

TATE 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

[REDACTED]
[REDACTED]
Request 209942

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

On [REDACTED] 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received a request for an Administrative Disqualification Hearing (“ADH”) seeking the disqualification of [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 trafficking (exchange of benefits) under the SNAP. The Department also seeks to recover benefits under the SNAP in the amount of \$117.94 for transactions made during the period of [REDACTED] 2022, through [REDACTED] 2022.

On [REDACTED] 2023, 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 to the residential address of [REDACTED] [REDACTED] informing the Defendant that the Department scheduled of an Administrative Disqualification Hearing for [REDACTED] 2023. 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] 2023, the ADH packet was delivered and signed for by the Defendant.

On [REDACTED] 2023, 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] 2023, and she did not provide good cause for not attending the ADH.

PRESENT AT THE HEARING

Dominic Laird, Department Representative
Jessica Gulianello, Hearing Officer

The hearing record remained open until [REDACTED] 2023, to allow the Department time to submit additional information. Additional documents were received from the Department and the hearing record was 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.

The secondary issue to be decided is whether the Department’s proposal for recoupment of a SNAP overpayment (“OP”) in the amount of \$117.94, for an alleged program violation of trafficking (exchange of benefits) for transactions made during the period of [REDACTED] 2022, through [REDACTED] 2022, is correct.

FINDINGS OF FACT

1. The Eligibility Determination Group (“EDG”) comprised of three (3) individuals: the Defendant (DOB: [REDACTED]), and her two [REDACTED] children, [REDACTED] (DOB: [REDACTED]), and [REDACTED] (DOB [REDACTED]) were determined to be eligible for benefits under the SNAP for the certification period of [REDACTED] 2021, through [REDACTED] 2022. (*Exhibit 23: NOAs - dates: [REDACTED]/2021, [REDACTED]2021, [REDACTED]/2021*).
2. On [REDACTED] 2021, the Defendant requested a new EBT card. A new EBT card was issued, and the reported reason for the re-issuance was documented as lost. (*Exhibit 2: Card Replacement, case # [REDACTED]*)

3. On [REDACTED] 2021, the Defendant requested a new EBT card. A new EBT card was issued, and the reported reason for the re-issuance was documented as lost. (*Exhibit 2: Card Replacement, case # [REDACTED]*)
4. On [REDACTED] 2021, the Department issued the Defendant a Notice of Excessive EBT Card Replacement (“W-3006”) with the following statements:

“Our records show that as of the date of this notice, the household has requested 4 EBT replacement cards in the past twelve months. This is a much greater number of replacement cards than normal. As a result, the Department (DSS) will be watching your EBT transactions on your case closely.”

“Please remember DSS considers it misuse or trafficking of your SNAP benefits if you use your EBT card to: receive cash in exchange for SNAP benefits, purchase alcoholic beverages or tobacco products, purchase illegal drugs, purchase firearms or ammunition or explosives, purchase any non-food items with your SNAP benefits, trade or sell SNAP EBT benefits, use your SNAP benefits to pay on a credit/charge account regardless of the items that were purchased with the credit/charge card, allow a non-SNAP unit member to use the EBT card to buy groceries for themselves, use SNAP EBT benefits to purchase food that will not be consumed by the authorized intended SNAP limit, and purchase beverages in a deposit contained, dumping the contents and returning the container for money.”

“Your EBT card will last for years, you can use the same EBT card every month you receive SNAP benefits. You do not have to replace it unless you lose it or it is not working.”

