

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: 219954

**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 12 months.

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

On ██████████ 2023, the OLCRAH mailed the Defendant a second copy of the *Notice of Administrative Hearing* with the Department’s summary and exhibits by regular mail.

On ██████████ 2023, the Defendant notified the OLCRAH that she had received the Department’s summary and exhibits.

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:

██████████, Defendant

William Carrasquillo, 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 by clear and convincing evidence that the Defendant had committed an intentional Program violation, permitting the Department to disqualify her from participating in the Program for 12 months.

The Department also seeks affirmation of its intent to recover \$221.51 in SNAP benefits from the Defendant.

### **FINDINGS OF FACT**

1. [REDACTED] (the "Deceased") expired on [REDACTED] 2022.
2. [REDACTED] (the adult son) is the Deceased's adult son. (Exhibit 1)
3. The Deceased received SNAP benefits under account ([REDACTED]). (Exhibit 1)
4. The Defendant and the Deceased and the Deceased's adult son were passing acquaintances; they only exchanged telephone numbers. (Defendant Testimony)
5. The Defendant has a [REDACTED] discount card. (Defendant Testimony)
6. The Deceased's adult son asked the Defendant to lend him her [REDACTED] discount card. (Defendant Testimony)
7. The Defendant encouraged the Deceased's adult son to apply for his own [REDACTED] discount card. The Defendant did not give her [REDACTED] discount card to the Deceased's adult son. (Defendant Testimony)
8. The Defendant gave permission to the Deceased's adult son to use the Defendant's telephone number at the checkout to access her [REDACTED] discount. (Defendant Testimony)
9. On [REDACTED] 2022, an unidentified individual used \$45.00 of the Deceased's SNAP benefits in conjunction with a \$7.78 debit card [REDACTED] purchase at [REDACTED]. The Defendant's [REDACTED] discount was accessed during the purchase. (Exhibit 5)
10. On [REDACTED] 2022, an unidentified individual used \$137.71 of the Deceased's SNAP benefits in conjunction with a \$2.96 debit card [REDACTED] purchase at [REDACTED]. The Defendant's [REDACTED] discount was accessed during the purchase. (Exhibit 5)

11. On [REDACTED] 2022, an unidentified individual used \$38.80 of the Deceased's SNAP benefits in conjunction with a \$15.37 debit card [REDACTED] purchase at [REDACTED]. The Defendant's [REDACTED] discount was accessed during the purchase. (Exhibit 5)
12. The debit card [REDACTED] was not the Defendant's debit card. (Exhibits 2 and 12)
13. The Defendant does a large shopping trip every three or four weeks, then makes the occasional purchase when she runs out of something; when the Defendant makes the large purchase, she usually rents a car as she dislikes leaving the house. (Defendant Testimony)
14. The Defendant's testimony as to her shopping habits is a pattern that is supported by her personal SNAP EBT [electronic benefits transactions] usage and is inconsistent with the [REDACTED] 2022, [REDACTED] 2022, and [REDACTED] 2022 Shop Rite activity. (Department Representative Testimony)
15. On [REDACTED] 2023, the Department initiated an investigation into the usage of the Deceased's SNAP benefits after her date of death. (Exhibit 1)
16. The Department did not ascertain the identity of the cardholder of debit card [REDACTED] in conjunction with its investigation into the usage of the Deceased's SNAP benefits. (Exhibits 4 and 12)
17. Upon receiving the Department's documents for this administrative disqualification hearing, the Defendant confronted the Deceased's adult son by telephone about his use of the Defendant's [REDACTED] discount. (Defendant Testimony)
18. The Deceased's adult son admitted to the Defendant that he had used the Defendant's [REDACTED] discount when accessing the Deceased's SNAP benefits. (Defendant Testimony)
19. The Defendant currently receives SNAP benefits. (Defendant Testimony)
20. 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 or around [REDACTED] 2023, the Defendant 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.

## **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.

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....”

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

2. 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 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). (emphasis added)

Title 7, Section 273.16 (b)(1) of the Code of Federal Regulations provides the penalties associated with a finding by an administrative disqualification hearing or by a Federal, State, or local court that an individual has committed an intentional Program violation.

**The Department did not establish that the Defendant intentionally 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.**

**The Department did not establish by clear and convincing evidence that the Defendant had committed an intentional Program violation of the SNAP.**

**The Department may not disqualify the Defendant from participating in the SNAP for 12 months, as the Department has not established by clear and convincing evidence that the Defendant had committed an intentional Program violation.**

4. "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 Defendant did not receive overpaid SNAP benefits and did not traffick the Deceased's SNAP benefits.**

**The Department may not recover \$221.51 in SNAP benefits from the Defendant.**

### **DISCUSSION**

The Defendant's testimony was credible and supported by the evidence which demonstrated that she was not the individual who accessed the Deceased's SNAP benefits to purchase groceries at [REDACTED]. The Defendant's testimony was consistent, detailed, forthright, and plausible.

The Department is prohibited from disqualifying the Defendant from participating in the SNAP with respect to this matter. The Department will not pursue recovery of \$221.51 in SNAP benefits from the Defendant, as to do so would penalize an innocent individual.

### **DECISION**

The Department's petition to disqualify the Defendant from participating in the SNAP for 12 months is DENIED. The Defendant is not guilty of an intentional Program violation.

The Department will not pursue recovery of \$221.51 in SNAP benefits from the Defendant.

**ORDER**

1. The Department is instructed to notify the Defendant in writing that it is no longer pursuing her disqualification from the SNAP.
2. Within 14 calendar days of the date of this Decision, or [REDACTED] 2023, documentation of compliance with this Order is due to the undersigned. Compliance is met by submission of a copy of the correspondence to the Defendant.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

Cc: Gonxhe Kalici, DSS-Stamford  
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. 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.