

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

██████████ 2023
Signature Confirmation

Client ID ██████████
Case ID ██████████
Request 203903

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2022, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received a request for an Administrative Disqualification Hearing (“ADH”) seeking the disqualification of ██████████ (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 alleged 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 alleged that the SNAP overpayment totaled \$1,581.40 for the period of ██████████ 2020 through ██████████ 2021.

On ██████████ 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 for an Administrative Disqualification Hearing for ██████████ 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 ██████████ 2022, the notifications were delivered and signed for by 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.

On [REDACTED] 2022, the Department recalculated the alleged IPV and reduced the proposed SNAP overpayment amount of \$1,581.40 to \$366.00 and the Department shortened the corresponding period from [REDACTED] 2020 through [REDACTED] 2021 to [REDACTED] 2020 through [REDACTED] 2021.

PRESENT AT THE HEARING

Megan Monroe, 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] the hearing record closed accordingly.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Defendant committed an 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 \$366.00 for the period of [REDACTED] 2020, through [REDACTED] 2021, is correct.

FINDINGS OF FACT

1. The Department determined the Defendant (DOB [REDACTED]) and her five children: [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] to be eligible for benefits under the SNAP as an eligibility determination group ("EDG") comprised of six individuals for the benefit period of [REDACTED] 2019, through [REDACTED] 2019. (Exhibit 18: Renewal of Eligibility ("W-1ER"))

2. On [REDACTED] 2019, the Department mailed the Defendant a Notice of Renewal of Eligibility (“W-1ERL”) with a Renewal Form (“W-1ER”) enclosed requesting completion by mail or online no later than [REDACTED] 2019, to receive uninterrupted benefits. (Exhibit 18: W-1ERL, [REDACTED] 2019)
3. On [REDACTED] 2019, the Department received an online renewal (“ONRE”) electronically signed by the Defendant requesting continued benefits under the SNAP for the EDG comprised of six individuals. The Defendant reported that [REDACTED] each remained recipients of child support income. The Defendant also reported that [REDACTED] remained a recipient of Supplemental Security Income (“SSI”). The Defendant reported that the rent was \$975.00 per month and telephone expenses were paid separately. (Exhibit 5: ONRE, [REDACTED] 2019)
4. On [REDACTED] 2020, the Department reviewed the ONRE and unsuccessfully attempted to contact the Defendant by phone to conduct a telephone interview (“TI”). (Exhibit 6: Case Notes: [REDACTED] 2020)
5. On [REDACTED] 2020, the Defendant contacted the Department and completed the TI. The Defendant orally reported that the EDG comprised of six individuals. The Defendant reported that [REDACTED] remained recipients of child support income. The Department verified each child to be the recipient of child support income in the amount \$188.51 per month. The Defendant orally reported that [REDACTED] remained a recipient of SSI. The Department verified the SSI amount to be \$677.32 per month. The Defendant orally reported the rent to be \$875.00 per month and telephone expenses paid separately. (Exhibit 6: Case Notes: [REDACTED] 2020)
6. On [REDACTED] 2020, the Department completed the SNAP renewal. The Department’s eligibility management system, (“ImpaCT”) issued the Defendant a NOA advising that the EDG comprised of six individuals was determined to be eligible for benefits under the SNAP in the amount of \$790.00 per month. (Exhibit 4: NOA, [REDACTED] 2020)
7. On [REDACTED] 2020, the Department issued the Defendant a NOA advising that the benefits under the SNAP for the household comprised of six individuals increased from \$790.00 to \$844.00 effective [REDACTED] 2020. (Exhibit 4: NOA, [REDACTED] 2020)
8. The ImpaCT Benefit History Search confirms the Defendant was paid a total of \$9,696 in SNAP benefits for the period of [REDACTED] 2020 through [REDACTED] 2021:

Month	SNAP Amount Paid
[REDACTED] 2020	\$790
[REDACTED] 2020	\$790
[REDACTED] 2020	\$790
[REDACTED] 2020	\$790

