

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 # 197079

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████, 2022, the Department of Social Services made a request for an Administrative Disqualification Hearing (“ADH”) to seek disqualification of ██████████ ██████████ (the “Defendant”) from participation in the Supplemental Nutrition Assistance Program (“SNAP”) for twelve (12) months. The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) for theft of benefits after death. The Department also seeks to recover overpaid SNAP benefits totaling \$286.33.

On ██████████, 2022, the Office of Legal Counsel, Regulations and Administrative Hearings (“OLCRAH”) mailed the Defendant notification of the initiation of the ADH process scheduled for ██████████ 2022, which included notification of her rights in these proceedings via certified mail.

On ██████████ 2022, the United States Postal Service (“USPS”) delivered the notification of the initiation of the ADH process certified mail packet to the Defendant. A return receipt signed by the Defendant was returned to the Department.

On ██████████ 2022, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes and Title 7 of the Code of Federal Regulations Section 273.16 subsection (e), OLCRAH held the Administrative

Disqualification Hearing. The Defendant was not present at the hearing and did not provide good cause for not appearing.

The following individuals were present at the hearing:

Megan Monroe, CFIU Investigator  
Shannon Hales-Easton, Department Observer  
Shelley Starr, Administrative Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue is whether the Defendant committed an Intentional Program Violation (“IPV”) of the SNAP program and is subject to disqualification from the program for twelve months, and whether the resulting \$286.33 overpayment of benefits is subject to recovery.

### **FINDINGS OF FACT**

1. The Defendant received the Supplemental Nutritional Assistance Program (“SNAP”) for an assistance unit consisting of two members; herself and her minor child. (Hearing Summary; Hearing Record; Exhibit 5: W-1ER dated [REDACTED] 2018)
2. On [REDACTED] 2018, the Department received the Defendant’s completed W-1ER Renewal of Eligibility for SNAP, signed and dated [REDACTED] 2018. The W-1ER renews benefits and outlines recipient rights and responsibilities. The rights and responsibilities state that you are not allowed to use or have in possession an EBT card that is not yours (unless you are an authorized SNAP shopper). (Department’s Testimony; Hearing Record; Exhibit 5: W-1ER dated [REDACTED] 2018; Exhibit 11: W-0016RR Rights and Responsibilities)
3. On [REDACTED] 2022, the Department received a referral regarding unauthorized use of Ms. [REDACTED] EBT card. (Hearing Summary; Department’s Testimony)
4. An investigation was conducted by the Department verifying that Ms. [REDACTED] passed on [REDACTED] 2022, and that her SNAP EBT card revealed transactions after her death. (Hearing Summary; Hearing Record)
5. The investigation, including an internal database review, reflected EBT card transactions occurring on [REDACTED] 2022, totaling \$286.33. The transactions occurred at [REDACTED] located in [REDACTED] Connecticut. (Hearing Summary; Exhibit 4: Transaction Summary)
6. The investigation concluded that the use of [REDACTED] EBT card after her passing and information associated with the [REDACTED] 2022, transactions totaling \$286.33 at [REDACTED] revealed that the membership card used matched that of Ms. [REDACTED] of [REDACTED]. The DSS search

revealed the DSS client with the same name and address as the [REDACTED] [REDACTED] associated with the transaction made with [REDACTED] EBT card after her death. (Hearing Summary; Exhibit 4: [REDACTED] transaction and membership sheet; Exhibit 3: Conduent Transactions; Exhibit 2: SOLQ-Results; Department's Testimony; Hearing Record)

