

STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVE.
HARTFORD, CT 06105-3725

[REDACTED] 2023
Signature Confirmation

Client ID [REDACTED]
Case ID [REDACTED]
Request 203902

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received a request for an Administrative Disqualification Hearing (“ADH”) seeking the disqualification of [REDACTED] [REDACTED] (the “Defendant”) from participation in the Supplemental Nutrition Assistance Program (“SNAP”) for twelve (12) months from the Department of Social Services (“Department”) Investigations and Recoveries Division (“Investigations Unit”). The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) by misrepresenting her household composition. The Department also seeks to recover overpaid SNAP benefits. The Department alleges that the SNAP overpayment totaled [REDACTED] for the period of [REDACTED] 2021 through [REDACTED] 2022.

On [REDACTED] 2022, the Office of Legal Counsel, Regulations and Administrative Hearings (“OLCRAH”) mailed the Defendant a Notice of Administrative Hearing (“NoAH”) via United States Postal Service (“USPS”) certified mail informing the Defendant that the Department scheduled of an Administrative Disqualification Hearing for [REDACTED] 2022. The NoAH included notification of the Defendant’s rights in these proceedings, the Department’s hearing summary, and evidence supporting the Department’s case against the Defendant.

On [REDACTED] 2022, the delivery status for the ADH packet that was sent by certified mail on [REDACTED] 2022, was not available.

On [REDACTED] 2022, the OLCRAH mailed the Defendant a Notice Regarding Non-Receipt of the Administrative Disqualification Hearing Notice, a copy of the NoAH, and the entire packet including notification of her rights in these proceedings, the Department's hearing summary, and evidence to support the Department's case by first class mail.

The OLCRAH has not received any return mail from the USPS concerning the Defendant.

The ADH packet that was mailed by first class on [REDACTED] 2022, is presumed to have been delivered to the Defendant.

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 Defendant did not appear for the in-person ADH held on [REDACTED] 2022, and did not provide good cause for not attending the ADH.

PRESENT AT THE HEARING

Jaimie McBride, Department Representative
Jessica Gulianello, Hearing Officer

The hearing record remained open to allow the Department time to submit additional information. Additional information was received from the Department and on [REDACTED] [REDACTED] 2022, the hearing record closed accordingly.

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 twelve (12) month disqualification penalty under the SNAP.

A secondary issue to be decided is whether the Department's proposal for recoupment of a SNAP overpayment ("OP") in the amount of \$2,144.00 for the period of [REDACTED] 2021 through [REDACTED] 2022, is correct.

FINDINGS OF FACT

1. On [REDACTED] 2021, the Department received an online application ("ONAP") with the Defendant's electronic signature requesting benefits under the SNAP for a household comprised of three individuals: the Defendant (DOB [REDACTED]) and her

two children [REDACTED] (DOB: [REDACTED]) and [REDACTED] (DOB: [REDACTED]). The Defendant reported a home address of [REDACTED]. (Exhibit 4: ONAP, [REDACTED] 2021, Hearing Summary, Department's Testimony)

2. On [REDACTED] 2021, the Department reviewed the ONAP and registered the Defendant's request for benefits under the SNAP in the online eligibility management system, ("ImpaCT"). The benefits under the SNAP remained in a pending status awaiting proof of the Defendant's wages and completion of a telephone interview ("TI"). (Exhibit 22: Case Notes – Details, [REDACTED] 2021)
3. On [REDACTED] 2021, [REDACTED] (DOB [REDACTED]) completed an online change report with Access Health CT ("AHC"). [REDACTED] reported that he is the parent of [REDACTED] (DOB [REDACTED]). [REDACTED] reported that they reside together at the home address of [REDACTED]. [REDACTED] reported a mailing address of [REDACTED]. (Exhibit 24: AHCT Application ID [REDACTED])
4. [REDACTED] is a common child of the Defendant and [REDACTED], the legally liable relative ("LLR"). (Hearing Record)
5. On [REDACTED] 2021, the Department received documents from the Defendant under task # [REDACTED]. The Department received a residential lease valid for the one-year period of [REDACTED] 2021, through [REDACTED] 2022, between the Defendant and [REDACTED] for the location of [REDACTED]. The Lease was signed by the Defendant and the landlord, and it confirmed that the Defendant was responsible for a monthly rental obligation of \$925.00 as well as utility expenses paid separately. The Department also received three biweekly paystubs dated [REDACTED] 2021, [REDACTED] 2021, and [REDACTED] 2021, that verified the Defendant earned gross biweekly wages of \$1,280.00 (80 hours) from her employment with [REDACTED]. (Exhibit 22: Case Notes – Details, [REDACTED]/2021)
6. On [REDACTED] 2021, the Department conducted a [REDACTED] case review. The Department reviewed the aforementioned documents received on [REDACTED] 2021, received under task # [REDACTED]. The Department waived the TI, updated the case details, and authorized benefits under the SNAP. (Exhibit 22: Case Notes – Details, [REDACTED] 2021)
7. On [REDACTED] 2021, the Department issued the Defendant a Notice of Action ("NOA"). The NOA advised the Defendant that the Eligibility Determination Group ("EDG") comprised of three individuals: the Defendant, [REDACTED], and [REDACTED]. [REDACTED] were determined to be eligible for benefits under the SNAP in the amount of \$227.00 for [REDACTED] 2021 and \$181.00 for [REDACTED] 2021 based on the Defendant's biweekly wages of \$1,280.00 and expenses of \$925.00 per month for rent plus heating/cooling expenses. (Exhibit 21: NOA, [REDACTED] 2021)

