

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

[REDACTED]
SIGNATURE CONFIRMATION

Client ID # [REDACTED]
Case ID # [REDACTED]
Request # 199412

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED], the Department of Social Services sent [REDACTED] (the "Appellant") a Notice of the Client Initiated Electronic Benefit Transfer ("EBT") Supplemental Nutrition Assistance Program ("SNAP") Account Adjustment Request denying her call to replace EBT purchases made on [REDACTED], that the Appellant states she did not make.

On [REDACTED], the Appellant requested an administrative hearing to request the replacement of stolen benefits withdrawn from her EBT account.

On [REDACTED], the Office of Legal Counsel, Regulations, and Administrative Hearings, ("OLCRAH") issued a notice scheduling the administrative hearing for [REDACTED]

On [REDACTED], in accordance with sections 17b-60, 17b-61, and 4-176e to 4-184 of the Connecticut General Statutes, inclusive, the Department held an administrative hearing by telephone.

The following individuals participated in the hearing:

██████████, the Appellant
Dasheen Blizzard, Department's Observer
Michelle Davis, Department's Observer
Kristen Krawetzky, Department's Associate Fiscal Administrative Officer
Sara Hart, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's request for the replacement of stolen SNAP EBT benefits withdrawn from her EBT account on ██████████

FINDINGS OF FACT

1. On ██████████, the Department deposited \$250.00 in SNAP benefits to the Appellant's EBT account on the Appellant's EBT card number ending in ██████████. (*Exhibit 1: EBT Transaction History*)
2. On ██████████ the Appellant's EBT card was used at 10:30 AM to make a SNAP purchase of \$8.99 at ██████████, located at ██████████ (*Exhibit 5: Transaction Detail, Appellant's Testimony*)
3. On ██████████, the Appellant's EBT card was used at 1:37 PM to make a SNAP purchase of \$26.92 at ██████████, located at ██████████ (*Exhibit 5*)
4. On ██████████ the Appellant's EBT card was used at 2:07 PM to make a SNAP purchase of \$83.18 at ██████████, located at ██████████ (*Exhibit 5*)
5. On ██████████, the Appellant's EBT card was used at 7:28 PM to make a SNAP purchase of \$17.26 at ██████████, located at ██████████ (*Exhibit 5*)
6. On ██████████ the Appellant's EBT card was used at 3:53 PM to make a SNAP purchase of \$2.49 at ██████████. (*Exhibit 5*)
7. On ██████████, the Appellant's EBT card was used at 4:50 PM to make a SNAP purchase of \$5.58 at ██████████. (*Exhibit 5*)
8. On ██████████, the Appellant's EBT card was used at 5:56 PM to make a SNAP purchase of \$38.78 at ██████████. The Appellant alleges that she did not make this purchase. (*Exhibit 5, Appellant's Testimony*)

9. On [REDACTED], the Appellant's EBT card was used at 6:10 PM to make a SNAP purchase of \$41.98 at [REDACTED]. The Appellant alleges that she did not make this purchase. (*Exhibit 5, Appellant's Testimony*)
10. On [REDACTED], the Appellant left her EBT card unattended in her home while she had guests present. (*Appellant's Testimony*)
11. On [REDACTED] at 7:46 AM, the Appellant changed the PIN number on her EBT card ending in [REDACTED] (*Exhibit 1*)
12. On [REDACTED], at 9:54 AM, the Appellant reported her EBT card ending in [REDACTED] as stolen to the Department. (*Exhibit 4; EPPIC Transaction History, Department's Testimony*)
13. The Appellant does not have an authorized shopper on her EBT account. (*Hearing Record*)
14. The Appellant has permitted her stepmother to use her EBT card and provided her PIN number to her stepmother in the past. The Appellant did not change her PIN number after previously allowing her stepmother to use her EBT card. (*Appellant's Testimony*)
15. The Appellant did not file a police report regarding her alleged stolen SNAP EBT benefits. (*Appellant's Testimony*)
16. On [REDACTED], the Department issued the Appellant a notice regarding the stolen benefits. The notice stated that the Department would not replace the alleged stolen SNAP benefits. (*Exhibit 3: Notice of the Client Initiated EBT SNAP Account Adjustment Request*)
17. The issuance of this decision is timely under the Title 7 of the Code of Federal Regulations ("C.F.R.") § 273.15, which provides that within 60 days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and the local agency is notified of the decision. The Appellant requested an administrative hearing on [REDACTED] therefore, this decision is due no later than [REDACTED]

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes provides that the Department of Social Services be 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 review the Appellant's SNAP EBT benefit replacement request and determine eligibility for SNAP EBT replacement.

2. 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)).
3. 7 C.F.R. § 273.17(a)(1) provides the State agency shall restore to households benefits which 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.
4. UPM § 6515 provides for benefit issuance. Cash and food stamp benefits deposited in an EBT account in a financial institution must be accessed through the use of Department issued debit cards.

The Department correctly deposited the Appellant's SNAP benefits onto her EBT card on [REDACTED].

5. UPM § 6530.05(A)(2) provides that the Department authorizes the replacement of EBT issued benefits that are considered lost or stolen.

UPM § 6530.20(A)(3) provides that 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.

The alleged theft of the SNAP EBT benefits occurred on [REDACTED]. The Appellant failed to inform the Department of her need for a new EBT card until [REDACTED]

6. 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 or 6530.40.

UPM § 6530.50(C)(2) provides the conditions for the replacement of stolen food stamps benefits and states that 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 Appellant's SNAP EBT benefits were properly deposited by the Department and received by the Appellant. The Appellant is not entitled to the replacement of SNAP benefits used on [REDACTED], because the EBT card was not reported as stolen until [REDACTED], after the SNAP benefits were used.

DECISION

The Appellant's appeal is **DENIED**.


Sara Hart
Hearing Officer

CC: Kristen Krawetzky, DSS, Central Office

RIGHT TO REQUEST RECONSIDERATION

The defendant 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 or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the defendant 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 specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Legal Counsel, Regulations, and Administrative Hearings, 55 Farmington Avenue, Hartford, CT 06105.

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.