“If the number of cards you order continues to increase, DSS will investigate to make sure there is no misuse or fraud. If you have any questions concerning this letter, please contact the Benefit Center at 1-855-626-6632”

(*Exhibit 23: W-3006, [REDACTED] 2021*)

5. On [REDACTED] 2021, the Defendant requested a new EBT card. A new EBT card was issued, and the reported reason for the re-issuance was documented as lost. (*Exhibit 2: Card Replacement, case # [REDACTED]*)
6. On [REDACTED] 2021, the Department issued the Defendant a W-3006 Notice of Excessive EBT Card Replacement advising her of the same statements as previously noted in the above Findings of Fact (“FOF”) # 2. (*Exhibit 23: W-3006, [REDACTED] 2021*)
7. On [REDACTED] 2021, the Defendant request a new EBT card. A new EBT card was issued, and the reported reason for the re-issuance was documented as lost. (*Exhibit 2: Card Replacement, case # [REDACTED]*)

8. On [REDACTED] 2021, the Department issued the Defendant a W-3006 Notice of Excessive EBT Card Replacement advising her of the same statements as previously noted in the above FOF # 2. (*Exhibit 23: NOA, [REDACTED] 2021*)
9. On [REDACTED] 2021, the Department issued the Defendant a Notice of Renewal of Eligibility (“W-1ERL”) with a Renewal Form (“W-1ER”) enclosed. The W-1ERL notice requested the Defendant return the enclosed W-1ER form completed by [REDACTED] 2022, to prevent an interruption in benefits under the SNAP. (*Exhibit 23: W-1ERL & W-1ER, [REDACTED] 2021*)
10. On [REDACTED] 2022, the Department issued the Defendant a NOA advising that the benefits under the SNAP were closed effective [REDACTED] 2022. The NOA cited the following reasons for the closure: “Renewal form not submitted”, “Renewal process not completed” “No household members are eligible for this program” and “Does not meet program requirements”. (*Exhibit 23: NOA, [REDACTED] 2022*)
11. On [REDACTED] 2022, the Defendant electronically submitted a renewal form at [REDACTED]. The online renewal (“ONRE”) was auto-marked as received on the next business day, [REDACTED] 2022. The Defendant requested continued benefits under the SNAP for herself and her two [REDACTED] children [REDACTED], and [REDACTED]. The Defendant did not request an accommodation, extra help, or disclose a disability on the ONRE. The Defendant did not designate a power of attorney, representative, helper, or authorized SNAP shopper on the ONRE. (*Exhibit 7: ONRE, [REDACTED] 2022*)
12. On [REDACTED] 2022, the Department completed the renewal of benefits under the SNAP and issued the Defendant a NOA advising that the EDG comprised of three individuals was determined to be eligible for benefits under the SNAP for the certification period of [REDACTED] 2022, through [REDACTED] 2023. (*Exhibit 23: NOA, [REDACTED] 2022*)
13. On [REDACTED] 2022, the Defendant contacted 211 (a free telephone number providing access to local community services) and requested a new EBT card. (*Exhibit 3: Case Notes – Details, [REDACTED] 2022*)
14. On [REDACTED] 2022, the Defendant was issued a new EBT card. The reported reason for the re-issuance was documented as lost. (*Exhibit 2: Card Replacement, case # 1 [REDACTED]*)
15. On [REDACTED] 2022, the Department issued the Defendant a W-3006 Notice of Excessive EBT Card Replacement advising of the same information as previously noted in the above FOF # 2. (*Exhibit 23: NOA, [REDACTED] 2022*)