8. On [REDACTED] 2021, the NOA issued by the Department advised the Defendant that [REDACTED] (“LLR”) was not eligible for benefits under the SNAP as he did not live in the home. (Exhibit 21: NOA, [REDACTED]/2021)
9. On [REDACTED] 2021, the Department reviewed and processed an AHCT task and discovered that the Defendant had listed [REDACTED] the (“LLR”) as an authorized representative (“AREP”) at the same residential. The Department submitted an electronic regional office compliant referral via the online eligibility management system, (“ImpaCT”) requesting an investigation alleging suspicion that the Defendant had misrepresented the household composition. (Exhibit 5: ImpaCT Referral, [REDACTED]/2021, Hearing Summary, Department’s Testimony)
10. On [REDACTED] 2021, the Department mailed the Defendant a NOA advising that the benefits under the SNAP were increasing from \$181.00 to \$229.00 effective [REDACTED] 2021 and ongoing for the EDG comprised of three individuals: the Defendant, [REDACTED], and [REDACTED]. (Exhibit 21: NOA, [REDACTED]/2021)
11. On [REDACTED] 2021, the Department auto-issued the above-noted NOA due to the Cost-of-Living (“COLA”) adjustments. (Department’s Testimony)
12. The Department’s investigations unit initiated a review of the Defendant’s eligibility for benefits under the SNAP following receipt of the previously noted regional office complaint referral. (Hearing Summary, Department’s Testimony)
13. The Department reviewed the [REDACTED] Assessor’s website to obtain the property card for [REDACTED]. The property card reflected the owner of the property as [REDACTED] (“landlord”). (Exhibit 6: 2022 Vision Government Solutions, Inc, property card, Hearing Summary, Department’s Testimony)
14. The Department contacted the Defendant’s landlord by phone. The landlord reported that the Defendant and the LLR reside together at [REDACTED]. (Hearing Summary, Department’s Testimony)
15. The landlord disclosed that the Defendant had requested for the LLR’s name to be removed from the lease. (Department’s Testimony)
16. On or about [REDACTED] 2022, the landlord provided a copy of the Defendant’s lease (signed on [REDACTED] 2021) as well as a Landlord Verification Request (“W-1408”) form (signed [REDACTED]/2022) attesting to the LLR residing with the Defendant at the address of [REDACTED]. (Exhibit 7: Residential Lease, [REDACTED]/2021, Exhibit 8: W-1408, [REDACTED]/2022, Hearing Summary, Department’s Testimony)

