

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: 217436

**SNAP ADMINISTRATIVE DISQUALIFICATION HEARING**

**NOTICE OF DECISION**

**PARTY**

██████████  
██  
██

**PROCEDURAL BACKGROUND**

The Department of Social Services (the “Department”) petitioned the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) to conduct an administrative disqualification hearing to address whether ██████████ (the “Defendant”) may be barred from participating in the Supplemental Nutrition Assistance Program (“SNAP”) for twelve months for committing an intentional Program violation. The Department also sought affirmation of its intention to recover \$2,794.00 in SNAP benefits issued to the Defendant from ██████████ 2020 through ██████████ 2020.

On ██████████, 2023, the OLCRAH issued a *Notice of Administrative Hearing* with a copy of the Department’s administrative disqualification hearing summary and exhibits to the Defendant by certified mail, restricted delivery at her address of record. The *Notice* stated that an administrative disqualification hearing would be held by telephone conferencing on ██████████ 2023 and a decision issued even should the Defendant not appear or participate.

On ██████████ 2023 and ██████████ 2023, the U.S. Postal Service attempted delivery of the ██████████, 2023 mailing to the Defendant.

On ██████████, 2023, the OLCRAH mailed a copy of the *Notice* and the Department’s summary and exhibits to the Defendant by first class mail.

On ██████████ 2023, the U.S. Postal Service returned the ██████████, 2023 certified mailing to the OLCRAH marked “UNCLAIMED.”

On [REDACTED], 2023, the OLCRAH conducted an administrative disqualification hearing in accordance with Title 7, Section 273.16 of the Code of Federal Regulations (“C.F.R.”), and Section 17b-88 of the Connecticut General Statutes.

The Defendant did not appear for the [REDACTED] 2023 hearing and did not request a postponement of the proceedings for good cause. The following individuals participated by telephone conferencing:

Salvatore Tordonato, Department Representative  
Eva Tar, Hearing Officer

The hearing record closed [REDACTED], 2023.

As of [REDACTED] 2023, the U.S. Postal Service had not returned the [REDACTED] 2023 mailing to the OLCRAH as undelivered.

### **STATEMENT OF ISSUE**

The issue is whether the Defendant committed an intentional Program violation, permitting the Department to disqualify the Defendant from participating in the SNAP for 12 months.

The Department also sought affirmation of its intention to recover \$2,794.00 in SNAP benefits issued to the Defendant from [REDACTED] 2020 through [REDACTED] 2020.

### **FINDINGS OF FACT**

1. The Department issued SNAP benefits to the Defendant for her household from [REDACTED], 2020 through [REDACTED] 2020. (Department Exhibit 21)
2. The Defendant and [REDACTED] (the “father”) are the parents of [REDACTED] (dob [REDACTED]) and [REDACTED] (dob [REDACTED]) (the “minor children”). (Department Exhibits 1, 7, and 10)
3. The father lives with the Defendant and their minor children at [REDACTED] (the “residence”) and has done so since [REDACTED] 2019. (Department Exhibits 13, 14, 15, 16, 17, 18, and 19)
4. From [REDACTED] 2020 through [REDACTED] 2020, the Department issued the Defendant \$5,302.42 in SNAP benefits for a household of three consisting of the Defendant and the minor children. (Department Exhibits 3, 4, 5, 9, 10, and 21)
5. From [REDACTED] 2020 through [REDACTED], 2022, the Defendant represented to the Department orally and in writing that she lived at the residence with the minor children; the Defendant failed to report to the Department that the father also lived at the residence. (Department Exhibits 2, 3, 4, 5, 6, 7, 8, 9, and 11)

6. On [REDACTED], 2022, the Department initiated a resource referral from a Fraud Hotline tip to determine whether the father was an unreported member of the Defendant's SNAP household. (Department Exhibits 11 and 12)
7. The Department verified the father's address as with the Defendant and their minor children through school records, the father's employment records, a [REDACTED] 2019 lease, and documents completed by the Defendant's landlord. (Department Exhibits 13, 14, 15, 16, 17, 18, and 19)
8. The Department was unable to confirm a different address for the father. (Department Representative Testimony)
9. On [REDACTED] 2022, the Department administratively added the father to the Defendant's SNAP household. (Department Exhibit 11)
10. From [REDACTED] 2020 through [REDACTED] 2020, the father grossed \$26,283.41 in wages from his then-employer, [REDACTED]. (Department Exhibit 13) (Department Representative Testimony)
11. The father's wages rendered the Defendant's household of four—the Defendant, the father, and their minor children in common—ineligible to participate in the SNAP. (Department Exhibit 22)
12. The Department Representative mailed two *Notices of Appointment* and a *Waiver of Disqualification Hearing* to the Defendant. (Department Exhibits 23 and 24) (Department Representative Testimony)
13. The Defendant did not complete and return a *Waiver of Disqualification Hearing*; the Defendant and the father failed to respond to the Department Representative's attempts at contact. (Department Representative Testimony)
14. There is no evidence in the hearing record to establish that the Defendant had previously been sanctioned by the SNAP or had previously committed an intentional Program violation. (Hearing record)
15. 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...."