16. On ██████████ 2022, the Defendant contacted 211 and requested a new EBT card. (*Exhibit 3: Case Notes – Details, ██████████ 2022*)
17. On ██████████ 2022, the Defendant was issued a new EBT card. The reported reason for re-issuance was documented as lost. (*Exhibit 2: Card Replacement, case # ██████████*)
18. On ██████████ 2022, the Department issued the Defendant a W-3006 Notice of Excessive EBT Card Replacement advising of the same information as previously noted in the above FOF # 2. (*Exhibit 23: NOA, ██████████ 2022*)
19. On ██████████ 2022, the Defendant contacted Conduent (a contracted agency for the Department). The Defendant reported that she had lost her EBT card the day prior and deactivated it; however, she wanted to reactivate it. (*Exhibit 3: Case Notes – Details, ██████████ 2022*)
20. On ██████████ 2022, the Defendant was issued a new EBT card. The reported reason for the re-issuance was documented as lost. (*Exhibit 2: Card Replacement, Case # ██████████*)
21. On ██████████ 2022, the Department issued the Defendant a W-3006 Notice of Excessive EBT Card Replacement advising of the same information as previously noted in the above FOF # 2. (*Exhibit 23: NOA, ██████████ 2022*)
22. On ██████████ 2022, an eligibility worker for the Department sent an electronic referral via the online eligibility management system (“ImpaCT”) to the Investigations Unit. The referral narrative stated, “April multiple EBT card replacement report”. The referral was assigned to Dominic Laird (Department’s “Investigator”). (*Exhibit 1: ImpaCT Investigations Referral, ██████████ 2022*)
23. On ██████████ 2022, the Defendant contacted 211 and requested a new EBT card. (*Exhibit 3: Case Notes – Details, ██████████ 2022*)
24. On ██████████ 2022, the Defendant was issued a new EBT card. The reported reason for the re-issuance was documented as lost. (*Exhibit 2: Card Replacement, case # ██████████*)
25. On ██████████ 2022, the Defendant contacted the Department and requested a new EBT card. (*Exhibit 3: Case Notes – Details, ██████████ 2022*)

26. On [REDACTED] 2022, the Department issued the Defendant a new EBT card. The Department documented the re-issuance reason as lost. (*Exhibit 2: Card Replacement, case # [REDACTED]*)
27. On [REDACTED] 2022, the Defendant contacted 211 and requested a new EBT card. (*Exhibit 3: Case Notes – Details, [REDACTED]/2022*)
28. On [REDACTED] 2022, the Defendant was issued a new EBT card. The reported reason for the re-issuance was documented as lost. (*Exhibit 2: Card Replacement, case # [REDACTED]*)
29. On [REDACTED] 2022, the Investigator reviewed the Defendant’s EBT card replacement history in ImpaCT and determined the number of new EBT cards that she had requested to be excessive and suspicious. (*Hearing Summary, Department’s Testimony*)
30. On [REDACTED] 2022, the Department’s Investigator reviewed the Defendant’s recent invalid EBT pin number entries and determined the frequency of the invalid EBT pin number entries to also be suspicious.

Defendant’s Invalid PIN Entry		
Transaction Date/Time		
[REDACTED]	2022	[REDACTED] PM
[REDACTED]	2022	[REDACTED] PM
[REDACTED]	2022	[REDACTED] PM
[REDACTED]	2022	[REDACTED] PM
[REDACTED]	2022	[REDACTED] AM
[REDACTED]	2022	[REDACTED] AM
[REDACTED]	2022	[REDACTED] PM
[REDACTED]	2022	[REDACTED] PM

(*Exhibit 8: Transaction Report - Defendant, Hearing Summary, Department’s Testimony*)

31. On [REDACTED] 2022, a subpoena was issued by the Department requesting footage, receipts, and loyalty/membership card information related to suspicious transactions on the Defendant’s EBT card was delivered to [REDACTED]. (*Exhibit 25: Email from Investigator, Hearing Summary, Department’s Testimony*)
32. On [REDACTED] 2022, subpoenas as issued by the Department requesting footage, receipts, and loyalty/membership card information related to suspicious transactions on the Defendant’s EBT card were delivered to [REDACTED] and

██████████. (Exhibit 25: Email 25: Email from Investigator, Hearing Summary, Department's Testimony)

33. On ██████████ 2022, the Department received the following from ██████████ in response to the subpoena:

a). Electronic Journal transaction receipt dated ██████████ 2022:

Purchase Total: \$119.93
EBT SNAP Purchase \$67.92 ██████████ ██████████ Declined – Reason 55: PIN ERROR
EBT SNAP Purchase \$67.92 ██████████ ██████████ Approved
Cash Tend: \$53.00
Change Due: \$0.99

b). Four still-shot photographs dated ██████████ 2022:

