

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

██████████ 2023
Signature confirmation

Case: ██████████
Client: ██████████
Request: 212925

SNAP ADMINISTRATIVE DISQUALIFICATION HEARING

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

The State of Connecticut Department of Social Services (the “Department”) petitions the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) to conduct an administrative disqualification hearing to disqualify ██████████ (the “Defendant”) from participating in the Supplemental Nutrition Assistance Program (“SNAP” or “the Program”) for 10 years. The Department further seeks affirmation of its intent to recover \$2,007.00 from the Defendant in SNAP benefits.

On ██████████ 2023, the OLCRAH issued the Defendant a *Notice of Administrative Hearing* with the Department’s summary and exhibits by certified mail to his last known address. The mailing informed the Defendant that an administrative disqualification hearing would be conducted on ██████████ 2023 even should he fail to appear.

On ██████████ 2023, the Defendant signed for the ██████████ 2023 certified mailing.

On ██████████ 2023, the OLCRAH conducted the administrative disqualification hearing in accordance with Section 273.16 (e) of Title 7 of the Code of Federal Regulations (“C.F.R.”). The following individuals participated:

Salvatore Tordonato, Department Representative
Eva Tar, Hearing Officer

The hearing record closed [REDACTED] 2023.

STATEMENT OF ISSUE

The issue of this administrative disqualification hearing is whether the Department established that the Defendant had committed an intentional Program violation related to the receipt of concurrent SNAP assistance in two States, permitting the Department to disqualify him from participating in the Program for 10 years.

The Department also seeks affirmation of its intent to recover \$2,007.00 in SNAP benefits from the Defendant.

FINDINGS OF FACT

1. The Defendant's date of birth is [REDACTED]. (Exhibits 2)
2. On [REDACTED], 2023, the Defendant applied online for SNAP benefits with the State of Georgia, as a resident of a group home located at [REDACTED], Georgia. (Exhibit 6)
3. On the [REDACTED], 2023 Georgia SNAP application form, the Defendant listed his Social Security number as [REDACTED]. (Exhibit 6)
4. On [REDACTED] 2022, the Defendant applied online for SNAP benefits with the State of Connecticut, as a resident of [REDACTED], Connecticut. (Exhibit 2)
5. On the [REDACTED] 2022 Connecticut SNAP application form, the Defendant listed his Social Security number as [REDACTED]. (Exhibit 2)
6. On the [REDACTED], 2022 SNAP application, the Defendant answered "No" to the question "Previous Address: Have you lived anywhere [sic] in the past 60 months?" (Exhibit 2)
7. On the [REDACTED] 2022 SNAP application, the Defendant left blank the section for Past Benefits, which requested the Program, Amount, Begin Date, End Date, and State. (Exhibit 2)
8. On [REDACTED] 2022, the Department began issuing the Defendant monthly SNAP benefits, effective [REDACTED] 2022. (Exhibit 11)
9. On [REDACTED], 2022, the Defendant applied a second time online for SNAP benefits with Connecticut, as a resident of [REDACTED] Connecticut. (Exhibit 3)
10. On the [REDACTED], 2022 SNAP application, the Defendant left his Social Security number blank and reported living with his father at [REDACTED], Connecticut. (Exhibit 3)

