

STATE 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

Client ID [REDACTED]
Case ID [REDACTED]
Request 219421

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 ten (10) years 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 receiving concurrent SNAP benefits from [REDACTED] and [REDACTED] for the period of [REDACTED] 2021 through [REDACTED] 2021. The Department also seeks to recover overpaid SNAP benefits of \$678.00.

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 above-noted ADH packet was delivered and signed for by the Defendant.

On [REDACTED] 2023, the OLCRAH updated the location of the ADH from in-person at the [REDACTED] Regional Office of the Department to telephone at the Defendant's request.

On [REDACTED] 2023, the 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) via teleconferencing.

PRESENT AT THE HEARING

[REDACTED], Defendant
Amy Hayden, Department Representative
Jessica Gulianello, Hearing Officer

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

STATEMENT OF THE ISSUE

The issue to be decided is whether the Defendant committed an intentional program violation ("IPV") of the SNAP due to receipt of concurrent assistance in [REDACTED] and [REDACTED] between [REDACTED] 2021 through [REDACTED] 2021 and is subject to a ten (10) year disqualification period under the SNAP due to the violation.

The secondary issue to be decided is whether the Department's proposal for recoupment of a SNAP overpayment ("OP") in the amount of \$678.00 due to receipt of SNAP assistance in [REDACTED] and [REDACTED] for the period of [REDACTED] 2021 through [REDACTED] 2021 is correct.

FINDINGS OF FACT

1. In [REDACTED] of 2021, the Defendant (DOB [REDACTED]) moved from [REDACTED] to [REDACTED]. (*Appellant's Testimony*)
2. On [REDACTED] 2021, the Department received an online application ("ONAP") from the Defendant requesting benefits under the SNAP for herself and her [REDACTED] child [REDACTED] (Defendant's "daughter") (DOB [REDACTED]). (*Exhibit 5: ONAP dated [REDACTED] 2021, Hearing Record*)

3. On the above noted ONAP the Defendant answered the respective questions on page three (3) and page nine (9) of the thirteen (13) page document as follows:

Section Title: Previous Address:

Question: "Have you lived anywhere in the past 60 months?"

Answer: "No"

Section Title: Past Benefits:

Question(s): Answers:

"Program"	BLANK
"Amount"	BLANK
"Begin Date"	BLANK
"End Date"	BLANK
"State"	BLANK

(Exhibit 6: ONAP dated ██████ 2021, Hearing Summary, Department's Testimony)

4. On ██████ 2021, the Department reviewed the Defendant's ONAP and registered her request for benefits under the SNAP. The SNAP benefits were left pending awaiting documentation and a telephone interview ("TI"). *(Exhibit 7: Case Notes – Details, ██████ 2021)*
5. On ██████ 2021, the Defendant contacted the Department and completed a TI. The corresponding case note states the following, "CI [client] states she is not receiving benefits out of state within last 90 days." *(Exhibit 7: Case Notes – Details dated ██████ 2021, Department's Testimony)*
6. On ██████ 2021, the Department issued the Defendant a Notice of Action ("NOA") advising that she was determined to be eligible for benefits under the SNAP for the certification period beginning ██████ 2021, through ██████ 2022, in the prorated amount of \$358.00 for the period of ██████ 2021, through ██████ 2021, and \$80.00 per month effective ██████ 2021, and ongoing for an Eligibility Determination Group ("EDG") size of three (3) individuals: the Defendant, the Defendants daughter, and ██████. *(Exhibit 12: NOA: ██████ 2021)*
7. The Department issued the Defendant's household benefits under the SNAP for the period of ██████ 2021, through ██████ 2021, in the amount of \$678.00 calculated as follows:

Issuance Date:	Amount:	Benefit Period
██████████ 2021:	\$358.00	██████████ 2021-██████████ 2021
██████████ 2021	\$80.00	██████████ 2021-██████████ 2021
██████████ 2021	\$80.00	██████████ 2021-██████████ 2021
██████████ 2021	\$80.00	██████████ 2021-██████████ 2021
██████████ 2021	\$80.00	██████████ 2021-██████████ 2021
Total	\$678.00	██████████ 2021-██████████ 2021

(Exhibit 9: CT Statement of Financial Assistance, Department’s Testimony)

