

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

██████████
Signature Confirmation

Case ID # ██████████
Client ID # ██████████
Request # 207032

ADMINISTRATIVE DISQUALIFICATION HEARING

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

The Department of Social Services (the "Department") requested an Administrative Disqualification Hearing ("ADH") to seek the disqualification of ██████████ (the "Defendant") from participating in the Supplemental Nutritional Assistance Program ("SNAP") for a period of 12 months. The Department alleges that the Defendant committed an Intentional Program Violation ("IPV") because of the Defendant's failure to report earned income in the household. This is the Defendant's first IPV offense in the SNAP program.

On ██████████ ██████████, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") notified the Defendant of the initiation of the ADH process via United States Postal Service ("USPS") certified mail delivery. The notification outlined a Defendant's rights in these proceedings. The Defendant accepted delivery of the ADH notice on ██████████.

On ██████████, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Disqualification Hearing. The Defendant was not present at the hearing.

The following individuals were present at the hearing:

Christopher Pinto, Department's Representative
Shawn Hardy, Hearing Officer

STATEMENT OF THE ISSUE

The issue is whether the Defendant committed an IPV of the SNAP program and the Department is correctly disqualifying her from SNAP benefits for 12 months.

FINDINGS OF FACT

1. The Defendant is the Head of Household and received benefits under the SNAP program for the household of three, herself and her two children. The Defendant [REDACTED] age [REDACTED] ([REDACTED]), daughter, [REDACTED] [REDACTED] ([REDACTED]) and son [REDACTED] age [REDACTED], [REDACTED]). (Hearing Record)
2. The Defendant resides at [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. (Department's Summary, Exhibit 3: (W-1ER) Notice of Renewal of Eligibility dated [REDACTED], Exhibit 6: Notice of Renewal of Eligibility dated [REDACTED])
3. On [REDACTED], the Defendant submitted (W-1ER) for SNAP benefits. The Defendant indicated her daughter is employed by [REDACTED] [REDACTED] (Exhibit 3)
4. The Defendant's adult daughter, [REDACTED], signed the [REDACTED], W-1ER Notice of Renewal of Eligibility. (Exhibit 3)
5. On [REDACTED], the Defendant contacted the Department stating her daughter is not employed by [REDACTED]. The Defendant was informed to provide a last day work letter (LDW). The Defendant said she understood. (Hearing Summary, Exhibit 2: Case note [REDACTED])
6. On [REDACTED], the Defendant submitted the "LDW". The "LDW" is signed by [REDACTED]", the Director. The contact phone number on the letter belongs to the Defendant. The Department questioned the Defendant regarding why her phone number is listed as the contact number. The Defendant said she made a mistake. The Defendant was told it was fraud to knowingly submit falsified documents. (Hearing Summary, Exhibit 2: Case note 1 [REDACTED] Exhibit 8: Fraudulent letter from [REDACTED], [REDACTED])

7. The Worknumber shows the Defendant's daughter with active employment with [REDACTED]. (Hearing Summary)
8. On [REDACTED], a FRED referral was completed. (Hearing Summary, Exhibit 1: Report of Suspected Intentional Program Violation Overpayment. (W-262CF))
9. On [REDACTED], the Department placed a call to [REDACTED] to determine the legitimacy of the employment letter. The Department spoke with [REDACTED], the Director of Staffing. The director informed the Department that she did not write the letter for the Defendant's daughter. (Hearing Summary)
10. On [REDACTED], the Department received an email from the Director of Staffing [REDACTED] stating neither she nor her employees wrote the letter. (Hearing Summary, Exhibit 5: Email from Director of Staffing [REDACTED])
11. On [REDACTED] the Department sent the Defendant a W-1449, Waiver of Disqualification Hearing SNAP Program. The Waiver stated the Department believes the Defendant broke the rules of the SNAP program on purpose, and that the Defendant may be disqualified from the program for one year due to this intentional program violation. The form states by signing the waiver the Defendant gives up her right to an administrative disqualification hearing. (Exhibit 4: DSS, Waiver of Disqualification, SNAP Program)
12. The Defendant did not attend the pre-hearing interview and did not sign the Waiver of Disqualification Hearing. (Hearing Record)
13. On [REDACTED], the Defendant and daughter completed and signed a W-1ER "Notice of Renewal of Eligibility" for her SNAP benefits. Under Certifications and Signatures "I understand I can be criminally or civilly prosecuted under state or federal law if I knowingly give incorrect information or fail to report something I should report." [REDACTED]. (Hearing Summary, Exhibit 3)
14. The Defendant has had no prior Intentional Program Violations. (Hearing Record, Exhibit 1)
15. 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 the Department issue a decision within 90 days of the initiation of the ADH process. On [REDACTED], the OLCRAH mailed the Defendant notification of the initiation of the ADH process. This decision is due no later than [REDACTED].