11. On [REDACTED], 2022, a Department employee spoke with the Defendant by telephone. The Defendant confirmed his Social Security number as had been listed on the [REDACTED], 2022 SNAP application, confirmed his address as listed on the [REDACTED], 2022 SNAP application, and stated that the address reported on the [REDACTED], 2022 SNAP application contained a typo. (Exhibit 3)
12. On [REDACTED], 2022, a Department employee verified the Defendant's address as [REDACTED] Connecticut through a Department of Motor Vehicles inquiry. (Exhibit 3)
13. On [REDACTED] 2022, the Department received a PARIS Interstate alert from Georgia Department of Human Services that the Defendant, date of birth [REDACTED], Social Security number [REDACTED], was in current receipt of SNAP benefits in Georgia since [REDACTED] 2022. (Exhibit 1)
14. On [REDACTED] 2022, the Department Representative met with the Defendant outside [REDACTED], Connecticut to inquire about the Defendant's receipt of SNAP benefits from the Georgia. (Exhibit 1)
15. On [REDACTED] 2022, the Defendant stated to the Department Representative that his Georgia SNAP benefits had already ended. (Department Representative Testimony)
16. Subsequent to the [REDACTED] 2022 meeting with the Defendant, the Department Representative emailed the Georgia Department of Human Services the Defendant's address at [REDACTED], Connecticut and requested confirmation of any overlap in benefits and active case status for Georgia benefits. (Exhibit 4)
17. On [REDACTED], 2022, the Georgia Department of Human Services notified the Department that it would close the Defendant's SNAP benefits effective [REDACTED] 2022 and send a *Notice of Termination* to the Defendant's Connecticut address. The Georgia Department of Human Services confirmed its issuance of SNAP benefits to the Defendant from [REDACTED] 2022 through [REDACTED], 2022. (Exhibit 6)
18. On [REDACTED] 2023, the Department issued a *Notice of Prehearing Interview/Food Stamp Program* to the Defendant. Included with the document was a *Waiver of Disqualification Hearing/SNAP Program*. (Exhibits 9 and 10)
19. The Defendant did not sign and return to the Department the *Waiver of Disqualification Hearing/SNAP Program*. (Exhibit 10)
20. From [REDACTED] 2022 through [REDACTED] 2022, Georgia issued the Defendant \$1,493.00 in regular SNAP benefits as a resident of Georgia. (Exhibits 6, 7, and 14)
21. From [REDACTED] 2022 through [REDACTED] 2022, the Department issued the Defendant \$1,726.00 in regular SNAP benefits and \$687.00 in SNAP pandemic supplements as a resident of Connecticut. (Exhibit 11)

22. Connecticut is not pursuing recovery of the SNAP pandemic supplements. (Department Representative Testimony)
23. The States of Connecticut and Georgia have individual SNAP Electronic Benefits Transactions (“EBT”) cards that are not interchangeable and do not share a common SNAP balance.¹ (Department Representative Testimony)
24. The Defendant’s Georgia-issued SNAP EBT card was used to purchase food in Georgia from [REDACTED] 2022 through [REDACTED] 2022, and on [REDACTED] 2022. (Exhibit 14)
25. The Defendant’s Georgia-issued SNAP EBT card was used to purchase food in Connecticut from [REDACTED], 2022 through [REDACTED] 2022, and from [REDACTED] 2022 through [REDACTED] 2022. (Exhibit 14)
26. The Defendant’s Georgia-issued SNAP EBT card was accessed 23 times from [REDACTED] 2022 through [REDACTED] 2022 for a balance inquiry; multiple times the inquiry into the balance coincided with Georgia’s first of the month deposits of the monthly SNAP benefits into the Defendant’s SNAP account. (Exhibit 14)
27. With respect to the SNAP, the Defendant has not previously been subject to a disqualification period. (Exhibit 13)
28. The Defendant did not appear and did not provide testimony or evidence for the administrative disqualification hearing. (Hearing record)
29. The Defendant currently receives SNAP benefits issued by Connecticut. (Department Representative Testimony)
30. Title 7, Section 273.16 (e)(2)(iv) of the Code of Federal Regulations (“C.F.R.”) provides that “Within 90 days of the date the household member is notified in writing that a State or local hearing initiated by the State agency has been scheduled, the State agency shall conduct the hearing, arrive at a decision and notify the household member and local agency of the decision....”

On [REDACTED] 2023, the Defendant or another individual authorized by her to do so received notification in writing of OLCRAH’s scheduling of an administrative disqualification hearing. This final decision would become due by [REDACTED] 2023. This decision is timely.