8. On or about ██████████ 2021, the Department received information via ██████████ alerts indicating that the Defendant was concurrently receiving benefits in ██████████ and ██████████. *(Exhibit 7: Case Notes – Details, ██████████ 2021, Department’s Testimony)*
9. On ██████████ 2021, the Department subsequently issued the Defendant a notice (“W3016”) requestions verifications including benefits issued under the SNAP in ██████████. *(Exhibit 7: Case notes – Details, ██████████ 2021, Department’s)*
10. On ██████████ 2021, the Department received documentation from the Defendant that confirmed she had submitted an electronic request for closure of benefits under the SNAP in the state of ██████████ citing, “Moved out of ██████████ State” as the reason and ██████████ 2021 as the requested date. *(Exhibit 11: ██████████ Closure Request dated ██████████ 2021)*
11. On ██████████ 2021, the Department received documentation from the Defendant confirming her benefits under the SNAP in ██████████ closed. *(Exhibit 11: Verification of ██████████ Closure)*
12. The Department subsequently submitted a referral to the Investigations unit under an incorrect client ID number alleging a suspected IPV. *(Department’s Testimony)*
13. The exact date of the above-noted referral is not clear. *(Hearing Record)*
14. On ██████████ 2023, a worker in the Eligibility unit of the Department submitted an electronic referral to the Investigations unit of the Department alleging that the Defendant conducted an IPV under the SNAP claiming that the Defendant received concurrent assistance in ██████████ and ██████████. *(Exhibit 5: ImpaCT Referral dated ██████████ 2023)*

15. On [REDACTED] 2023, the above-noted referral was assigned to Amy Hayden, an Investigations Supervisor (“Investigator”) for the Department. (*Exhibit 4: ImpaCT Referral dated [REDACTED] 2023*)
16. On [REDACTED] 2023, the Department’s Investigator sent an email inquiry to the [REDACTED] indicating that the Defendant may have received benefits in [REDACTED] and [REDACTED] concurrently and requested [REDACTED] Interstate Match History information. (*Exhibit 8A: Email Correspondence dated [REDACTED] 2023, Department’s Testimony*)
17. On [REDACTED] 2023, [REDACTED], Management Specialist from the [REDACTED] State [REDACTED] sent an email response to the Department’s Investigator confirming that the Defendant had received SNAP from [REDACTED] 2021 through [REDACTED] 2021. (*Exhibit 8A: Email Correspondence dated [REDACTED] 2023, Department’s testimony*)
18. On [REDACTED] 2023, the above-noted email response confirmed that the Defendant had received benefits under the SNAP from the [REDACTED] [REDACTED] as follows:

Issuance Date:	Amount:	Type:
[REDACTED] 2021	\$430.00	FS Recurring
[REDACTED] 2021	\$95.00	FS Single Use
[REDACTED] 2021	\$430.00	FS Recurring
[REDACTED] 2021	\$95.00	FS Single Use
[REDACTED] 2021	\$430.00	FS Recurring
[REDACTED] 2021	\$95.00	FS Single Use

(*Exhibit 8B: [REDACTED] SNAP Issuance Report: [REDACTED]/2021 [REDACTED] 2021, Departments’ Testimony*)

19. The previously noted email response included the Defendant’s Statement of Financial Assistance from the [REDACTED] [REDACTED] and verified the following EBT Transaction History:

Issuance Date:	Purchase/Deposit	Amount:
██████ 2021	Purchase	\$8.47
██████ 2021	Deposit	\$430.00
██████ 2021	Purchase	\$103.19
██████ 2021	Purchase	\$11.14
██████ 2021	Purchase	\$12.86
██████ 2021	Purchase	\$100.14
██████ 2021	Purchase	\$3.61
██████ 2021	Purchase	\$51.75
██████ 2021	Purchase	\$4.61
██████ 2021	Purchase	\$62.18
██████ 2021	Purchase	\$4.65
██████ 2021	Purchase	\$55.62
██████ 2021	Purchase	\$1.84
██████ 2021	Deposit	\$95.00
██████ 2021	Purchase	\$69.54
██████ 2021	Purchase	\$19.37
██████ 2021	Purchase	\$12.14
██████ 2021	Purchase	\$37.65
██████ 2021	Purchase	\$0.01
██████ 2021	Purchase	\$47.70
██████ 2021	Deposit	\$430.00
██████ 2021	Purchase	\$145.26
██████ 2021	Purchase	\$58.49
██████ 2021	Purchase	\$1.34
██████ 2021	Purchase	\$70.95

