

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

██████████, 2023
SIGNATURE CONFIRMATION

CASE # ██████████
CLIENT ID # ██████████
REQUEST# ██████████

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████, 2023, the Department of Social Services (the “Department”) made a request for an Administrative Disqualification Hearing (“ADH”) to seek disqualification of ██████████ (the “Defendant”) from participation in the Supplemental Nutrition Assistance Program (“SNAP”) for a period of twelve months. The Department alleges the Defendant committed an Intentional Program Violation (“IPV”) by misrepresenting her household composition despite being aware of the Department’s reporting requirements.

On ██████████, 2023, the Office of Legal Counsel, Regulations and Administrative Hearings (“OLCRAH”) mailed the Defendant notification of the initiation of the ADH process scheduled for ██████████, 2023, which included notification of her rights in these proceedings, via certified mail via the United States Postal Service (“USPS”).

On ██████████, 2023, the Defendant confirmed receipt of the certified mail with her signature.

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 following individuals were present at the hearing:

Catherine Scillia, Department of Social Services Investigator
Joseph Alexander, Administrative Hearing Officer

The Defendant was not present at the hearing. The Defendant did not show good cause for failing to appear at the hearing.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Defendant committed an IPV of the SNAP and is therefore subject to a twelve-month disqualification penalty.

FINDINGS OF FACT

1. On [REDACTED] 2023, the Defendant submitted a signed Online Application (“ONAP”) requesting cash assistance for herself and five minor children ranging in age from three months to sixteen years old. The ONAP listed the household members residing at [REDACTED]. The Defendant indicated she was residing with another individual but did not specify the individual’s name or her relation to them. (Exhibit 6: ONAP submitted [REDACTED] 2023)
2. On [REDACTED], 2023, while reviewing the ONAP to determine the Defendant’s eligibility for cash assistance, the Department determined, through an address search of [REDACTED] that [REDACTED], the legal liable relative (“LLR”) and father of two of the five children listed on the ONAP was residing with the Defendant. (Exhibit 7: Case Note dated [REDACTED], 2023)
3. On [REDACTED] 2023, the Department submitted a suspected Intentional Program Violation (“SIPV”) referral alleging the Defendant misrepresented her household composition by neglecting to list [REDACTED] on the ONAP. The referral states, “HOH failed to report LLR on application. LLR [REDACTED] was active on SNAP on case [REDACTED]. Both HOH and LLR failed to report each other on application. Intact family and both active SNAP separate.” (Exhibit 4: Update Referral Screen Print)

4. On [REDACTED], 2023, the Department added the LLR and his nine-year-old child [REDACTED] to the Defendant's SNAP Eligibility Determination Group ("EDG") resulting in the closure of the LLR's SNAP effective [REDACTED] 2023. (Hearing Record)
5. On [REDACTED] 2023, the Investigator assigned to the SIPV referral verified through the Electronic Disqualification Receipt System ("EDRS") that the Defendant has no other IPV offenses. (Hearing Record)
6. On [REDACTED] 2023, the Investigator sent forms W-1448 "Notice of Prehearing Interview Food Stamp Program" and W-1449 "Waiver of Disqualification Hearing SNAP Program" to the Defendant. (Exhibit. 2: W-1448, Exhibit 3: W-1449)
7. On [REDACTED], 2023, the Defendant contacted the Investigator and denied misrepresenting the household composition however she agreed to sign and return the W-1449 "Waiver of Disqualification Hearing SNAP Program" form. (Hearing Record)
8. On [REDACTED], 2023, the Investigator received a signed W-1449 "Waiver of Disqualification Hearing SNAP Program" form; The Defendant chose to exercise her right to have an administrative hearing. (Exhibit 3: W-1449)
9. On [REDACTED], 2023, the Investigator, through the Equifax database, verified the LLR was residing at [REDACTED] as seven different employers reported this as his residential address. (Exhibit 14: Equifax Reports)
10. On [REDACTED] 2023, the Investigator prepared and sent the ADH summary/exhibits to the Defendant. (Hearing Record)
11. On [REDACTED], 2023, the Defendant signed for receipt of the ADH paperwork. (Hearing Record)
12. This case has not been submitted for criminal or civil prosecution. (Department Representative Testimony)
13. There are no overpayments or underpayments associated with the IPV. (Department Representative Testimony)

14. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of twelve months due to an IPV which occurred when the Defendant misrepresented the household composition and failed to notify the Department of a change in the household composition. (Hearing Record)
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 within █ 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 a hearing, arrive at a decision and notify the household member and local agency of the decision. On █, 2023, the Defendant received and signed for the certified mail making this decision due no later than █, 2023.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes (“Conn. Gen. Stat.”) 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 and oversee the SNAP.

2. Title 7 Section 273.1(a)(b) of the Code of Federal regulations (“CFR”) provides for general household definition and special household requirements as follows. (a) *General household definition.* A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption. (b) *Special household requirements.* (1) *Required household combinations.* The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the other, 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.

The Department correctly considers the Defendant, LLR, and children to be an intact household because all members reside in the same household, the Appellant and LLR have children in common whom they reside with, and the Defendant and LLR purchase and prepare meals for themselves and the children.

3. 7 CFR § 273.16(a)(1) provides as follows. “The State agency shall be responsible for investigating any cases of alleged Intentional Program Violation and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or a 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 to prosecution a case involving an over issuance caused by a suspected act of Intentional Program Violation, the State agency shall take action to collect over issuance by establishing an inadvertent household error claim against the household in accordance with 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 or time and the referral was formerly 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 or 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 of the current eligibility of the individual.”

The Department has the authority to investigate cases of alleged IPV's and initiate administrative disqualification procedures. The Department correctly investigated the allegations against the Defendant as this case has not been referred for prosecution. The Department correctly initiated administrative

disqualification procedures based on the evidence of IPV gathered through the investigative process.

4. 7 CFR § 273.16(a)(3) provides as follows. “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.”


In this matter the Defendant chose to exercise her right to have an administrative disqualification hearing.

5. 7 CFR § 273.16(e)(8)(i) provides as follows. “Imposition of disqualification penalties. (i) 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 procedures in paragraph (b) of this section. The same act of Intentional Program Violation repeated over a period of time must not be separated so that separate penalties can be imposed.”
6. 7 CFR § 273.16(b)(1)(i) provides as follows. “Disqualification penalties. 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 the 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.”

The Department is correct to seek the Defendant’s disqualification from participation in the SNAP for a period of twelve months as this is her first IPV.

DECISION

The undersigned hearing officer finds the Defendant guilty of committing an Intentional Program Violation of the SNAP. The Department's request to disqualify the Defendant from participation in the SNAP for a period of twelve months is **GRANTED**.


Joseph Alexander
Administrative Hearing Officer

CC: OLCRAH.QA.DSS@ct.gov

Catherin Scillia, CFIU Investigator, DSS, Norwich Regional Office

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.