This final decision would become due no later than [REDACTED] 2023. This decision is timely.

## 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 the authority for the Department to conduct administrative disqualification hearings for cases involving alleged fraud in the SNAP.

Title 7, Section 273.16 of the Code of Federal Regulations (“C.F.R.”) addresses Program disqualification for intentional Program violations with respect to the SNAP. Subsection (a)(1) of this section 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....”

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

2. Title 7, Section 273.1 (b) of the Code of Federal Regulations addresses special household requirements. Subsection (b)(1) of this Section provides:

***Required household combinations.*** The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.

(i) Spouses;

(ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and

(iii) A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

7 C.F.R. § 273.1 (b)(1).

**The Defendant’s minor children, as persons under 22 years of age who are living with their natural parents, were mandatory members of the Defendant’s SNAP household in the relevant period.**

**The father of the minor children was a mandatory member of the Defendant’s SNAP household in the relevant period.**

3. "Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP...." 7 C.F.R. § 273.9 (a).

***Definition of income.*** Household income shall mean all income from whatever source excluding only items specified in [paragraph \(c\)](#) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee." 7 C.F.R. § 273.9 (b)(1)(i).

**For the purposes of the SNAP, the father's wages are counted income.**

4. "*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) (emphasis added).

**The Defendant was required to accurately disclose her household composition to the Department.**

**The Defendant misrepresented, concealed, or withheld facts when she failed to report to the Department that the father of her minor children was living at the residence.**

**The Defendant misrepresented, concealed, or withheld facts when she failed to report the father's receipt of wages, an eligibility factor that reasonably would have adversely impacted her household's participation in the SNAP had she reported the father's wages timely.**

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

5. Title 7, Code of Federal Regulations, Section 273.16 (b)(1) provides:

***Disqualification penalties.***

- (1) 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).

**The Department correctly determined that the Defendant is subject to disqualification from participation in the SNAP for 12 months for a first intentional Program violation.**

6. 7 C.F.R. § 273.18 addresses claims against households.

If the hearing official determines that a claim does, in fact, exist against the household, the household must be re-notified of the claim. The language to be used in this notice is left up to the State agency....” 7 C.F.R. § 273.18 (e)(6).

**For the SNAP service months of [REDACTED] 2020 through [REDACTED] 2020, inclusive, the Defendant received SNAP benefits for which her household was not eligible.**

**If the Department chooses to recoup the SNAP overpayment, the Department must renotify the Defendant of the same, preserving her right to appeal the Department’s determination of the amount of the overpayment.**

### **DISCUSSION**

The Department established by clear and convincing evidence that the Defendant committed an Intentional Program Violation by failing to disclose to the Department that the father of her minor children resided with them. Had the Defendant properly reported the father as a household member, the father’s significant wages would have resulted in the termination of the Defendant’s participation in the Program.

However, the hearing officer was unable to determine the *exact amount* of SNAP benefits that the Defendant received for which her household was ineligible from [REDACTED] through [REDACTED] 2020, as the Department’s calculation of a \$3,142.00 overpayment (Department Exhibit 22) was inconsistent with the Department’s assertion in its hearing summary that \$2,794.00 in SNAP benefits were subject to recovery.

To further complicate matters, some of the SNAP issuances occurred during the COVID-19 public health emergency, a period in which Connecticut issued supplemental SNAP benefits to eligible recipients; it is unclear as to whether the supplemental SNAP benefits were subject to recoupment.<sup>1</sup>

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<sup>1</sup> The Department issued \$5,302.42 in SNAP benefits to the Defendant from [REDACTED] 2020 through [REDACTED] 2020. It is unclear from the issuance dates which amounts were SNAP supplements due to the public health emergency. (Department Exhibit 21)

For these reasons, the hearing officer does not affirm the Department's \$2,794.00 figure (or, in the alternative, substitute the Department's \$3,142.00 overpayment calculation).

The Department may pursue recovery of the SNAP overpayments provided the Department issues all required notices to the Defendant, preserving her right to dispute the figures in an administrative hearing, should she file a request for an administrative hearing timely.

**DECISION**

The Department's request to disqualify the Defendant from participating in the SNAP for 12 months is GRANTED.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

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

**RIGHT TO APPEAL**

The defendant 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 his 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.