

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 # 198149

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”) from the Department of Social Services (“Department”) Investigations and Recoveries Division (“Investigations Unit”) seeking a ten (10) year disqualification of ██████████ (the “Defendant”) from participating in the Supplemental Nutrition Assistance Program (“SNAP”). The Department alleges the Defendant committed an Intentional Program Violation (“IPV”) by receiving concurrent SNAP benefits from the ██████████ for the period of ██████████ 2021. The Department also seeks to recover overpaid SNAP benefits of \$1,748.00.

On ██████████ 2022, the OLCRAH notified the defendant of the initiation of the ADH process via certified mail. The notification included the Defendant’s rights in these proceedings and the Department’s hearing summary and evidence supporting the Department’s case against the Defendant.

On ██████████ 2022, the Defendant received the notification of her rights, the hearing summary, and supporting evidence as documented by the online USPS tracking confirmation verified by OLCRAH.

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).

The following individuals were present at the hearing:

[REDACTED], Defendant
 [REDACTED], ITI Interpreter
 Richard Yuskas, DSS Investigations Supervisor
 Shelley Starr, Fair Hearing Officer

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 ten (10) year 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 [REDACTED] 2021 through [REDACTED] 2021 in the amount of \$1,748.00 is correct.

FINDINGS OF FACT

1. For the period [REDACTED] 2021 through [REDACTED] 2021, the Defendant received benefits under the SNAP from the [REDACTED] (Hearing Summary; Exhibit 2: E-mail from the government to [REDACTED] dated [REDACTED] Exhibit 1: Paris Match)
2. On [REDACTED] 2021, the Defendant submitted an online application to the Connecticut Department of Social Services requesting SNAP assistance for herself and her three minor children. The Defendant indicated on the application that she resided at [REDACTED] [REDACTED] (Exhibit 4: CT online application dated [REDACTED] 1; Hearing Summary)
3. The online application submitted by the Defendant did not disclose that the Defendant was a recipient of assistance in any other state. The Defendant did not provide a date that she moved to [REDACTED]. The Defendant indicated, by responding “no” to the question have you lived anywhere in the past 60 months. In the section regarding Past Benefits-no information was provided. (Exhibit 4: Online Application dated [REDACTED] [REDACTED] 2021; Hearing Summary; Department’s Testimony)
4. For the months of [REDACTED] 2021 and [REDACTED] 2021, the Defendant was issued and used SNAP concurrently from [REDACTED]

She accessed her SNAP benefits from both the State of [REDACTED] making purchases in the [REDACTED]. (Hearing Summary; Exhibit 5 & 6: EBT History)

5. The Appellant was issued \$913.00 SNAP in the month of [REDACTED] 2021, and \$835.00 SNAP in the month of [REDACTED] 2021 from [REDACTED]. The SNAP benefits were deposited into the Defendant's [REDACTED] issued EBT card. (Department's Testimony; Exhibit 9: Benefit Issuance Search; Exhibit 6: [REDACTED] EBT Transactions; Exhibit 10: Overpayment Summary; Hearing Record)
6. On [REDACTED] 2022, the [REDACTED] Investigations Division received a PARIS Interstate Match complaint, which revealed that the Defendant was an active recipient of SNAP in both [REDACTED] and [REDACTED]. (Exhibit 1: PARIS Match; Hearing Summary)
7. A PARIS match is a national database which identifies recipients of public assistance who are receiving duplicate benefits from more than one state. (Department Representative's Testimony; Hearing Record)
8. On [REDACTED] 2022, the Department received confirmation from the [REDACTED] that the Defendant was a recipient of SNAP in [REDACTED] from [REDACTED] 2021 through [REDACTED] 2021 (Exhibit 2: E-mail Re: Paris Match dated [REDACTED] 2022; Hearing Record)
9. On [REDACTED] 2022, the Department completed an investigation of suspected intentional program violation after receiving information that the Defendant received food stamp assistance from the [REDACTED] [REDACTED] for the same period of [REDACTED] 2021 through [REDACTED] 2021. The Department alleges that the Defendant's failure to report receipt of food stamp assistance in another state on her [REDACTED] 2021 application, her failure to disclose receipt of food stamp assistance in another state at the time of the application and receiving and accessing such benefits concurrently as intentional. The Department determined the Defendant committed an IPV under the SNAP because she received SNAP benefits from the [REDACTED] at the same time while accessing such benefits from both states during the same period in [REDACTED] which is not allowed under the SNAP. (Exhibit 7: W-1448 Notice of Prehearing Interview; Exhibit 11: Report of Suspected IPV Overpayment; Department's Testimony; Hearing Record)
10. On [REDACTED] 2022. The Department issued to the Defendant a W-1448 Notice of Pre-hearing Interview Food Stamp Program requesting that the Defendant contact the Department upon receiving the letter to discuss the alleged charges and the W-1449 Waiver of Disqualification Hearing form. The notice indicates charges to the Defendant with an IPV. The notice