Time	Location:
██████████	Register
██████████	Entrance
██████████	Entrance
██████████	Parking Lot

(Exhibit 12: ██████████ Subpoena Results, Exhibit 25: Subpoena Results ██████████ 2022, Hearing Summary, Department's Testimony)

34. On ██████████ 2022, the Defendant contacted 211 and requested a new EBT card. (Exhibit 3: Case Notes – Details, ██████████ 2022)

35. On ██████████ 2022, the Defendant was issued a new EBT card. The reported reason for the re-issuance was reported as lost. (Exhibit 2: Card Replacement, case # ██████████)

36. On ██████████ 2022, the Department received the following receipts from ██████████
██████████ (“██████████”) in response to the subpoena:

Date/Time:	Total	EBT/SNAP Transaction	Loyalty Card	EBT SNAP Card #
██████ 2022 ██████	\$56.94	\$34.99	██████████	██████████
██████ 2022 ██████	\$22.38	\$14.39	██████████	██████████
██████ 2022 1 ██████	\$289.06	\$289.06	██████████	██████████
██████ 2022 ██████	\$181.12	\$181.12	██████████	██████████

The store bonus/loyalty card number ██████████ was issued to ██████████. ██████████ is not a member of the Defendant's SNAP EDG. The other two loyalty cards listed above are generic cards used in all ██████████ Stores. (Exhibit 10: ██████████ Subpoena Results, *Exhibit 25: Subpoena Results ██████████ 2022, Hearing Summary, Department's Testimony*)

37. On ██████████ 2022, the Department received the following from ██████████ in response to the subpoena:

a). Receipt Details:

Date/Time	EBT/SNAP Transaction	EBT SNAP Card #
██████ 2022 ██████	\$04.79	██████████
██████ 2022 ██████	\$09.58	██████████
██████ 2022 ██████	\$04.79	██████████
██████ 2022 ██████	\$15.27	██████████
██████ 2022 ██████	\$15.59	██████████

The above transactions all shared the same balance rewards number ██████████ issued to ██████████.

b). Ten still-shot photographs:

Date/Time	Location:
██████ 2022 ██████	Entrance Profile
██████ 2022 ██████	Register 1-2
██████ 2022 ██████	Entrance Profile
██████ 2022 ██████	Register 1
██████ 2022 ██████	Entrance Profile
██████ 2022 ██████	Photo
██████ 2022 ██████	Entrance Profile
██████ 2022 ██████	Register 1
██████ 2022 ██████	Entrance Profile
██████ 2022 ██████	Reg 1-2

(Exhibit 11: ██████████ Subpoena Results, *Exhibit 25: Subpoena Results ██████████ 2022, Hearing Summary, Department's Testimony*)

38. The Investigator conducted case searches in ImpaCT for ██████████ and ██████████. The Investigator discovered that ██████████ was a recipient

of benefits under the SNAP at the same residential address as the Defendant. The Investigator discovered that [REDACTED] was also a receipt of benefits under the SNAP; however, he reported a separate residential address from the Defendant to the Department. (Exhibit 4: Case - Search/Summary, Defendant, Exhibit 5: Case – Search/Summary, [REDACTED], Hearing Summary, Department’s Testimony)

39. The Investigator compared [REDACTED] EBT balance inquiries with the Defendant’s invalid EBT pin number entries and determined there is a correlation between [REDACTED] low EBT balances and the Defendant’s subsequent invalid EBT pin number entries.