7. On [REDACTED] 2022, the Department mailed the Defendant a W-1447 Administrative Disqualification Hearing Process and Rights Information Sheet, W-1448 Notice of Pre-Hearing Interview Food Stamp Program and W-1449 State of Connecticut Department of Social Services Waiver of Disqualification. The W-1448 informed the Defendant of the alleged Intentional Program Violation and Overpayment and scheduled interview appointment on [REDACTED] 2022 at 9:00 A.M. (Hearing Summary; Exhibit 6: W-1448 Notice of Prehearing Interview; Exhibit 7: W-1449 State of Connecticut Waiver of Disqualification Hearing; Hearing Record)
8. On [REDACTED] 2022, a telephone interview was conducted between the Defendant and the Department. At the interview, the Defendant claimed of having no knowledge of any transactions where she would have used someone else's EBT card and advised that she gives her [REDACTED] card to several people, however, would not disclose the names of the people who she allegedly allowed to use her [REDACTED] card. (Hearing Summary; Hearing Record)
9. The Defendant did not sign and return the W-1449 State of Connecticut Department of Social Services Waiver of Disqualification Hearing SNAP Program. (Hearing Summary; Department's Testimony)
10. The Department alleges that the Defendant was overpaid a total of \$286.33 through the EBT card purchases made on [REDACTED], 2022, from Ms. [REDACTED] EBT card and the Defendant's [REDACTED] transactions that matched and revealed the Defendant as having committed an Intentional Program Violation ("IPV") under the SNAP, resulting in the SNAP overpayment. (Hearing Summary; Exhibit 9: W-262CF Report of Suspected Intentional Program Violation Overpayment; Department's Testimony)
11. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of twelve (12) months due to an IPV for theft of benefits after death. This would be the first disqualification penalty under the SNAP for the Defendant. (Exhibit 9: W-262 CF; Exhibit 10: eDRS Query; Hearing Record; Department's Testimony)
12. The Department seeks to recover \$286.33 in overpaid SNAP benefits because the Defendant failed to follow the SNAP rules when she intentionally misused an EBT card, resulting in theft of SNAP benefits and the \$286.33 overpaid benefits. (Hearing Summary; Department's Testimony; Hearing Record)
13. The issuance of this decision is timely under Title 7 Section 273.16(e)(2)(iv) of the Code of Federal Regulations, which requires that a decision be issued within 90

days of the notice of the initiation of the ADH process. On ██████ 2022, the OLCRAH mailed the Defendant notification of the initiation of the ADH process. Therefore, this decision is due not later than ██████ 2022.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statutes (“Conn. Gen. Stat.”) 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.
2. Conn. Gen. Stat. § 17b-88 provides 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 conforms 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.
3. Title 7 Section 273.16(a)(1) of the Code of Federal regulations (“C.F.R.”) provides 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.

4. 7 C.F.R. § 273.16(a)(3) provides the State agency shall base administrative disqualifications for intentional Program violations on the determinations of hearing authorities arrived at through administrative disqualification hearings in accordance with paragraph (e) of this section or on determinations reached by courts of appropriate jurisdiction in accordance with paragraph (g) of this section. However, any State agency has the option of allowing accused individuals either to waive their rights to administrative disqualification hearings in accordance with paragraph (f) of this section or to sign disqualification consent agreements for cases of deferred adjudication in accordance with paragraph (h) of this section. Any State agency which chooses either of these options may base administrative disqualifications for intentional Program violation on the waived right to an administrative disqualification hearing or on the signed disqualification consent agreement in cases of deferred adjudication.

7 C.F.R. § 273.16(a)(3) provides the Definition of Intentional Program Violation and provides that an Intentional Program Violation shall consist of having intentionally: (1) Made a false or misleading statement, or misrepresented, concealed or withheld facts.

5. 7 C.F.R § 273.16 (e) provides that the State agency shall conduct administrative disqualification hearings for individuals accused of Intentional Program Violation.
6. 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, (1994) (citing Conn. Gen. Stat. §17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601,573 A.2d 712 (1990)).
7. 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.

UPM § 7050.25 (D)(3) provides that if the assistance unit member or his or her representative cannot be located or fails to appear at a hearing without good cause, the hearing is conducted without the assistance unit member being represented.

