

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

██████████ 2024  
Signature Confirmation

Case ID # ██████████  
Client ID # ██████████  
Request # 227225

**ADMINISTRATIVE DISQUALIFICATION HEARING**  
**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████, 2023, the Department of Social Services (the "Department") requested an Administrative Disqualification Hearing ("ADH") to seek the disqualification of ██████████ (the "Defendant") from participating in the Supplemental Nutritional Assistance Program ("SNAP") for a period of one (1) year. The Department alleges that the Defendant committed an Intentional Program Violation ("IPV") as a result of the Defendant's intentional misuse of someone else's Electronic Benefit Transfer ("EBT") card. The Department seeks to recover a claim of SNAP benefits of \$505.24 from the period of ██████████ 2023, through ██████████, 2023. This is the Defendant's first IPV offense in the SNAP program.

On ██████████, 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") notified the Defendant of the initiation of the ADH process via certified mail delivery to her address in ██████████. On ██████████, 2023, the Defendant signed for her certified mail per USPS tracking and the return receipt. The notification outlined the Defendant's rights in these proceedings. The packet included a summary of the Department's action and attachments. The ADH was scheduled for ██████████, 2023.

On [REDACTED], 2023, in accordance with sections 17b060, 17-61 and 40176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Disqualification Hearing. The Defendant was not present at the hearing. The Defendant did not show good cause for failing to appear.

The following individuals were present at the hearing:

Angela Malena, the Department's Representative  
Scott Zuckerman, Hearing Officer

### **STATEMENT OF THE ISSUE**

The first issue to be decided is whether the Defendant committed an IPV of the SNAP program.

The second issue to be decided is whether the Department's proposal to disqualify the Defendant from participating in the SNAP program for a period of one year is correct.

The third issue to be decided is whether the Department's proposal to recoup a SNAP overpayment of \$505.24 is correct.

### **FINDINGS OF FACT**

1. On [REDACTED], 2023, the Defendant completed and signed an online renewal form. The document outlines the Defendant's rights and responsibilities and states in part that, "If I break any of the rules on purpose, I can be barred from SNAP from between one year and permanently." It further states that "I am not allowed to use, or have in my possession, an EBT card that is not mine (unless I am an authorized shopper) and not to let others use my card (unless they are an authorized SNAP shopper), "If I intentionally misuse an EBT card, I may no longer get SNAP. Misuse of an EBT card means altering, selling, or trading a card, using someone else's card without permission, or exchanging benefits." (Exhibit F: Online renewal, [REDACTED]/23 and Exhibit O: E-0016RR, Departments Rights and Responsibilities)
2. On [REDACTED], 2023, [REDACTED] (DOB [REDACTED]/1964) (DSS Client ID # [REDACTED]) passed away. (Departments Testimony and Exhibit B: SOLQ – I Results)
3. On [REDACTED] 2023, at 3:47 PM [REDACTED] EBT card was used for a transaction in the amount of \$57.34 at Stop and Shop. (Hearing Summary and Ex. C: Transaction Detailed Report)