EBT Balance Inquiries	Defendant’s Invalid EBT # Entries
Transaction Date/Time	
[REDACTED] 2022 \$0.97	[REDACTED] 2022 [REDACTED]
[REDACTED] 2022 \$0.00	[REDACTED] 2022 [REDACTED]
	[REDACTED] 2022 [REDACTED]
	[REDACTED] 2022 [REDACTED]
[REDACTED] 2022 \$0.00	[REDACTED] 2022 [REDACTED]
	[REDACTED] 2022 [REDACTED]
[REDACTED] 2022 \$0.00	[REDACTED] 2022 [REDACTED]

(Exhibit 8: Transaction Report – Defendant, Exhibit 9: Transaction Report: [REDACTED], [REDACTED], Hearing Summary, Department’s Testimony)

40. The Investigator positively matched the individual reflected in the still-shot photographs received from [REDACTED] and [REDACTED] to [REDACTED] Connecticut photo identification card (“ID”). (Exhibit 13: [REDACTED] ID, Hearing Summary, Department’s Testimony)

41. The Investigator conducted a Vehicle Search in ImpaCT using the interface that matches with the Department of Motor Vehicle (“DMV”) database. The DMV results reflected [REDACTED] as the owner of a [REDACTED], [REDACTED]. (Exhibit 16: Vehicle Search , Hearing Summary, Department’s Testimony)

42. The Investigator conducted a social media search for [REDACTED]. The Investigator located three separate Facebook profile pages linked [REDACTED] [REDACTED] entitled, [REDACTED] and [REDACTED]. The photographs, date of birth, and vehicle reflected on Facebook pages match [REDACTED] CT photo ID card and the individual and the vehicle reflected in the still-shot photographs received from [REDACTED] and [REDACTED]. (Exhibit 15: Social media Posts, Hearing Summary, Department’s Testimony)

43. On [REDACTED] 2022, the Investigator issued the Defendant a Notice of Prehearing Interview (“W-1448”) scheduling an appointment for [REDACTED] 2022, at [REDACTED]

██████████ to discuss the SNAP overpayment. The notice alleged that the Defendant broke the SNAP rules on purpose and stated, “There is an overpayment related to this situation. You received \$637.50 more than you should have in Food Stamp benefits. This happened because of SNAP benefit trafficking.” 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 18: W-1448, Exhibit 19: W-1449, Hearing Summary, Department’s Testimony*)

- 44. On ██████████ 2022, the Department issued the Defendant a W-1ERL notice and a W-1ER form requesting the Defendant return the enclosed W-1ER form completed by ██████████ 2023. (*Exhibit 23: NOA, ██████████ 2022*)
- 45. On ██████████ 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*)
- 46. On ██████████ 2022, the Defendant contacted the Department’s Benefit Center concerning the prehearing interview that had been scheduled with the Investigator on ██████████ 2022; however, the Defendant disconnected the call. (*Exhibit 3: Case Notes – Details, ██████████ 2022*)
- 47. The Defendant’s EBT transaction history under the SNAP for the period of ██████████ 2022, through ██████████ 2022, is as follows:

Date/Time:	Merchant/Transaction	Transaction Amount:
██████████/2022 ██████████	██████████	\$34.35
██████████/2022 ██████████	██████████	\$19.29
██████████/2022 ██████████	██████████	\$5.00
██████████/2022 ██████████	██████████	\$19.29
██████████/2022 ██████████	██████████	\$2.49
██████████/2022 ██████████	██████████	\$18.89
██████████/2022 ██████████	██████████	\$12.29
██████████/2022 ██████████	██	\$95.00
██████████/2022 ██████████	██████████	\$16.07
██████████/2022 ██████████	██████████	\$7.75
██████████/2022 ██████████	██████████	\$53.99
██████████/2022 ██████████	██████████	\$5.50
██████████/2022 ██████████	██████████	\$17.00
██████████/2022 ██████████	██	\$331.65
██████████/2022 ██████████	██████████	\$36.49

(Exhibit 8: EBT Transaction History)

48. The Investigator reviewed the evidence and concluded that the Defendant allowed [REDACTED], a non-member of her certified EDG under the SNAP; moreover, a resident at a separate residential address, to use her EBT card and EBT benefits under the SNAP to buy food for himself during the following transactions:

Merchant	Date/Time	SNAP EBT Amount
[REDACTED]	[REDACTED] 2022 [REDACTED]	\$67.92
[REDACTED]	[REDACTED] 2022 [REDACTED]	\$04.79
[REDACTED]	[REDACTED] 2022 [REDACTED]	\$09.58
[REDACTED]	[REDACTED] 2022 [REDACTED]	\$04.79
[REDACTED]	[REDACTED] 2022 [REDACTED]	\$15.27
[REDACTED]	[REDACTED] 2022 [REDACTED]	\$15.59

(Hearing Summary, Department's Testimony)

49. On [REDACTED] 2023, the Investigator subsequently reduced the alleged SNAP overpayment amount from \$637.50 to \$117.94. *(Exhibit 20: W-262CF: Report of Suspected Intentional Program and Violation Overpayment, Exhibit 21: ImpaCT Overpayment Details, Department's Testimony)*

50. On [REDACTED] 2023, the Department issued the Defendant a NOA advising that benefits under the SNAP were closed effective [REDACTED] 2023, citing the following reasons, "Renewal form was not completed", "Renewal process not completed", "No household members are eligible for this program" and "Does not meet program requirements". *(Exhibit 23: NOA, [REDACTED] 2023)*

51. On [REDACTED] 2023, the Department issued the Defendant a W-3006 Notice of Excessive EBT Card Replacement advising of the following:

"Our records show that as of the date of this notice, the household has requested 8 EBT replacement cards in the past twelve months. This is a much greater number of replacement cards than normal. As a result, the Department (DSS) will be watching your EBT transactions on your case closely."

The subsequent statements on the W-3006 Notice are identical to the statements as previously noted in the FOF # 2. *(Exhibit 23: W-3006, [REDACTED] 2023)*

52. 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 committed an IPV by trafficking by exchanging benefits) under the SNAP in the amount of \$117.94. This would be the Defendant's first IPV disqualification under the SNAP in the U.S. *(Exhibit 22: Electronic Disqualification Recipient System ("eDRS"), [REDACTED] 2022, Hearing Summary, Department's Testimony)*

53. 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*)
54. 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] 2023, the OLCRAH mailed the Defendant the ADH packet by certified mail. The ADH packet was received by the Defendant on [REDACTED] 2023. 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 the 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.

Title 7 C.F.R. § 273.16 (e) provides that the State agency shall conduct administrative disqualification hearings for individuals accused of an Intentional Program Violation ("IPV").

The Department has the authority to conduct Administrative Disqualification Hearings.

3. 7 C.F.R. § 273.16 (e)(3) provides for the advance notice of the hearing.

(i) The State agency shall provide written notice to the individual suspected of committing an intentional Program violation at least 30 days in advance of the date a disqualification hearing initiated by the State agency has been scheduled. If mailed, the notice shall be sent either first class mail or certified mail return receipt requested. The notice may also be provided by any other reliable method. If the notice is sent using first-class mail and is returned as undeliverable, the hearing may still be held.

(ii) If no proof of receipt is obtained, a timely (as defined in paragraph (e) (4) of this section) showing of nonreceipt by the individual due to circumstances specified by the State agency shall be considered good cause for not appearing at the hearing. Each state agency shall establish the circumstances in which non-receipt constitutes good cause for failure to appear. Such circumstances shall be consistent throughout the State agency.

(iii) The notice shall contain at a minimum: (A) The date, time, and place of the hearing; (B) The charge(s) against the individual; (C) A summary of the evidence, and how and where the evidence can be examined; (D) A warning that the decision will be based solely on the information provided by the State agency if the individual fails to appear at the hearing.