██████████ 2021	Purchase	\$6.14
██████████ 2021	Purchase	\$80.81
██████████ 2021	Purchase	\$1.52
██████████ 2021	Purchase	\$65.12
██████████ 2021	Purchase	\$7.46
██████████ 2021	Deposit	\$95.00
██████████ 2021	Purchase	\$44.93
██████████ 2021	Purchase	\$17.98
██████████ 2021	Purchase	\$55.00
██████████ 2021	Deposit	\$430.00
██████████ 2021	Deposit	\$95.00
██████████ 2021	Purchase	\$187.61
██████████ 2021	Deposit	\$430.00
██████████ 2021	Deposit	\$95.00
██████████ 2021	Purchase	\$80.62
██████████ 2021	Purchase	\$5.79
██████████ 2021	Deposit	\$430.00
██████████ 2021	Deposit	\$95.00

(Exhibit 8C: Recipient Profile ██████████ State: ██████████ 2021 ██████████ 2021)

20. On ██████████ 2023, the Investigator issued the Defendant a Notice of Prehearing Interview (“W-1448”) scheduling an appointment for ██████████ 2023, at ██████████ at the ██████████ Regional Office located at ██████████ ██████████ 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 \$678.00 more than you should have in Food Stamp benefits. This happened because “You failed to report on your ██████████ 21 application that you were active on benefits in ██████████. You received concurrent benefits.” 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 for a period of one (1) year twelve (12) months, and

the Administrative Disqualification Hearing Process and Rights. (*Exhibit 3: Form # W-1448, Exhibit 4: Form # W-1449, Exhibit 10: Process & Rights, Hearing Summary, Department's Testimony*)

21. On [REDACTED] 2023, the Department received the signed waiver form # W-1448. The Defendant selected option "C." under question number eight (8): "I have read this notice and wish to exercise my right to have an administrative hearing". (*Exhibit 4: form # W-1449 signed [REDACTED] 2022, date stamped as received at the [REDACTED] Office Investigations Division: [REDACTED] 2023, Hearing Summary, Department's Testimony*)
22. On [REDACTED] 2023, the Defendant did not attend the prehearing interview. (*Hearing Record*)
23. On or about [REDACTED] 2023, the Investigator submitted a request to the OLCRAH for an ADH seeking to disqualify the Defendant from participation in the SNAP for a period of twelve (12) months due to the IPV alleging that the Defendant committed an IPV by receiving concurrent assistance under the SNAP in [REDACTED] and [REDACTED]. (*Exhibit 13: Interdepartmental Message dated [REDACTED] 2023, Department's Testimony*)
24. The Department subsequently rescinded the above-noted request and altered the proposed disqualification period from one (1) year to ten (10) years. (*Department's Testimony*)
25. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of ten (10) years due to an IPV alleging that the Defendant committed an IPV by receiving concurrent benefits under the SNAP in [REDACTED] and [REDACTED] beginning [REDACTED] 2021 through [REDACTED] 2021. This would be the Defendant's first IPV disqualification under the SNAP in the U.S. (*Exhibit 2: Electronic Disqualification Recipient System ("eDRS") dated [REDACTED] 2023, Department's Testimony*)
26. 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*)
27. 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 Defendant exercised her right to an administrative hearing. On [REDACTED] 2023, the OLCRAH mailed the Defendant the ADH packet by certified mail. On [REDACTED] 2023, the Defendant signed for the ADH packet. This decision, therefore, was due no later than [REDACTED] 2023. However, the hearing record which had been anticipated to close on [REDACTED] 2023, did not close for the admission of evidence until [REDACTED], 2023, at the Defendant's request. Because this [REDACTED] day

delay in the close of the hearing record arose from the Defendant's request, this final decision is not due until [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 conforms 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.

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)(1) provides that The State agency may combine a fair hearing and an administrative disqualification hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the household receives prior notice that hearings will be combined. If the disqualification hearing and fair hearing are combined, the State agency shall follow the timeframes for conducting disqualification hearings. If the hearings are combined for the purpose of settling the amount of the claim at the same time as determining whether or not intentional Program violation has occurred, the household shall lose its right to a subsequent

fair hearing on the amount of the claim. However, the State agency shall, upon household request, allow the household to waive the 30-day advance notice period required by paragraph (e)(3)(i) of this section when the disqualification hearing and fair hearing are combined.

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, and she was present for the proceedings.

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 signed the waiver acknowledging that she read the Department's proposed disqualification and she executed her right to an administrative hearing.