**The Defendant did not participate at the scheduled Administrative Disqualification Hearing or present any good cause reason for not attending.**

8. 7 C.F.R. § 273.16 (c) defines intentional Program violation and states that for purposes of determining through administrative disqualification hearings whether or not a person has committed an intentional Program violation, intentional Program violations shall consist of having intentionally made a false or misleading statement, or misrepresented, concealed, or withheld facts; or committed any act that constitutes a violation of SNAP, SNAP regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking of SNAP benefits or EBT cards.

**The Department correctly determined the Defendant committed an Intentional Program Violation (“IPV”) of the SNAP when she made unauthorized EBT purchases from a card not belonging to her, resulting in the violation and misuse of the EBT card and stolen benefits.**

9. 7 C.F.R. § 273.16(e)(8)(i) provides for the Imposition of disqualification penalties and states that (i) If the hearing authority rules that the individual has committed an intentional Program violation, the household member must be disqualified in accordance with the disqualification periods and procedures in paragraph (b) of this section. The same act of intentional Program Violation repeated over a period of time must not be separated so that separate penalties can be imposed.
10. 7 C.F.R. § 273.16(b)(1)(i) provides for Disqualification penalties and states that 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: 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.

**The Department was correct to seek the disqualification of the Defendant from participating in the SNAP for a period of 12 months under a first offense violation because the Defendant committed an IPV.**

11. 7 C.F.R. § 273.16(e)(6) defines the criteria for determining intentional program violation and 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, an Intentional Program Violation.

**The Department provided clear and convincing evidence that the Defendant committed and intended to commit an IPV when she made unauthorized EBT purchases from a deceased client’s EBT card at [REDACTED] [REDACTED] on [REDACTED] 2022, resulting in a program violation of stolen SNAP benefits.**

12. 7 C.F.R. § 273.18 (a)(1)(i) provides a recipient claim is an amount owed because of benefits that are overpaid.

7 C.F.R. § 273.18 (a)(2) provides this claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency must establish and collect any claim by following these regulations.

7 C.F.R. § 273.18 (b)(1) provides for type of claim and states there are three types of claims; An Intentional Program violation (IPV) claim is any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in § 273.16.

7 C.F.R. § 273.18(c)(1)(ii) provides for the Calculation of the overpayment amount, except for trafficking as follows:

Determine the correct amount of benefits for each month that an overpayment occurred.

13. 7 C.F.R. § 273.18(C)(1)(ii) provides for calculating a claim and states the steps for calculating a claim are (A) determine the correct amount of benefits for each month that a household received an overpayment

7 C.F.R. § 273.18(c)(1)(i) provides the following: Calculating the claim amount— (1) Claims not related to trafficking. As a State agency, you must calculate a claim back to at least twelve months prior to when you become aware of the overpayment and for an IPV claim, the claim must be calculated back to the month the act of IPV first occurred and for all claims, don't include any amounts that occurred more than six years before you became aware of the overpayment.

**The Department correctly determined the Defendant was overpaid \$286.33 in SNAP benefits in the month of [REDACTED] of 2022, that she was not eligible, therefore, resulting in a SNAP overpayment of \$286.33.**

**The Department correctly determined the total overpayment claim as \$286.33 .**

## DECISION

The Defendant is Guilty of committing a first Intentional Program Violation under the SNAP program because the Defendant intentionally committed an IPV when she made unauthorized EBT purchases from a deceased client's EBT card at [REDACTED] on [REDACTED] 2022, resulting in stolen Benefits.

The Department provided clear and convincing evidence which indicates that the Defendant committed and intended to commit an IPV of the SNAP.

The Department's request to disqualify the Defendant from the SNAP for a period of 12 months, and make restitution of the overpayment claim of \$286.33 for the SNAP overpayment occurring on [REDACTED] 2022, is granted.

*Shelley Starr*  
**Shelley Starr**  
**Hearing Officer**

CC: [OLCRAH.QA.DSS@ct.gov](mailto:OLCRAH.QA.DSS@ct.gov)  
Megan Monroe, CFIU Investigator, DSS, Hartford



### **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.