

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

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

████████████████████  
████████████████████  
Request #: 207788

**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████, the Department of Social Services (the “Department”) sent ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying the replacement of electronic benefits under the Supplemental Nutritional Assistance Program (“SNAP”).

On ██████████ 2022, the Appellant requested an administrative hearing to contest the Department’s decision to deny the replacement of purported stolen SNAP benefits from his Electronic Benefit Transfer (“EBT”) account.

On ██████████, 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████, 2023.

On ██████████ 2023, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing.

The following individuals were present at the hearing:

██████████, Appellant  
██████████, Appellant’s Social Worker  
Andrew Davis, Department’s Representative  
Amy MacDonough, Fair Hearing Officer

## STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's request for replacement of stolen SNAP benefits.

## FINDINGS OF FACT

1. On [REDACTED] 2020, the Department issued an EBT card ending in [REDACTED] to the Appellant. (*Department's Testimony*)
2. On [REDACTED] 2022, at [REDACTED] am, someone used the Appellant's EBT card ending in [REDACTED] to make a \$37.94 purchase at [REDACTED], [REDACTED], [REDACTED]. (*Department's Testimony; Exhibit 1: EBT Transaction History; Exhibit 3: Notice of the Client Initiated EBT Supplemental Nutrition Assistance Program (SNAP) Account Adjustment Request*)
3. On [REDACTED] 2022, at [REDACTED] am, someone used the Appellant's EBT card ending in [REDACTED] to make a \$79.12 purchase at [REDACTED], [REDACTED], [REDACTED]. (*Department's Testimony; Exhibit 1; Exhibit 3*)
4. On [REDACTED] 2022, at [REDACTED] am, someone used the Appellant's EBT card ending in [REDACTED] to make a second \$79.12 purchase at [REDACTED], [REDACTED], [REDACTED]. (*Department's Testimony; Exhibit 1; Exhibit 3*)
5. On [REDACTED] 2022, at [REDACTED] am, someone used the Appellant's EBT card ending in [REDACTED] to make a \$50.00 purchase at [REDACTED], [REDACTED], [REDACTED]. (*Department's Testimony; Exhibit 1; Exhibit 3*)
6. On [REDACTED] 2022, at [REDACTED] am, someone used the Appellant's EBT card ending in [REDACTED] to make a \$39.00 purchase at [REDACTED], [REDACTED], [REDACTED]. (*Department's Testimony; Exhibit 1; Exhibit 3*)
7. On [REDACTED] 2022, at [REDACTED] am, the Appellant reported his SNAP benefits as stolen. (*Department's Testimony; Appellant's Testimony; Exhibit 1*)
8. The Appellant did not share his EBT card number or his Personal Identification Number ("PIN") with anyone else and does not have an authorized shopper for his EBT card. (*Appellant's Testimony*)
9. The Appellant did not file a police report to report his SNAP benefits as stolen. (*Appellant's Testimony*)

10. There were no unauthorized transactions from the EBT card ending in [REDACTED] after the Appellant reported it as stolen. (*Department's Testimony; Exhibit 1*)
11. On [REDACTED], 2022, the Department issued the Appellant a notice which listed the transactions in question and denying his request for replacement of SNAP benefits because benefits can only be replaced if there is proof of a system error that occurred that has unjustly debited the account. (*Department's Testimony; Exhibit 3*)
12. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R.") 273.15(c)(1) which provides that the agency shall issue a decision within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED], 2022; therefore, this decision is due no later than [REDACTED], 2023.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of 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.
  2. 7 C.F.R. § 274.1(a) provides for basic issuance requirements and states state agencies shall establish issuance and accountability systems which ensure that only certified eligible households receive benefits; that Program benefits are timely distributed in the correct amounts; and that benefit issuance and reconciliation activities are properly conducted and accurately reported to FNS. (b) provides for system classification and states state agencies may issue benefits to household through any of the following systems: (1) An on-line Electronic Benefit Transfer (EBT) system in which Program benefits are stored in a central computer database and electronically accessed by households at the point of sale via reusable plastic cards. (2) An off-line EBT system in which benefit allotments can be stored on a card or in a card access devise and used to purchase authorized items at a point-of-sale (POS) terminal without real-time authorization from a central processor.
- 7 C.F.R. § 274.2(f) provides for EBT cards and Personal Identification Number (PINs). (1) State agencies which issue EBT cards by mail shall, at a minimum, use first class mail and sturdy non forwarding envelopes or packages to send EBT cards to households. (2) The State agency shall permit SNAP households to select their PIN. (i) PIN assignment procedures shall be permitted in accordance with industry standards as long as PIN selection is available to clients if they so desire and clients are informed of this option. (ii) If assigning a PIN by main In conjunction with card issuance,

State agencies shall mail the PIN separate from the card one business day after the card is mailed.

**The Department correctly determined the Appellant's SNAP benefits as paid and accessed by means of state issued EBT card.**

3. 7 C.F.R. § 273.17(a)(1) provides that 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. Furthermore, unless there is a statement elsewhere in the regulations that a household is entitled to lost benefits for a longer period, benefits shall be restored for not more than twelve months prior to whichever of the following occurred first: (i) The date the State agency receives a request for restoration from a household; or (ii) The date the State agency is notified or otherwise discovers that a loss to a household has occurred.

7 C.F.R. § 274.2(g)(2) provides a State agency shall make adjustments to an account to correct an auditable, out-of-balance settlement condition that occurs during the redemption process as a result of a system error. A system error is defined as an error resulting from a malfunction at any point in the redemption process: from the system host computer, to the switch, to the third party processors, to a store's host computer or POS device. These adjustments may occur after the availability date and may result in either a debit or credit to the household.

**The Department determined the Appellant's SNAP benefits were correctly deposited into his EBT account and were not lost because of Departmental error or malfunction of the EBT system.**

4. 7 C.F.R. § 274.6(b)(2) provides that an immediate hold shall be placed on accounts at the time notice is received from a household regarding the need for card or PIN replacement. The State agency shall implement a reporting system which is continually operative. Once a household reports that their EBT card has been lost or stolen, the State agency shall assume liability for benefits subsequently drawn from the account and replace any lost or stolen benefits to the household. The State agency or its agent shall maintain a record showing the date and time of all reports by households that their card is lost or stolen.

**The Department correctly placed an immediate hold on the Appellant's EBT card ending in [REDACTED] on [REDACTED] 2022; the day he reported the fraudulent transactions.**

The Department correctly determined it could not treat the Appellant's EBT issued SNAP benefits as stolen because someone used said benefits prior to the Appellant reporting the card as stolen and requesting a replacement card and deactivation of the stolen EBT card.

The Department correctly denied the Appellant's request for replacement of his SNAP benefits.

**DECISION**

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

*Amy MacDonough*  
Amy MacDonough  
Fair Hearing Officer

CC: Andrew Davis, Division of Financial Services, DSS, Central Office

### **RIGHT TO REQUEST RECONSIDERATION**

The appellant 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 appellant 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 Administrative Hearings and Appeals, 55 Farmington Avenue Hartford, CT 06105.

### **RIGHT TO APPEAL**

The appellant 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 the Commissioner's 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 appellant resides.