6. 7 C.F.R. § 272.4(e)(1) provides that each state agency shall establish a system to assure that no individual participates more than once in a month, in more than one jurisdiction, or in more than one household within the State in SNAP. To identify such individuals, the system shall use names and social security numbers at a minimum, and other identifiers such as birth dates or addresses as appropriate.

The Department correctly conducted an investigation following receipt of information from a PARIS match indicating that the Defendant was receiving benefits from ■■■ while receiving benefits from ■■■.

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. § 273.16(e)(7) provides that "The hearing authority's decision shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent FNS regulation, and respond to reasoned arguments made by the household member or representative."

7 C.F.R. § 273.3(a) provides that a household shall live in the State in which it files an application for participation. The State agency may also require a household to file an application for participation in a specified project area (as defined in § 271.2 of this chapter) or office within the State. No individual may participate as a member of more than one household or in more than one project area, in any month, unless an individual is a resident of a shelter for battered women and

children as defined in § 271.2 and was a member of a household containing the person who had abused him or her. Residents of shelters for battered women and children shall be handled in accordance with § 273.11(g). The State agency shall not impose any durational residency requirements. The State agency shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility. Nor shall residency require an intent to reside permanently in the State or project area. Persons in a project area solely for vacation purposes shall not be considered residents.

7 C.F.R. § 273.2(e)(1) provides that Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

7 C.F.R. § 273.2(f)(1)(vi) provides that the residency requirements of § 273.3 shall be verified except in unusual cases (such as homeless households, some migrant farmworker households, or households newly arrived in a project area) where verification of residency cannot reasonably be accomplished. Verification of

residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to, rent and mortgage payments, utility expenses, and identity. If verification cannot be accomplished in conjunction with the verification of other information, then the State agency shall use a collateral contact or other readily available documentary evidence. Documents used to verify other factors of eligibility should normally suffice to verify residency as well. Any documents or collateral contact which reasonably establish the applicant's residency must be accepted and no requirement for a specific type of verification may be imposed. No durational residency requirement shall be established.

The Defendant testified that she had disclosed to the Department at the time of her application for benefits under the SNAP that she was still receiving benefits from [REDACTED]; however, she did not know how to close the case. I find that the Defendant's testimony is not credible.

The Department established clear and convincing evidence to support that the Defendant did not disclose receipt of benefits under the SNAP from [REDACTED] at the time of her application supported by the ONAP and the Department's case notes that coincide with the TI. The Department's case notes further corroborate that the Department was alerted to the Defendant's receipt of benefits under the SNAP from [REDACTED] via a PARIS match subsequently received in [REDACTED] of 2021.

8. 7 C.F.R. § 273.2(f)(11)(i)(A) provides that pursuant to § 273.16(i), information in the disqualified recipient database will be available for use by any State agency that executes a computer matching agreement with FNS. The State agency shall use the disqualified recipient database for the following purposes: Ascertain the appropriate penalty to impose based on past disqualifications in a case under consideration.

The Department correctly accessed the disqualified recipient database also referred to as eDRS to confirm that the Defendant did not have any past disqualifications under the SNAP.

9. 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 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.

7 C.F.R. § 273.16(b)(5) provides that 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.

The Department established clear and convincing evidence to support that the Defendant committed an IPV by providing a fraudulent statement on the ONAP that resulted in simultaneous receipt of benefits under the SNAP in [REDACTED] and [REDACTED]

The Department was correct to seek the disqualification of the Defendant from participating in the SNAP and impose a penalty of ten (10) years.

10.7 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(b)(1) provides that “There are three types of claims: An Intentional Program violation (IPV) claim is any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in § 273.16.”

The Department correctly determined that the Defendant was overpaid benefits under the SNAP of \$678.00 for the benefit period of [REDACTED] 2021 through [REDACTED] 2021 as a result of an IPV.

DECISION

The Defendant is **GUILTY** of committing an IPV under the SNAP due to receiving concurrent benefits in [REDACTED] and [REDACTED] from [REDACTED] 2021 through [REDACTED] 2021.

The Defendant is **DISQUALIFIED** from participation under the SNAP for a period of **TEN (10) YEARS** and must make **restitution of \$678.00**, the amount of the IPV, subject to recovery.

Jessica Gulianello

Jessica Gulianello
Hearing Officer

CC: OLCRAH.QA.DSS@ct.gov
DSS Field office, DO: 50
Amy Hayden, DSS Investigations Supervisor, DO: 60

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.