17. The Department reviewed the [REDACTED] Interfaces for the Defendant and the LLR. (Exhibit 9: [REDACTED] Wage Details, SSN: ending [REDACTED], Exhibit 10: SSN: ending [REDACTED], Hearing Summary, Department's Testimony)
18. On [REDACTED] 2022, the Department served a Subpoena to the LLR's employer, [REDACTED] requesting his employer application, Federal Form 1-9, his dates of employment, pay stubs or the equivalent from the date of hire until the present, W-2 and W-4 forms, emergency contact forms, and historical contact information including addresses, phone numbers and direct deposit information due by [REDACTED] 2022. (Exhibit 11: Subpoena (form # W-322), signed [REDACTED]/2022, Hearing Summary, Department's Testimony)
19. On [REDACTED] 2022, the Department received a response from the LLR's employer via email with documentation attached. The documentation substantiated that the LLR had also reported a residential address to be [REDACTED] [REDACTED] to his employer. Furthermore, the LLR had listed the Defendant as his emergency contact. The documentation verified that the LLR had earned the following wages for the period of [REDACTED] 2021 through [REDACTED] 2022:

Month	Total Gross Wages
[REDACTED] 2021	\$2,499.00
[REDACTED] 2021	\$3,391.25
[REDACTED] 2021	\$2,869.00
[REDACTED] 2021	\$3,116.00
[REDACTED] 2021	\$4,230.75
[REDACTED] 2021	\$3,542.00
[REDACTED] 2021	\$4,036.50
[REDACTED] 2022	\$3,769.13
[REDACTED] 2022	\$3,335.00
[REDACTED] 2022	\$759.00

(Exhibit 12: Email Correspondence, [REDACTED]/2022, Exhibit 12A: [REDACTED] [REDACTED] Check History Detail, [REDACTED]/2020-[REDACTED]/2022)

20. On [REDACTED] 2022, the investigator for the Department concluded that the Defendant and the LLR were residing together with their common child as an intact household. The investigator recommended that eligibility promptly add the LLR and his income to the SNAP EDG ongoing. (Exhibit 22: Case Notes – Details, [REDACTED]/2022, Hearing Summary, Department's Testimony)
21. On [REDACTED] 2022, the Department added the LLR and his income to the SNAP EDG. (Exhibit 22: Case Notes – Details, [REDACTED]/2022, Hearing Summary, Department's Testimony)
22. On [REDACTED] 2022, the Department issued the Defendant a NOA advising that benefits under the SNAP were closed effective [REDACTED] 2022, citing the following

reasons, “The monthly gross income of your household is more than the limit for this program” and “Does not meet program requirements”. (Exhibit 21: NOA, [REDACTED] 2022)

23. The Defendant was issued the following benefits under the SNAP totaling \$2,144.00 for the period of [REDACTED] 2021 through [REDACTED] 2022:

Month	SNAP Amount Paid
[REDACTED] 2021	\$227.00 (Paid on [REDACTED] 2022)
[REDACTED] 2021	\$181.00
[REDACTED] 2021	\$181.00
[REDACTED] 2021	\$181.00
[REDACTED] 2021	\$229.00
[REDACTED] 2021	\$229.00
[REDACTED] 2021	\$229.00
[REDACTED] 2022	\$229.00
[REDACTED] 2022	\$229.00
[REDACTED] 2022	\$229.00
Total	\$2,144.00

(Exhibit 17: ImpaCT Benefit History Search, [REDACTED] 2021-[REDACTED] 2022)

24. On [REDACTED] 2022, the investigator for the Department sent an email to the Defendant’s employer, [REDACTED] [REDACTED] requesting the Defendant’s employment application, Federal I-9 documentation, her dates of employment, pay stubs or the equivalent from the date of hire until the present, W-2 and W-4 forms, emergency contact forms and historical contact information including addresses and phone numbers due by [REDACTED] 2022. (Exhibit 14; Email Correspondence – [REDACTED]/2022, Hearing Summary, Department’s Testimony)

25. On [REDACTED] 2022, [REDACTED] responded via email and confirmed that the Defendant was hired on [REDACTED] 2019, and terminated on [REDACTED] 2022. [REDACTED] also provided the Defendant’s employment application and a check dated [REDACTED] 2022. The Defendant’s employment application and the paycheck both reflected a residential address of [REDACTED]. (Exhibit 14A: Email Correspondence, [REDACTED]/2022, Exhibit 14B: Letter, [REDACTED]/2022, Exhibit 14C: Paycheck, [REDACTED]/2022, Exhibit 14D: Application [REDACTED]/2019, Hearing Summary, Department’s Testimony)

26. On [REDACTED] [REDACTED] 2022, the Department sent a follow-up email to [REDACTED] [REDACTED] requesting proof of the Defendant’s gross wages from her date of hire until present. (Exhibit 15: Email Correspondence- [REDACTED]/2022, Hearing Summary, Department’s Testimony)