7 C.F.R. § 273.16(e)(4) provides for the scheduling of the hearing. The time and place of the hearing shall be arranged so that the hearing is accessible to the household member suspected of intentional Program violation. If the household member or its representative cannot be located or fails to appear at a hearing initiated by the State agency without good cause, the hearing shall be conducted without the household member being represented. Even though the household member is not represented, the hearing officer is required to carefully consider the evidence and determine if an intentional Program violation was committed based on clear and convincing evidence. If the household member is found to have committed an Intentional Program violation but a hearing official later determines that the household member or representative had good cause for not appearing, the previous decision shall no longer remain valid, and the State agency shall conduct a new hearing. The hearing officer who originally ruled on the case may conduct the new hearing. In instances where good cause for failure to appear is based upon a showing of nonreceipt of the hearing notice as specified in paragraph (e)(3)(ii) of this section, the household member has 30 days after the date of the written notice of the hearing decision to claim good cause for failure to appear. In all other instances, the household member has 10 days from the date of the scheduled hearing to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

The Department properly notified the Defendant of the ADH hearing on [REDACTED] 2023.

The Defendant was not present at the hearing, nor did she show good cause for failing to appear.

4. 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 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.

The Defendant’s case has not been referred for civil or criminal prosecution. The ADH was properly initiated by the Department.

5. 7 C.F.R. § 273.16(a)(3) provides that 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 individual 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.

The Defendant failed to sign and return the disqualification consent agreement.

6. 7 C.F.R § 273.2(n) provides: Authorized representative. Representatives may be authorized to act on behalf of a household in the application process, in obtaining SNAP benefits, and in using SNAP benefits.

7 C.F.R § 273.2(n)(1) provides: Application processing and reporting. The State agency shall inform applicants and prospective applicants that indicate that they may have difficulty completing the application process, that a nonhousehold member may be designated as the authorized representative for application processing purposes. The household member or the authorized representative may complete work registration forms for those household members required to register for work. The authorized representative designated for application processing purposes may also carry out household responsibilities during the certification period, such as reporting changes in the household's income or other household circumstances in accordance with §§ 273.12(a) and 273.21. Except for those situations in which a drug and alcohol treatment center or other group living arrangement acts as the authorized representative, the State agency must inform the household that the household will be held liable for any overissuance that results from erroneous information given by the authorized representative.

7 C.F.R § 273.2(n)(2) provides: Obtaining SNAP benefits. An authorized representative may be designated to obtain benefits. Even if the household is able to obtain benefits, it should be encouraged to name an authorized representative for obtaining benefits in case of illness or other circumstances which might result in an inability to obtain benefits. The name of the authorized representative must be recorded in the household's case record. The authorized representative for obtaining benefits may or may not be the same individual designated as an authorized representative for the application process or for meeting reporting requirements during the certification period.

7 C.F.R § 273.2(n)(3) provides: Using benefits. A household may allow any household member or nonmember to use its EBT card to purchase food or meals, if authorized, for the household. Drug or alcohol treatment centers and group living arrangements which act as authorized representatives for residents of the facilities must use SNAP benefits for food prepared and served to those residents participating in SNAP (except when residents leave the facility as provided in § 273.11(e) and (f)).

The Defendant did not appoint an authorized representative.

7. 7 C.F.R. § 273.16(c) defines IPV as follows: For purposes of determining through administrative disqualification hearings whether or not a person has committed an IPV, IPV's 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 relating to the use, presentation, transfer, acquisition, receipt, or possession of Food Stamp coupons, authorization cards or reusable documents used as part of an automated delivery system. (access device).

7 C.F.R. § 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, an Intentional Program Violation.

7 C.F.R. § 271.2 defines trafficking as the buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers, and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone; 2. The exchange of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of Title 21, United States Code, for SNAP benefits; 3. Purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount. 4. Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food. or 5. Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food. 6. Attempting to buy, sell, steal, or otherwise affect an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers, and personal identification numbers (PINs), or by manual voucher and signatures, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone.

The Department provided clear and convincing evidence demonstrating that the Defendant participated in trafficking (exchange of benefits) by allowing a non-member of her certified EDG under the SNAP and non-authorizer representative to use her EBT card and EBT benefits to buy ██████████ groceries.