4. On [REDACTED] 2023, at 3:16 PM [REDACTED] EBT card was used for a transaction in the amount of \$31.20 at Stop and Shop. (Hearing Summary and Ex. C: Transaction Detailed Report)
5. On [REDACTED], 2023, at 9:07 PM [REDACTED] EBT card was used for a transaction in the amount of \$161.83 at Walmart. (Hearing Summary and Ex. C: Transaction Detailed Report)
6. On [REDACTED] 2023, at 9:11 PM the Defendant's EBT card was used for a transaction in the amount of \$19.02 at Walmart. (Hearing Summary and Ex. C: Transaction Detailed Report)
7. On [REDACTED], 2023, at 10:23 PM the Defendant's EBT card was used for a transaction in the amount of \$71.28 at Walmart. (Hearing Summary and Ex. C: Transaction Detailed Report)
8. On [REDACTED] 2023, at 10:24 PM the Defendant's EBT card was used for a transaction in the amount of \$12.63 at Walmart. (Hearing Summary and Ex. C: Transaction Detailed Report)
9. On [REDACTED] 2023, at 10:24 PM [REDACTED] EBT card was used for a transaction in the amount of \$58.65 at Walmart. (Hearing Summary and Ex. C: Transaction Detailed Report)
10. On [REDACTED] 2023, at 3:16 PM [REDACTED] EBT card was used for a transaction in the amount of \$52.83 at Stop and Shop. (Hearing Summary and Ex. C: Transaction Detailed Report)
11. On [REDACTED] 2023, at 8:58 PM [REDACTED] EBT card was used for a transaction in the amount of \$54.18 at Walmart. (Hearing Summary and Ex. C: Transaction Detailed Report)
12. On [REDACTED] 2023, at 9:05 PM the Defendant's EBT card was used for a transaction in the amount of \$81.09 at Walmart. (Hearing Summary and Ex. C: Transaction Detailed Report)
13. On [REDACTED] 2023, at 3:16 PM [REDACTED] EBT card was used for a transaction in the amount of \$33.75 at Stop and Shop. (Hearing Summary and Ex. C: Transaction Detailed Report)
14. On [REDACTED] 2023, at 5:19 PM [REDACTED] EBT card was used for a transaction in the amount of \$35.65 at Stop and Shop. (Hearing Summary and Ex. C: Transaction Detailed Report)

15. On [REDACTED] 2023, at 6:44 PM [REDACTED] EBT card was used for a transaction of \$4.39 at Stop and Shop. (Hearing Summary and Ex. C: Transaction Detailed Report)
16. On [REDACTED] 2023, at 3:07 PM [REDACTED] EBT card was used for a transaction of \$15.42 at Stop and Shop. (Hearing Summary and Ex. C: Transaction Detailed Report)
17. On [REDACTED] 2023, the Department sent a request to Stop and Shop's Loss and Prevention Division requesting loyalty card information for the EBT transactions following the death of [REDACTED]. (Hearing Summary and Exhibit E: Email to Stop and Shop, [REDACTED]/23)
18. On [REDACTED] 2023, Stop and Shop responded to the Department's email indicating the Stop and Shop Loyalty Card associated with [REDACTED] [REDACTED] transactions post his date of death belonged to [REDACTED] [REDACTED] (Hearing Summary and Exhibit E: Email to Stop and Shop, [REDACTED] 23)
19. On [REDACTED] 2023, the Department investigated EBT transactions that occurred after the death of [REDACTED]. Transactions following his death totaled \$709.80. (Hearing Summary and Ex. C)
20. The Defendant's Stop and Shop Loyalty card was linked to all transactions associated with [REDACTED] EBT card used at Stop and Shop following his death. The Department determined that all transactions were due to the improper use of [REDACTED] EBT card. The Defendant violated the rules of the program by using someone else's EBT card without permission. The Department is recovering a claim due to the theft of benefits. (Hearing Record)
21. The Department determined that the Defendant's EBT card was used at Walmart within moments of [REDACTED] EBT card being used for transactions at Walmart following his death. A Walmart store loyalty card was not used in conjunction with the transactions associated with Mr. [REDACTED] EBT card. (Department's testimony, Hearing Summary and Ex. C)
22. The Department determined the following transactions at Stop and Shop with [REDACTED] EBT card following his death were ineligible transactions and calculated overpayments as follows:

| Transaction Date | Transaction Amount | Eligible Transaction | Overpayment |
|------------------|--------------------|----------------------|-------------|
| [REDACTED] 2023  | \$57.34            | \$0.00               | \$57.34     |
| [REDACTED] 2023  | \$31.20            | \$0.00               | \$31.20     |
| [REDACTED] 2023  | \$52.83            | \$0.00               | \$52.83     |

|                 |         |        |                |
|-----------------|---------|--------|----------------|
| ██████████ 2023 | \$33.75 | \$0.00 | \$33.75        |
| ██████████ 2023 | \$35.65 | \$0.00 | \$35.65        |
| ██████████ 2023 | \$4.39  | \$0.00 | \$4.39         |
| ██████████ 2023 | \$15.42 | \$0.00 | \$15.42        |
|                 |         |        | Total \$230.58 |