27. On [REDACTED] 2022, the Department received proof of the Defendant’s historical income history from [REDACTED]. The documentation verified that the Defendant had earned the following wages for the period of [REDACTED] 2021 through [REDACTED] 2022:

Month	Total Gross Wages
[REDACTED] 2021	\$2,560.00
[REDACTED] 2021	\$3,960.00
[REDACTED] 2021	\$2,440.00
[REDACTED] 2021	\$2,240.00
[REDACTED] 2021	\$2,240.00
[REDACTED] 2021	\$2,340.00
[REDACTED] 2021	\$2,548.00
[REDACTED] 2022	\$2,720.00
[REDACTED] 2022	\$2,720.00
[REDACTED] 2022	\$2,720.00

(Exhibit 15A: Pay History [REDACTED] - [REDACTED])

28. The Department concluded that the Defendant’s and the LLR’s total combined gross wages exceeded the Federal Poverty Limit (“FPL”) threshold of \$4,086.00 for an EDG comprised of four individuals to be eligible for benefits under the SNAP at the time of application, beginning [REDACTED] 2021, through [REDACTED] 2022. (Hearing Summary, Department’s Testimony)

29. The Department alleges that the Defendant committed an IPV under the SNAP by making false statements concerning the composition of her household at the time of her application for benefits under the SNAP, specifically on the ONAP (electronically signed on [REDACTED] 2021) by failing to report that the LLR of her youngest child was residing at the same residence. (Hearing Summary, Department’s Testimony)

30. On [REDACTED] 2022, the Department issued the Defendant a Notice of Prehearing Interview (“W-1448”) scheduling an appointment for [REDACTED] 2022, at [REDACTED] a.m. at the [REDACTED] Regional Office located at [REDACTED] to discuss the SNAP benefits. The notice alleged that the Defendant broke the SNAP rules on purpose and stated, “There is an overpayment related to this situation. You received \$2,144 more than you should have in Food Stamp Benefits. This happened because you failed to report LLR in the home and his income.” The Department also issued a Waiver of Disqualification Hearing (“W-1449”) notice advising the Defendant of the Department’s proposal to disqualify her from the SNAP and the Administrative Disqualification Hearing Process (Exhibit 15: W-1448, [REDACTED]/2022, W-1449)

31. On [REDACTED] 2022, the Defendant failed to appear for the prehearing interview and failed to contact the Department to reschedule the prehearing interview. The Department did not receive the form W-1449 signed by the Defendant. (Hearing Summary, Department's Testimony)
32. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of twelve (12) months due to an IPV alleging that the Defendant failed to inform the Department that the LLR was in the home at the same time of her application submission for benefits under the SNAP. This would be the Defendant's first IPV disqualification under the SNAP in the U.S. (Exhibit 3: Electronic Disqualification Recipient System ("eDRS"), [REDACTED], Hearing Summary, Department's Testimony)
33. The Department is not seeking recoupment of the emergency benefits issued under the SNAP. (Department's Testimony)
34. The Defendant's case has not been referred to the state police, a prosecuting attorney, or the Attorney General for recovery in the court system. (Department's Testimony)
35. 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 [REDACTED] days of the notice of the initiation of the ADH process. On [REDACTED] 2022, the OLCRAH mailed the Defendant the ADH packet by certified mail; however, the status is not available. On [REDACTED] 2022, the OLCRAH mailed the Defendant a copy of the ADH packet by first class mail. The OLCRAH has not received any return mail from the USPS and the ADH packet is presumed to have been received by the Defendant. Thus, this decision is due no later than [REDACTED] 2022, and is therefore timely. (Hearing Record)

CONCLUSIONS OF LAW

1. Section 17b-2(a)(7) of the 2018 Supplement to the Connecticut General Statutes 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.

The Department has the authority to administer SNAP.

2. Section 17b-88 of the Connecticut General Statutes provides that 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.

The Department has the authority to recover SNAP.

3. Title 7 of the Code of Federal Regulations (“CFR”) 273.16(a)(1) provides that 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.

Title 7 of the CFR § 273.16(e) provides that the State agency shall conduct administrative disqualification hearings for individuals accused of an Intentional Program Violation (“IPV”) in accordance with the requirements outlined in this section.

4. 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)).
5. 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 from the SNAP program for a specified amount of time.