7. 7 C.F.R. § 273.16 (e)(8)(i) provides that if the hearing authority rules that the individual has committed an intentional program violation, the household member

must be disqualified in accordance with the disqualification periods and procedure in paragraph (b) of this section. The same act of intentional Program violation repeated over a period must not be separated so that separate penalties can be imposed.

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

7 C.F.R. § 273.16 (b)(5) provides for disqualification penalties and states that individuals found to have committed an IPV shall be ineligible to participate in the program for a period of twelve months for the first IPV. except as provided under paragraphs (b)(2), (b)(3), (b)(4) and (b)(5) of this section.

The Department correctly seeks to disqualify the Defendant for a first IPV resulting in ineligibility of participation in the SNAP for a period of twelve (12) months.

8. 7 C.F.R. § 273.16 (b) (12) provides that even though the individual is disqualified, the household, as defined in § 273.1, is responsible for making restitution for the amount of any overpayment. All intentional Program violation claims must be established and collected in accordance with the procedures set form in § 273.18.

7 C.F.R. § 273.18 (a) provides claims against households. (a) General. (1) A recipient claim is an amount owed because of: (i) Benefits that are overpaid or (ii) Benefits that are trafficked. Trafficking is defined in 7 C.F.R. 271.2. (2) This claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency must establish and collect any claim by following these regulations. (3) As a State agency, you must develop a plan for establishing and collecting claims that provides orderly claims processing and results in claims collections similar to corrective action to correct any deficiencies in the plan. (4) The following are responsible for paying a claim. (i) Each person who was an adult member of the household when the overpayment or trafficking occurred; (ii) A person connected to the household, such as an authorized representative; who actually traffics or otherwise causes and overpayment of trafficking.

7 C.F.R. § 273.18 (c)(2)(iii) provides for calculating the claim amount. Trafficking related claims. Claims arising from trafficking-related offenses will be the value of the trafficked benefits as determined by the documentation that forms the basis for the trafficking determination

The Department correctly determined the Defendant committed an IPV of the SNAP and incurred a SNAP overpayment of \$117.94 due to trafficking violations. The Department is correct to seek recoupment of \$117.94 in SNAP benefits from the Defendant.

DISCUSSION

The Defendant did not appear for the prehearing interview, the Defendant did not contact the Investigator, and the Defendant did not attend the Administrative Disqualification Hearing to provide evidence to dispute the charges.

The Department properly informed the Defendant of her responsibilities under the SNAP including but not limited to not letting others use her card unless they are an authorized SNAP shopper as evidenced on the Rights and Responsibilities document enclosed with the Notice of Renewal of Eligibility issued on [REDACTED] 2021. The Defendant agreed to these responsibilities under the SNAP as evidenced by the online renewal form, she electronically signed on [REDACTED] 2022. Furthermore, the Defendant did not appoint an authorized representative and/or shopper on the renewal form.

Based on the hearing record, I find the Department established clear and convincing evidence to support the position that the Defendant is guilty of the proposed IPV of trafficking (exchange of benefits) by allowing [REDACTED], a non-member of the certified EDG under the SNAP, a non-resident of [REDACTED], and a non-authorized representative and/or authorized SNAP shopper to use her EBT card and EBT benefits to buy [REDACTED] groceries. The Department's position is further corroborated by the Defendant's excessive replacement lost EBT card requests, the Defendant's invalid pin entries that coincide with [REDACTED] low EBT card balances, the Defendant's EBT transaction history, merchant loyalty card information, and the still-shot photographs from [REDACTED] and [REDACTED] that positively match [REDACTED] CT photo ID and social media accounts.

DECISION

The Defendant is GUILTY of committing a first offense IPV in the SNAP. The Defendant is disqualified from the program for a period of one year and must make restitution of \$117.94, the amount of the IPV, subject to recovery.

Jessica Gulianello

Jessica Gulianello
Hearing Officer

CC: OLCRAH.QA.DSS@ct.gov
Dominic Laird, DSS Investigator, DO 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.