted an administrative disqualification hearing in accordance with Title 7, Section 273.16 of the Code of Federal Regulations (“C.F.R.”), and Section 17b-88 of the Connecticut General Statutes.

The Defendant did not appear and did not request a postponement of the proceedings for good cause. The following individuals participated by telephone conferencing:

Christopher Pinto, Department’s Representative  
Eva Tar, Hearing Officer

The hearing record closed ██████████ 2022.

## **STATEMENT OF ISSUE**

The issue is whether the Defendant committed an intentional Program violation, permitting the Department to disqualify the Defendant from participating in the SNAP for 12 months.

The Department also seeks affirmation of its intent to recover from the Defendant a total of \$356.00 for SNAP benefits issued for the [REDACTED] 2019 and [REDACTED] 2020 service months.

## **FINDINGS OF FACT**

1. The Defendant's date of birth is [REDACTED] (Department Exhibit 14)
2. On [REDACTED] 2019, the Defendant applied for SAGA benefits as an individual. (Department Exhibit 14)
3. On [REDACTED] 2019, the Defendant applied for SNAP benefits as an individual. (Department Exhibit 14)
4. The Department granted the Defendant SNAP and SAGA benefits as an individual. (Department Exhibits 10, 14, and 15) (Hearing record)
5. On [REDACTED] 2019, the Defendant was hired by [REDACTED] (the "employer") for \$20.00 per hour for varying hours. (Department Exhibits 9 and 11)
6. The Department did not report his employment or wages to the Department. (Department Exhibits 1, 3, and 15)
7. On [REDACTED] 2019, the Department issued the Defendant \$178.00 in SNAP and \$219.00 in SAGA benefits. (Department Exhibit 10)
8. On [REDACTED] 2019, the Defendant received his first paycheck from the employer. (Department Exhibits 9 and 12)
9. In [REDACTED] 2019, the Defendant grossed \$1,369.00 in income, or \$1,150.00 (wages) plus \$219.00 (SAGA benefits). (Department Exhibit 9)
10. On [REDACTED] 2019, the Department issued the Defendant \$178.00 in SNAP and \$219.00 in SAGA benefits. (Department Exhibit 10)
11. In [REDACTED] 2019, the Defendant grossed \$1,669.00 in income, or \$1,450.00 (wages) plus \$219.00 (SAGA benefits). (Department Exhibit 9)
12. On or after [REDACTED] 2019, the Defendant submitted to the Department a *Formulario de Reporte Periodico*, signed by him on [REDACTED], 2019 and due by [REDACTED] 2020. (Department Exhibit 15)
13. The *Formulario de Reporte Periodico* requires a SNAP recipient to provide current information as to his income and household circumstances to the Department. (Department Exhibit 15)

14. The Defendant failed to report his employment and wages on the *Formulario de Reporte Periodico*, leaving the relevant section blank. (Department Exhibit 15)
15. Above his [REDACTED], 2019 signature, the *Formulario de Reporte Periodico* contained language explaining the Defendant's rights and responsibilities and that he certified that the information he provided was true to the best of his knowledge. (Department Exhibit 15)
16. On [REDACTED] 2020, the Department issued the Defendant \$178.00 in SNAP and \$219.00 in SAGA benefits. (Department Exhibit 10)
17. In [REDACTED] 2020, the Defendant grossed \$1,089.00 in income, or \$870.00 (wages) plus \$219.00 (SAGA benefits). (Department Exhibit 9)
18. At some point in [REDACTED] 2020, the Defendant stopped working for the employer. (Department Representative Testimony)
19. The Defendant's SNAP case closed in [REDACTED] 2020. (Department Representative Testimony)
20. The Department discovered that the Defendant had unreported wages by reviewing Department of Labor records. (Department Representative Testimony)
21. The Department recalculated whether the Defendant was eligible for SNAP in [REDACTED] 2019 and [REDACTED] 2020 by entering his gross unreported wages into its SNAP calculation. In its calculation, the Department did not incorporate the SAGA cash assistance the Department had issued to the Defendant in the same months. (Department Exhibit 2) (Department Representative Testimony)
22. The Department seeks recovery of a total of \$356.00 in SNAP benefits issued to the Defendant for [REDACTED] 2019 (\$178.00) and [REDACTED] 2020 (\$178.00). (Department Exhibit 10) (Hearing record)
23. The Defendant has not previously received a disqualification for an intentional Program violation of the SNAP. (Department Representative Testimony)
24. The Defendant is not active on SNAP. (Department's Representative Testimony)
25. Title 7, Section 273.16 (e)(2)(iv) of the Code of Federal Regulations ("C.F.R.") provides that "Within 90 days of the date the household member is notified in writing that a State or local hearing initiated by the State agency has been scheduled, the State agency shall conduct the hearing, arrive at a decision and notify the household member and local agency of the decision...."

On [REDACTED] 2022, the Defendant or another individual authorized by him to do so received notification in writing of OLCRAH's scheduling of an administrative disqualification hearing. Therefore, this final decision would become due by [REDACTED] 2022. This decision is timely.

## CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes designates the Department as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

Section 17b-88 of the Connecticut General Statutes provides in part that the Department may take such action as conforms to federal regulations, including, but not limited to conducting administrative disqualification hearings for cases involving alleged fraud in the supplemental nutrition assistance program.

Title 7, Section 273.16 (a)(1) of the Code of Federal Regulations (“C.F.R.”) addresses Program disqualification for intentional Program violations with respect to the SNAP and provides in part: “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....”

Title 7, Section 273.18 of the Code of Federal Regulations addresses claims against households and the recovery of overissued or trafficked SNAP benefits.