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program.
2. Section 17b-88 of the Connecticut General Statutes 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. 7 C.F.R. § 273.16(a)(1)(2)(3) provides as follows:

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.

Each State agency shall establish a system for conducting administrative disqualifications for intentional Program violation which conforms with the procedures outlined in paragraph (e) of this section. FNS shall exempt any State agency from the requirement to establish an administrative disqualification system if the State agency has already entered into an agreement, pursuant to paragraph (g)(1) of this section, with the State's Attorney General's Office or, where necessary, with county prosecutors. FNS shall also exempt any State agency from

the requirement to establish an administrative disqualification system if there is a State law that requires the referral of such cases for prosecution and if the State agency demonstrates to FNS that it is actually referring cases for prosecution and that prosecutors are following up on the State agency's referrals. FNS may require a State agency to establish an administrative disqualification system if it determines that the State agency is not promptly or actively pursuing suspected intentional Program violation claims through the courts.

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

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

5. 7 C.F.R. § 273.16(c)(1)(2) provides as follows:

“Definition of intentional Program violation. Intentional Program violations shall consist of having intentionally: (1) Made a false or misleading statement, or misrepresented, concealed, or withheld facts.” (2) Committed any act that constitutes a violation of SNAP, SNAP regulations, or any State statute for the

purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking of SNAP benefits or EBT cards

The Defendant knowingly submitted a fraudulent Last Day Work letter from [REDACTED] to the Department on [REDACTED].

6. 7 CFR 273.16(e)(6) provides as follows: “Criteria for determining intentional Program violation. 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.”

The Department established with clear and convincing evidence that the Defendant intended to commit an Intentional Program Violation by submitting a fraudulent Last Day Work letter from [REDACTED].

7. 7 C.F.R. 273.2(a)(7)(i) provides as follows:
Signing an application or reapplication form. In this paragraph, the word “form” refers to applications and reapplications.
- (i) Requirement for a signature. A form must be signed to establish a filing date and to determine the State agency's deadline for acting on the form. The State agency shall not certify a household without a signed form.

8. 7 C.F.R. § 273.2(c)(7)(iv)(A) provides as follows:

Who may sign the form. (A) An adult member of the household.

The Department correctly determined that the W-1ER Notice of Renewal of Eligibility signed by the Defendant's daughter, [REDACTED], is valid as she is considered an adult member of the household.

9. 7 C.F.R § 273.16(b)(1)(i) provides 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;

The fraudulent Last Day Work letter from [REDACTED] submitted by the Defendant constitutes as a first offense IPV.

The Department is correct to seek the disqualification of the Defendant from the SNAP program for a period of twelve months.

DECISION

1. The Defendant is **GUILTY** of committing a first intentional program violation in the SNAP program.
2. The Department's appeal to disqualify the Defendant from SNAP and impose the SNAP penalty for twelve months is granted.

Shawn P. Hardy

Shawn P. Hardy
Hearing Officer

Cc: OLCRAH.QA.DSS@ct.gov✉

Josephine Savastra DSS Operation Manager, RO #10 Hartford
Mathew Kalarickal, DSS Operation Manager, RO #10 Hartford
Lindsey Collins, DSS Operation Manager, RO #10 Hartford
Christopher Pinto, Investigator, RO #10 Hartford

RIGHT TO APPEAL

The defendant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106, or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105-3725. A copy of the petition must also be served on all parties to the hearing.

The 45-day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than 90 days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or her designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the defendant resides.