- informs the Defendant of an overpayment claim totaling \$1,748.00 for the period of [REDACTED] 2021 and [REDACTED] 2021, lists repayment options, and gives the Defendant options to voluntarily admit to the violation, voluntarily sign a waiver, or exercise her right to an administrative hearing. The due date was designated as [REDACTED] 2022. (Exhibit 7: W-1446 Notice of Prehearing Interview; Exhibit 7: W-1449 Waiver of Disqualification; Hearing Summary)
11. The Department did not receive any contact from the Defendant. The Defendant did not respond to the W-1448 by contacting the Department and did not respond to the W-1449 Waiver of Disqualification as she did not return or sign the form. (Hearing Summary; Exhibit 7: W-1448 Notice of Prehearing Interview; Exhibit 7: W-1449 Waiver of Disqualification; Hearing Summary; Department's Testimony)
 12. The Department determined the Defendant is overpaid benefits under the SNAP and calculated the overpayment claim as \$1,748.00 for the period [REDACTED] 2021 [REDACTED] 2021 because she received benefits from the [REDACTED] while receiving benefits from the [REDACTED] at the same time. Under SNAP rules, recipients may not receive benefits from more than one state at the same time. The Department is pursuing a claim which includes the calculated SNAP allotment for [REDACTED] and [REDACTED] 2021. (Hearing Summary; Exhibit 1: [REDACTED] PARIS Interstate; Department's Testimony; Hearing Record)
 13. On [REDACTED] 2022, the OLCRAH received a request from the Department for an administrative disqualification hearing. Submitted with this request were the hearing summary and documents prepared by the Investigations Unit supporting their claim that the Defendant committed an IPV and is subject to a 10-year disqualification penalty under the SNAP. Additionally, the Department is seeking repayment of SNAP benefits for the period [REDACTED] 2021 and [REDACTED] 2021 totaling \$1,748.00. (Hearing Record)
 14. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of ten (10) years due to an IPV because the Defendant broke the rules governing SNAP. The Defendant received benefits from the [REDACTED] at the same time accessing her SNAP benefits from both states simultaneously. The Defendant failed to disclose receipt of benefits in the [REDACTED] to the Department at time of her [REDACTED] 2021 application. (Hearing Record)
 15. The Department seeks to recover \$1,748.00 in overpaid SNAP benefits because the Defendant failed to follow the SNAP rules when she failed to report receipt of SNAP benefits from [REDACTED] on the application

document and at time of the application interview resulting in receipt of SNAP benefits from two states at the same time. (Hearing Record)

16. On [REDACTED] 2022, the OLCRAH mailed the Defendant a Notice of Administrative Hearing informing the Defendant that the Department scheduled an administrative disqualification hearing for [REDACTED] 2022 via certified mail. The notice included notification of the Defendant's rights in these proceedings and the Department's hearing summary and evidence supporting the Department's case against the Defendant. (Hearing Record)
17. On [REDACTED] 2022, the Defendant received the Notice of Administrative Hearing, notification of her rights, the hearing summary, and supporting evidence as per copy of the USPS Online Tracking confirming the NoAH was delivered on [REDACTED] 2022. (USPS Tracking; Hearing Record)
18. 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 [REDACTED] 2022, the OLCRAH mailed the Defendant notification of the initiation of the ADH process. Therefore, this decision is due not later than [REDACTED] 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. Section 17b-88 of the Connecticut General Statutes ("Conn. Gen. Stat.") authorizes the Commissioner of the Department of Social Services to recover any public assistance overpayment and take such other action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings.
3. Title 7 Section 272.4(e)(1) of the Code of Federal Regulation ("C.F.R.") provides each state agency shall establish a system to assure that no individual participates more than once in a month, in more than one jurisdiction, or in more than one household within the State in SNAP. To identify such individuals, the system shall use names and social security numbers at a minimum, and other identifiers such as birth dates or addresses as appropriate.

The Department correctly initiated an investigation upon receipt of information from a PARIS match confirming the Defendant receiving benefits from another state.

4. Section 17b-88 of the Connecticut General Statutes 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.
5. 7 C.F.R. § 273.16(a)(1) 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 overissuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the overissuance 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.

7 C.F.R. § 273.16(e) provides “The State agency shall conduct administrative disqualification hearings for individual accused of intentional Program violation in accordance with the requirements outlined in this section.”

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 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.

The Department has the authority to conduct administrative disqualification hearings.

On ██████████ 2022, the Department correctly conducted an ADH because the Department did not receive a signed W-1449 from the Defendant waiving her rights to an ADH.

6. 7 C.F.R. § 273.16 (c)(1)&(2) provides the Definition of Intentional Program Violation and states that Intentional program violations shall consist of having intentionally: (1) 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.
7. 7 C.F.R. § 273.16(e)(6) provides Criteria for determining intentional Program violation and states 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 C.F.R. § 273.16 (e)(7) provides the hearing authority's decision shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent FNS regulation, and respond to reasoned arguments made by the household member or representative.