██████████ 2020	\$790
██████████ 2020	\$790
██████████ 2020	\$790
██████████ 2020	\$790
██████████ 2020	\$844
██████████ 2020	\$844
██████████ 2020	\$844
██████████ 2020	\$844
██████████ 2021	\$844
Total	\$9,696

(Exhibit 5: ImpaCT Benefit History - Search, Case # ██████████, Hearing Record)

9. On ██████████ 2021, the investigations unit for the Department initiated a review of the Defendant's eligibility for benefits under the SNAP following receipt of a Fraud Hotline Complaint. The referral alleged that the Defendant had been misrepresenting the household composition as her ██████████ (the "Child") had not been residing in her home. (Exhibit 2: ImpaCT Investigations Referral, ██████████ 2021, Hearing Summary, Department's Testimony)

10. On ██████████ 2021, the Department contacted the Defendant by phone. The Defendant reported that she had moved a few months prior and confirmed that the Child was no longer residing in her home. The Defendant provided a current address for the Child and acknowledged that he is residing with his ██████████ ██████████, the legally liable relative ("LLR"). (Hearing Summary, Department's Testimony)

11. On ██████████ 2021, the Department received a Planning and Placement Team ("PPT") Cover Page dated ██████████ 2020, from ██████████ Schools concerning the Child. The PPT showed the Child to be residing with ██████████ ██████████, the LLR. (Exhibit 7: PPT, ██████████/2020)

12. On ██████████ 2021, the Department received a signed correspondence from ██████████, a Social Worker from the Department of Children and Families ("DCF") dated ██████████ 2020. The correspondence confirmed that in ██████████ 2020 the ██████████ Court approved DCF six months of protective supervision of the Child under the care of the LLR. Furthermore, to the knowledge of DCF the Child had been residing with the LLR as of ██████████ 2019. (Exhibit 7: DCF Correspondence, ██████████ 2020)

13. On ██████████ 2021, the Department removed the Child from the Defendant's EDG under the SNAP. The Department issued the Defendant a NOA advising that benefits under the SNAP decreased from \$1,114.00 for ██████████ 2021 (based on an EDG comprised of six individuals) to \$929.00 effective ██████████ 2021 (based on an EDG comprised of five individuals) as the Child was no longer residing in the home. (Exhibit 4: NOA, ██████████ 2021)

14. On [REDACTED] 2021, the Department reviewed the aforementioned documents received on [REDACTED] 2022. The Department emailed the DCF Social Worker to obtain the exact date that the Child was removed from the Defendant's residence. (Exhibit 14: Email Correspondence, [REDACTED]/2021, Hearing Summary, Department's Testimony)
15. On [REDACTED] 2021, the DCF Social Worker provided the following response, "We don't have an exact date because it was arranged through a family arrangement with the parents." (Exhibit 14: Email Correspondence dated [REDACTED] 2021, Hearing Summary, Department's Testimony)
16. On [REDACTED], 2021, the Department contacted the LLR by phone to discuss the whereabouts of the Child. The LLR could not recall the exact date that the Child had moved into his residence. However, the LLR estimated that the child had moved into his residence one or two weeks prior to [REDACTED] 2019. (Hearing Summary, Department's Testimony)
17. The Department determined that the Defendant made false statements concerning the composition of her household at the time of recertification; specifically, on the ONRE (signed on [REDACTED], 2019), and again during the TI (conducted on [REDACTED] 2020), as the Child had already moved out of her residence before [REDACTED] 2019. (Hearing Summary, Department's Testimony)
18. The Department determined that the Defendant was entitled to benefits under the SNAP in the total amount of \$9,472 for the period of [REDACTED] 2020 through [REDACTED] 2021 based on an EDG comprised of only five individuals:

Month	SNAP Amount
[REDACTED] 2020	\$768
[REDACTED] 2020	\$768
[REDACTED] 2020	\$768
[REDACTED] 2020	\$768
[REDACTED] 2020	\$768
[REDACTED] 2020	\$746
[REDACTED] 2020	\$768
[REDACTED] 2020	\$768
[REDACTED] 2020	\$807
[REDACTED] 2020	\$807
[REDACTED] 2020	\$807
[REDACTED] 2020	\$807
[REDACTED] 2021	\$929
Total	\$9,472

(Exhibit 20: Revised SNAP Computation Sheets ("W-1216"): [REDACTED], Hearing Record)

19. The Department determined that the Defendant committed an IPV under the SNAP because the Defendant failed to report that the Child did not live with her at the time of recertification. (Hearing Summary, Department's Testimony)
20. 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. requesting that the Defendant contact the Department. 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)
21. The Department received return mail ("RPO") from the USPS that was issued to the Defendant. The Department subsequently confirmed the Defendant's address and issued the Defendant a second W-1448 scheduling the Defendant for an in-person appointment at the [REDACTED] Regional office located at [REDACTED] [REDACTED] on [REDACTED], 2022, at [REDACTED] a.m. 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 \$1,581.40 more than you should have in Food Stamp benefits. This happened because you didn't report [REDACTED] out of home. We are pursuing overpayments between [REDACTED]/2020-[REDACTED]2021." The Department also issued a second W-1449 advising the Defendant of the Department's proposal to disqualify her from the SNAP and the Administrative Disqualification Hearing Process. (Exhibit 9A: W-1449, Exhibit 9B: W-1448, [REDACTED]/2022)
22. 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)
23. On [REDACTED] [REDACTED] 2022, the OLCRAH conducted an Administrative Disqualification Hearing. (Hearing Record)
24. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of twelve (12) months due to an IPV as the Defendant failed to inform the Department the child no longer resided in the home at recertification. This would be the Defendant's first IPV disqualification under the SNAP in the U.S. (Exhibit 3: Electronic Disqualification Recipient System ("eDRS"), [REDACTED]/2021, Hearing Summary, Department's Testimony)
25. On [REDACTED] 2022, the Department issued a revised Report of Suspected Intentional Program Violation Overpayment ("W-262CF") reflecting the modified alleged OP amount of \$366.00 with the beginning date of [REDACTED] 2020 and the shortened end date of [REDACTED] 2021. (Exhibit 21: Revised W262CF)

26. The Defendant is not the payee of [REDACTED] benefits. (Exhibit 16: SOLQ – I Results Details)

27. The Connecticut Child Support Enforcement System (“CCSES”) reflects that the Defendant received the following [REDACTED] child support disbursement payments:

Disbursement Dates:	Disbursement Amounts for Dariel Gomez:	Disbursement Amounts for Natalie Gomez:	Disbursement Amounts for Alexander Gomez:	Total Monthly Disbursement:
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	\$565.56
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	\$565.56
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	\$565.56
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	\$565.56
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	\$848.34
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	\$565.56
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	\$565.56
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED] 2020	\$94.26	\$94.26	\$94.26	\$565.56
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	\$775.11
[REDACTED]/2020	\$94.26	\$94.26	\$94.26	
[REDACTED]/2020	\$69.85	\$69.85	\$69.85	
[REDACTED]/2021	\$24.42	\$24.42	\$24.42	\$638.82
[REDACTED]/2021	\$94.26	\$94.26	\$94.26	
[REDACTED]/2021	\$94.26	\$94.26	\$94.26	

(Exhibit 17: CCSES [REDACTED] CCSES - [REDACTED], CCSES – [REDACTED])

28. The Department is not seeking recoupment of the emergency benefits issued under the SNAP. (Department’s Testimony)

29. 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)
30. 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 a copy of the ADH packet, and it was delivered on [REDACTED] 2022. Thus, this decision is due no later than [REDACTED] 2023, 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 confirms 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.

4. 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.
5. 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)).
6. 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.
7. 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.