¹ An individual can use his Georgia-issued SNAP EBT card to purchase eligible food at participating stores and farmers’ markets in Connecticut. However, the available SNAP balance on the Georgia-issued SNAP EBT card would only incorporate Georgia-issued SNAP benefits; it would not include Connecticut-issued SNAP benefits. (Department Representative Testimony)

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes designates the Department as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

Section 17b-88 of the Connecticut General Statutes provides in part that the Department may take such action as conforms to federal regulations, including, but not limited to conducting administrative disqualification hearings for cases involving alleged fraud in the supplemental nutrition assistance program.

State statute and Federal regulation permit the Department to initiate a SNAP administrative disqualification hearing.

2. Title 7, Section 273.16 (a)(1) of the Code of Federal Regulations (“C.F.R.”) addresses Program disqualification for intentional Program violations with respect to the SNAP and provides in part: “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....”

Title 7, Section 273.18 of the Code of Federal Regulations addresses claims against households and the recovery of overissued or trafficked SNAP benefits.

The Department has the authority under Federal regulations to impose administrative disqualification penalties to individuals who have intentionally committed program violations of the SNAP.

State statute and Federal regulation permit the Department to pursue recovery of overissued SNAP benefits.

3. *“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; or (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.” 7 C.F.R. § 273.16 (c).

The Department met its burden to establish that the Defendant intentionally misrepresented or withheld facts in █████ 2022 and █████ 2022 as to his concurrent receipt of SNAP benefits in another State.

4. *“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.” 7 C.F.R. § 273.16 (e)(6).

The Department established by clear and convincing evidence that the Defendant had committed an intentional Program violation of the SNAP.

5. Title 7, Section 273.16 (b)(1) of the Code of Federal Regulations provides:
- “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.”
- 7 C.F.R. § 273.16 (b)(1).

“Except as provided under [paragraph \(b\)\(1\)\(iii\)](#) of this section, an individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple SNAP benefits simultaneously shall be ineligible to participate in the Program for a period of 10 years.” 7 C.F.R. § 273.16 (b)(5).

The Department may disqualify the Defendant from participating in the SNAP for 10 years based on the Defendant’s misrepresentation of his State of residence for the purpose of receiving SNAP benefits simultaneously in Georgia and Connecticut.

6. “A recipient claim is an amount owed because of: (i) Benefits that are overpaid or (ii) Benefits that are trafficked. Trafficking is defined at 7 C.F.R. § 271.2.” 7 C.F.R. § 273.18 (a)(1).

“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 trafficks or otherwise causes an overpayment or trafficking.” 7 C.F.R. § 273.18 (a)(4).

The Department may recover \$1,726.00 in SNAP benefits from the Defendant that were issued to him in the relevant period.

DISCUSSION

The Department established by a clear and convincing evidence that the Defendant made a false or misleading statement, or misrepresented, concealed or withheld facts from ██████████ 2022 through ██████████ 2022 when the Defendant failed to disclose his receipt of \$1,493.00 in Georgia SNAP benefits while collecting \$1,726.00 (plus \$687.00 in SNAP pandemic supplements) in Connecticut SNAP benefits.

However, the Department's calculation of the SNAP overpayment is in error, as the Department's \$2,007.00 calculation includes Connecticut's ██████████ 2023 SNAP benefits² that were issued to the Defendant after the Defendant's Georgia SNAP case terminated effective ██████████ 2022. The correct amount of the SNAP overpayment subject to recovery is **\$1,726.00**.

DECISION

The Department's petition to disqualify the Defendant from participating in the SNAP for 10 years is **GRANTED**.

The Department may pursue recovery of **\$1,726.00** in regular SNAP benefits that had been issued by Connecticut to the Defendant in the period from ██████████ 2022 through ██████████ ██████████, 2022.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Salvatore Tordonato, DSS-Hartford
OLCRAH.QA.DSS@ct.gov

² Exhibits 11 and 12.

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.