**State statute and Federal regulation permit the Department to initiate a SNAP administrative disqualification hearing.**

**State statute and Federal regulation permit the Department to pursue recovery of overissued SNAP benefits.**

2. *“Definition of income.* Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee.” 7 C.F.R. § 273.9 (b)(1)(i).

“Unearned income shall include, but not be limited to: (i) Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in § 271.2); or other assistance programs based on need....” 7 C.F.R. § 273.9 (b)(2)(i).

**For the purposes of the SNAP, the Defendant’s unreported wages were counted earned income.**

**For the purposes of the SNAP, the Defendant’s SAGA benefits were counted unearned income.**

3. Title 7, Section 273.9 (a)(1)(i) of the Code of Federal Regulations provides that the gross income eligibility standards for the 48 contiguous States and the District of Columbia,

Guam, and the Virgin Islands “shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.”

“Households that do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for the SNAP....” 7 C.F.R. § 273.9 (a).

The monthly gross and net income eligibility standards for all areas are prescribed in tables posted on the Food and Nutrition Service website, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap).<sup>1</sup> 7 C.F.R. § 273.9 (a)(4).

Title 7, Section 273.10 (e) of the Code of Federal Regulations addresses calculating net income and benefit levels for eligible SNAP recipients.

**The amount of the Defendant’s applied income—once his wages and SAGA benefits were incorporated into the SNAP eligibility calculation—rendered him ineligible to receive SNAP benefits for the [REDACTED] 2019 and [REDACTED] 2020 service months.**

4. *“Reporting when gross income exceeds 130 percent of poverty.* A household subject to simplified reporting in accordance with paragraph (a)(5)(i) of this section, whether or not it is required to submit a periodic report, must report when its monthly gross income exceeds the monthly gross income limit for its household size, as defined at §273.9(a)(1)....” 7 C.F.R. § 273.12 (a)(5)(v).

**The Defendant was obligated to report to the Department that his monthly gross income exceeded \$1,353.08, or 130% of the Federal poverty level for an individual.**

**The Department correctly determined that the Defendant failed to report his increase in gross monthly income in [REDACTED] 2019, when his gross income from all sources exceeded 130 percent of the Federal poverty level for an individual.**

5. “Certified change reporting households are required to report the following changes in circumstances: ... (B) A change in the source of income, including starting or stopping a job or changing jobs, if the change in employment is accompanied by a change in income.” 7 C.F.R. § 273.12 (a)(1)(i)(B).

**As a condition of SNAP eligibility, the Defendant was required to accurately disclose his new employment and wages on his [REDACTED] 2019 *Formulario de Reporte Periodico*.**

6. *“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; or (2) Committed any act that constitutes a violation of SNAP,

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<sup>1</sup> The 2019 Federal Poverty Standards also are published in the Federal Register at 84 Fed. Reg. 1168 (February 1, 2019). The Federal poverty guidelines for a household of one living in Connecticut in the relevant period equaled \$12,490.00 per year.

SNAP regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of SNAP benefits or EBT cards.” 7 C.F.R. § 273.16 (c).

**The Defendant misrepresented facts when he indicated to the Department on his [REDACTED] 2019 *Formulario de Reporte Periodico* that he was without income, or solely received SAGA cash assistance, at which time he had been receiving significant wages from employment.**

**The Defendant committed an intentional Program violation of the SNAP by misrepresenting facts as to his earned income to the Department.**

7. Title 7, Section 273.16 (b)(1) of the Code of Federal Regulations provides:
- 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 C.F.R. § 273.16 (b)(1).

“The individual must be notified in writing once it is determined that he/she is to be disqualified. The disqualification period shall begin no later than the second month which follows the date the individual receives written notice of the disqualification. The disqualification period must continue uninterrupted until completed regardless of the eligibility of the disqualified individual's household.” 7 C.F.R. § 273.16 (b)(13).

**The Department may disqualify the Defendant from participating in the SNAP for 12 months for this first intentional Program violation.**

8. “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. ... 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.” 7 C.F.R. § 273.12 (d).

“A recipient claim is an amount owed because of: (i) Benefits that are overpaid or (ii) Benefits that are trafficked. Trafficking is defined at 7 C.F.R. § 271.2.” 7 C.F.R. § 273.18 (a)(1).

“The following are responsible for paying a claim: (i) Each person who was an adult member of the household when the overpayment or trafficking occurred; (ii) A person connected to the household, such as an authorized representative, who actually trafficks or otherwise causes an overpayment or trafficking.” 7 C.F.R. § 273.18 (a)(4).

Subsection (c)(1)(ii) provides the methodology for the actual steps for calculating a claim that is unrelated to trafficking.

**The Department correctly determined that the Defendant had received a total of \$356.00 in SNAP benefits for the [REDACTED] 2019 and [REDACTED] 2020 service months for which he was not eligible.**

### **DISCUSSION**

The Department established by clear and convincing evidence that the Defendant had committed a first intentional program violation of the SNAP by failing to report his new employment and wages to the Department. The Department may disqualify the Defendant from participating in the SNAP for 12 months and seek recovery of overissued SNAP benefits.

### **DECISION**

The Department’s request to disqualify the Defendant from participating in the SNAP for 12 months is GRANTED.

With respect to the Department’s intent to recover overissued SNAP benefits from the Defendant, the Department’s intention to recover \$356.00 in SNAP benefits for the [REDACTED] 2019 and [REDACTED] 2020 service months is AFFIRMED.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

Cc: Christopher Pinto, DSS-Resources  
[OLCRAH.QA.DSS@ct.gov](mailto:OLCRAH.QA.DSS@ct.gov)

**RIGHT TO APPEAL**

The defendant 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 his 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.