8. 7 C.F.R. § 273.3(a) provides a household shall live in the State in which it files an application for participation. The State agency may also require a household to file an application for participation in a specified project area (as defined in §271.2 of this chapter) or office within the State. No individual may participate as a member of more than one household or in more than one project area, in any month, unless an individual is a resident of a shelter for battered women and children as defined in § 271.2 and was a member of a household containing the person who had abused him or her. Residents of shelters for battered women and children shall be handled in accordance with § 273.11(g). The State agency shall not impose any durational residency requirements. The State agency shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Nor shall residency require an intent to reside permanently in the State or project area. Persons in a project area solely for vacation purposes shall not be considered residents.

The Defendant's failure to disclose to the Department receipt of benefits from another state on her SNAP application with the Department constitutes an IPV as defined 7 C.F.R. § 273.16(c) which states in pertinent part, "IPV's shall consist of having intentionally made a false or misleading statement, or misrepresented, concealed, or withheld facts.

The Defendant concealed and withheld the fact that she continued to receive benefits from the [REDACTED] at the time of application for benefits in the [REDACTED] which constitutes a violation under SNAP eligibility of 7 C.F.R. § 273.3(a) which states "No individual may participate as a member of more than one household or in more than one project area, in any month, unless an individual is a resident of a shelter for battered women and children as defined in 7 § 271.2 and was a member of a household containing the person who had abused him or her." The hearing record is void of any evidence supporting the Defendant as a resident of a shelter for battered women and children.

The Defendant intended to commit and committed an IPV when she accessed her SNAP benefits issued by [REDACTED] between [REDACTED] 2021 and [REDACTED] 2021, using both her

██████████ EBT cards as verified by ██████████
██████ ██████ transaction histories. The Defendant's use of such benefits from both states for EBT transactions during this period is evidence of intent. Months after her application for SNAP in the ██████████ the Defendant continued to access ██████████ benefits. Additionally, the Defendant continued to access her ██████████ benefits concurrently.

The hearing record establishes clear and convincing evidence which demonstrates that the Defendant committed and intended to commit an IPV as defined in 7 C.F.R. § 273.16(c).

9. 7 C.F.R. § 273.2(f)(11)(i)(A) provides pursuant to information in the disqualified recipient database will be available for use by any State agency that executes a computer matching agreement with FNS. The State agency shall use the disqualified recipient database for the following purposes: Ascertain the appropriate penalty to impose based on past disqualifications in a case under consideration.

The Department correctly determined the Defendant did not receive any prior disqualification penalties.

- 10.7 C.F.R. § 273.16 (e)(8) provides 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.

7 C.F.R. § 273.16 (b)(1)(i) 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 or 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.

7 C.F.R. § 273.16(b)(5) provides except as provided under paragraph (b)(1)(iii) of this section, an individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple SNAP benefits simultaneously shall be ineligible to participate in the Program for a period of 10 years.

The Department was correct to seek the disqualification of the Defendant from participating in the SNAP.

The hearing record clearly and convincingly established that the Defendant intentionally withheld to the Department her move from the [REDACTED] and misrepresented the facts that she was receiving SNAP benefits in [REDACTED] when she applied for [REDACTED] benefits.

The Defendant was not entitled to receive benefits concurrently from both the [REDACTED]

The Department is correct to seek the disqualification of the Defendant from participating in the SNAP for a period of ten (10) years.

11. 7 C.F.R. § 273.18 (A)(1)(i) provides that 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. This State agency must establish and collect any claim by following these regulations.

7 C.F.R. § 273.18 (a)(4)(i) provide that the following are responsible for paying a claim: Each person who was an adult member of the household when the overpayment or trafficking occurred.

7 C.F.R. § 273.18 (b)(1) provides that 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)(i) provides for calculating the claim amount and states for 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.

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

The Department correctly determined the Defendant is responsible for making restitution after being found guilty of an IPV.

The Department is correct in seeking recoupment of SNAP benefits issued to the Defendant for the period [REDACTED] 021 [REDACTED] 2021, the months that she received concurrent SNAP benefits from both the [REDACTED]

The Department correctly determined the overpayment claim as \$1,748.00.

DISCUSSION

Based on the testimony and evidence, the Department clearly established that the Defendant committed an Intentional Program Violation of the SNAP. While the Defendant attended the hearing, she did not provide any evidence to support otherwise.

DECISION

The Defendant is **GUILTY** of committing an Intentional Program Violation, subject to a ten (10) year disqualification penalty under the SNAP.

The Department's proposal to pursue an overpayment claim under the SNAP for \$1,748.00 is **GRANTED**.

Shelley Starr
Shelley Starr
Fair Hearing Officer

CC: Tim Latifi, DSS, Operations Manager, RO # 30
Robert Stewart, DSS, Operations Manager, RO # 30
Richard Yuskas, DSS, Investigations Supervisor

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.