8. 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.

9. 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.
10. 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 against 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.
11. 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.

12. 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.

13. 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.

14. 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 Hearing Record established clear and convincing evidence to support that the Defendant intentionally violated the SNAP regulations and Departmental policy by misrepresenting her household composition in writing on the renewal form and during the telephone interview.

15. 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.

16. 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.
17. 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.
18. 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.
19. 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 dd 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 initially computed the SNAP OP to be \$1,581.40 for the period of [REDACTED] 2020 through [REDACTED] 2021.

Following the hearing proceedings, the Department determined that the Defendant was not the payee for the Child's SSI and removed it as countable unearned income from the revised SNAP Computation Sheets ("W-1216").

The Department correctly determined that the Defendant continued to receive court-ordered child support for the Child despite his removal from her residence. The Department correctly determined that the court-ordered child support income that the Defendant received for the [REDACTED] [REDACTED] to be countable income towards the SNAP.

The Department subsequently modified the proposed SNAP OP to be \$366.00 for the period of [REDACTED] 2020 through [REDACTED] 2021. The Department provided an amended W-262CF overpayment notice reducing the alleged SNAP OP from \$1,581.40 from [REDACTED] 2020 through [REDACTED] 2021 to \$366.00 from [REDACTED] through [REDACTED] 2021.

The Hearing Record confirms that the Defendant was issued, entitled to, and overpaid benefits under the SNAP as follows:

Month	Paid	Entitlement	Overpayment
[REDACTED] 2020	\$790	\$768	\$22
[REDACTED] 2020	\$790	\$768	\$22
[REDACTED] 2020	\$790	\$768	\$22
[REDACTED] 2020	\$790	\$768	\$22
[REDACTED] 2020	\$790	\$768	\$22
[REDACTED] 2020	\$790	\$746	\$44
[REDACTED] 2020	\$790	\$768	\$22
[REDACTED] 2020	\$790	\$768	\$22
[REDACTED] 2020	\$844	\$807	\$37
[REDACTED] 2020	\$844	\$807	\$37
[REDACTED] 2020	\$844	\$807	\$37
[REDACTED] 2021	*\$844	*\$929	*\$0

*The evidence confirms that the Department incorrectly determined a SNAP OP to exist for the month of [REDACTED] 2021. Thus, the total proposed OP under the SNAP is also invalid.

The evidence and testimony confirm that the Department correctly determined OP under the SNAP to exist for the months of [REDACTED] 2020 through [REDACTED] 2020. Furthermore, I find that the Department correctly calculated the OP amounts under the SNAP for the respective months.

The Defendant received benefits under the SNAP totaling \$8,852.00 for the period of [REDACTED] 2020 through [REDACTED] 2020. However, the Defendant was only entitled to benefits under the SNAP totaling \$8,543.00 for the period of [REDACTED] 2020 through [REDACTED] 2020 (see above chart).

Benefit Period of [REDACTED] 2020 [REDACTED] 2020:

SNAP Issued: \$8,852.00

SNAP Entitlement: - \$8,543.00

Total SNAP OP: = \$309.00

The testimony and evidence support that the Department correctly determined that the Defendant was overpaid benefits under the SNAP. However, I find the alleged period of the OP under the SNAP and the proposed amount to be invalid.

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 incorrectly determined the SNAP overpayment claim ended effective [REDACTED] 2021. An overpayment does not exist for the month of [REDACTED] 2021. The Department miscalculated the revised total amount as \$366.00. The correct amount of the OP is \$309.00.

ORDER

1. The Department must remove the proposed SNAP overpayment for [REDACTED] 2021.
2. The Department's request to recover overpayments under the SNAP totaling \$309.00 for the period of [REDACTED] 2020 through [REDACTED] 2020 is granted.
3. Compliance 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
Shannon Hales-Eaton, DSS Investigator, RO 10
Megan Monroe, DSS Investigator, RO 10

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.