UPM § 7050.05(B) provides that the following situations involving alleged intentional recipient errors are referred to the Administrative Disqualification Hearing process at the option of the Department: (1) Those cases involving active and previously active assistance unit members alleged to have committed acts of intentional recipient errors which are not referred to the State Police, to a prosecuting authority or to the Attorney General; (2) Those cases involving active and previously active assistance unit members alleged to have committed acts of intentional recipient errors which are referred to the State Police, to a prosecuting authority, or to the Attorney General and subsequently rejected for prosecution, dismissed, dropped or nulled by the court system.

The Department has the authority to initiate a SNAP Administrative Disqualification Hearing.

The Defendant's case has not been referred to the state police, a prosecuting attorney, or the Attorney General for recovery in the court system.

6. Title 7 of the CFR § 273.16(c) provides that 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 the Food Stamp Act, the Food Stamp Program Regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, or possessing, or trafficking of coupons, authorization cards, or reusable documents used as part of an automated benefit delivery system (access device).

Title 7 of the CFR § 273.16(e)(6) 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, intentional program violation as defined in paragraph (c) of this section.

7. UPM § 7000.01 defined Intentional Recipient Error as an intentionally oral or written statement made by the assistance unit regarding circumstances affecting eligibility or the amount of benefits. An intentional recipient error is also the intentional failure by the assistance unit to report timely the receipt of income or assets or other changes in circumstances affecting eligibility or the amount of benefits.
8. UPM § 7005.10(A)(1) provides that the Department classified errors as agency, recipient or provider caused. (2) If an overpayment is caused by the assistance unit, the Department makes a preliminary determination regarding whether the error was intentional or unintentional, and whether to pursue a legal action against the assistance unit on fraud charges. (3) If the Department seeks to impose a penalty again the assistance unit, a final determination regarding the nature of a recipient error is made either by a court of jurisdiction or by the Department through the Administrative Disqualification Hearing Process.

UPM § 7005.10 (B)(1) provides that Agency errors that cause overpayments include, but are not limited to failing to take timely action on a change reported by the assistance unit.

UPM § 7005.10(C)(2)(a) provides that the Department preliminarily classifies a recipient error as intentional if:

1. the assistance unit fails without good cause to report a change affecting eligibility in a timely manner; or
 2. the assistance unit knowingly misinforms the Department regarding information affecting eligibility; or
 3. the assistance unit commits an illegal act such as cashing a duplicate check after falsely claiming non-receipt of the first check.
 4. The assistance unit or its authorized representative withdraws cash or food stamp benefits from the EBT account after they notify the Department that they need a new debit card and before the time the Department's designee deactivates the card.
9. UPM § 7050 provides that in the AFDC and Food Stamp programs 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. Individual who are determined to have committed an intentional recipient error are subjected to recoupment requirements and, in some cases, are disqualified from the AFDC and/or Food Stamp programs for a specified amount of time. This chapter describes the Department's policies and procedures concerning the Administrative Disqualification hearing process.
 10. UPM § 7050.05(A)(1) provides that the Department considers an overpayment to be the result of an intentional recipient error if:

- a. A court of competent jurisdiction decrees that the assistance unit member has committed an intentional recipient error or grants individual accelerated rehabilitation; or
- b. The Department, through the Administrative Disqualification hearing process, determines that the assistance unit member has committed an intentional recipient error; or
- c. The assistance unit member waives his or her right to an Administrative Disqualification Hearing.

The Department presented clear and convincing evidence to support that this is an intact household and the LLR had been residing with the Defendant and their common child from [REDACTED] 2021 through [REDACTED] 2022. Furthermore, the Department presented clear and convincing evidence to support that the Defendant intentionally misrepresented her household composition in writing on the ONAP received on [REDACTED] 2021.

11. 7 CFR § 273.16(b) identifies the disqualification penalties as follows: 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.

The Department is correct to seek disqualification of the Defendant from participating in the SNAP program for a period of twelve (12) months.

13. UPM § 7045.10(A)(3) provides that the Department recoups an overpayment caused by intentional recipient error if the overpayment occurred no earlier than 72 months prior to the month the Department discovers it.

UPM § 7045.10(A) provides (1) The Department recoups an overpayment caused by administrative error if the overpayment occurred no later than 12 months prior to the month the Department discovers it. (3) The Department recoups an overpayment caused by intentional recipient error if the overpayment occurred no earlier than 72 months prior to the month the Department discovers it.

UPM § 7045.15(E) provides that an overpayment caused by intentional recipient error begins the first date covered by an erroneously issued benefit, and ends the last day of the month the Department becomes aware of the error.

UPM § 7005.15(A) provides the Department computes the amount of the error by comparing the amount of the benefits the assistance unit should have received to the amount of benefits the assistance unit actually did receive for a particular month of series of months.

The Department correctly determined that the Defendant was overpaid benefits under the SNAP as the result of an IPV.

The Department correctly concluded that the intact household had combined gross wages that exceeded the FPL threshold for an EDG comprised of four individuals under the SNAP for the period beginning [REDACTED] 2021 through [REDACTED] 2022.

The Department alleged that the LLR had earned income wages of \$2,720.00 for [REDACTED] 2022 from his employment with [REDACTED]. However, the evidence reflects that the LLR has earned income wages of only \$759.00 for [REDACTED] 2022 from said employer.

SNAP RE-CALCULATION [REDACTED] 2022

COUNTABLE INCOME	
Earned Income:	\$3,479.00 (Defendant: \$2,720.00 + LLR:\$759.00)
Minus 20%	\$695.80
Total Income	\$2,783.20
Minus standard deduction (For a household of 4)	-\$184.00
Minus child support expenses	\$0.00
Minus medical expenses in excess of \$35 (only if age 60 and older or disabled)	\$0.00
Adjusted Gross Income	= \$2,599.20
<u>SHELTER COSTS</u>	
Rent	\$925.00

SUA	\$783.00
Total shelter costs	\$1,708.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$1,708.00
Less 50% of adjusted gross income	\$1,299.60
Total shelter hardship	\$408.40
	(Cannot exceed \$569 unless elderly or disabled)
<u>NET ADJUSTED INCOME</u>	
Adjusted gross income	\$2,599.20
Less shelter hardship	\$408.40
Net Adjusted Income ("NAI")	\$2,190.80
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan Amount for 4 SNAP Members	\$835.00
Less 30% of NAI (rounded up)	(\$2,190.80 X .3)= \$657.24 Rounded up to \$658.00
SNAP award Calculation: Thrifty Food Plan: - 30% NAI= SNAP Amount OR *\$23	\$835.00 - \$658.00 = \$177.00 SNAP Award

The Defendant was entitled to benefits under the SNAP in the amount of \$177.00 for the month of [REDACTED] 2022 based on an intact household comprised of four individuals (see above chart). Due to the issuance of emergency allotments of benefits for eligible households under the SNAP, I find the Department's request to recover SNAP for [REDACTED] 2022 to be invalid.

The Defendant was issued benefits under the SNAP totaling \$1,915.00 for the period beginning [REDACTED] 2021 through [REDACTED] 2022. The Department is correct to seek recoupment of said benefits under the SNAP.

DECISION

1. The Defendant is **GUILTY** of committing a first intentional program violation in the SNAP program by misrepresenting her household composition. The Department's request that the Defendant be disqualified and ineligible to participate in the program for a period of one year is **GRANTED**.
2. With regards to the Department's request to pursue an overpayment claim under the SNAP is **GRANTED in part**. The Department proposed a SNAP overpayment claim for the period beginning [REDACTED] 2021, through [REDACTED] 2023 in the amount of \$2,144.00. The evidence supports that an overpayment claim in the amount of \$229 for [REDACTED] 2022 does not exist. The SNAP overpayment claim for the period beginning [REDACTED] 2021, through [REDACTED] 2022, in the amount of \$1,915.00 (\$2,144.00 - \$229.00= \$1,915.00) is correct.

ORDER

1. The Department shall remove the proposed SNAP overpayment in the amount of \$229.00 for [REDACTED] 2022.
2. The Department's request to recover overpayments under the SNAP totaling \$1,915.00 for the period of [REDACTED] 2021, through [REDACTED] 2022, is granted.
3. Compliance with this order is due no later than 10 days from the date of this decision.

Jessica Gulianello

Jessica Gulianello
Hearing Officer

CC: OLCRAH.QA.DSS@ct.gov
Jaimie McBride, DSS Investigator, DO 10
DSS Willimantic Regional Office, DO 42

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.