(Hearing Summary, Ex. C: Transaction Detailed Reports for ██████████ and ██████████)

23. The Department determined the following transactions at Walmart with ██████████' EBT card following his death were ineligible transactions and calculated overpayments as follows:

| Transaction Date | Transaction Amount | Eligible Transaction | Overpayment    |
|------------------|--------------------|----------------------|----------------|
| ██████████ 2023  | \$161.83           | \$0.00               | \$161.83       |
| ██████████, 2023 | \$58.65            | \$0.00               | \$58.65        |
| ██████████ 2023  | \$54.18            | \$0.00               | \$54.18        |
|                  |                    |                      | Total \$274.66 |

(Hearing Summary, Ex. C: Transaction Detailed Reports for ██████████ and ██████████)

24. On ██████████, 2023, the Defendant's SNAP benefits closed due to not completing a periodic review. (Department's Testimony)
25. The Defendant was mailed a W-1448, Notice of Prehearing Interview, and a W-1449, Waiver of Disqualification Hearing SNAP Program. The notice stated that the Department believes that the Defendant broke the rules of the SNAP on purpose and that there is an overpayment of \$505.24 related to this situation for the use of Leonardo Robles' EBT card after his death. The notice stated she must attend an appointment to discuss the charge. The interview was scheduled for ██████████ 2023, at 10:00 am. The Notice stated that if she chooses to sign the waiver she must do so by ██████████ 2023, or the Department would consider administrative or legal action. The Waiver form stated that because she broke the rules of the SNAP program the Department proposes to disqualify her for a period of one year and impose an overpayment of \$505.24 as a result of an intentional program violation. (Exhibit G: W-1448 and Exhibit H: W-1449)
26. On ██████████ 2023, the Department interviewed the Defendant by phone. The Defendant stated that someone used her Stop and Shop loyalty card, specifically her mother, ██████████. She denied the allegations that she used ██████████ EBT card following his death. The Department determined by reviewing the transaction reports for

██████████ that there were no consecutive EBT transactions on ██████████ ██████████ EBT card following the use of ██████████ card. Stop and Shop loss prevention indicated transactions on Claribel Veg's EBT card at Stop and Shop on ██████████ 2023, ██████████, 2023, and ██████████ 2023, were used with a generic store loyalty card and not the Defendant's. (Exhibit K and Department's testimony)

27. The Defendant has no prior SNAP Intentional Program Violation penalties. (Hearing Summary and Exhibit M: Electronic Disqualified Recipient System ['eDRS'] Query)
28. The Department is seeking to disqualify the Defendant from participating in the SNAP program for a period of one year and recover a claim of \$505.24. (Department's testimony)
29. 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 initiation of the ADH process. On ██████████ 2023, the OLCRAH mailed the Defendant notification of the initiation of the ADH process. This decision is due ██████████, 2024, and is therefore timely. (Hearing Record)

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program.
2. Section 17b-88 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to recover any public assistance overpayment and take such other action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings.
3. Federal regulation provides as follows:

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 overissuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the overissuance by establishing an inadvertent household error claim against the household in accordance with the 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 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.

Title 7 of the Code of Federal Regulations (“C.F.R.”) § 273.16(a)(1)

4. Federal regulation provides as follows:

“The State agency shall conduct administrative disqualification hearings for individuals accused of intentional Program violation in accordance with the requirements outlined in this section.”

7 C.F.R. § 273.16(e)

5. Federal Regulation provides as follows:

For purposes of determining through administrative disqualification hearings whether or not a person has committed an 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)

6. Federal regulation 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.

7 C.F.R. § 273.16(a)(3)

7. Federal regulation provides as follows:

Definition of intentional Program violation. Intentional Program violations shall consist of having intentionally: (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)(2)

8. Federal regulation provides as follows:

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)

9. Federal regulation 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 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 paragraph (b)(2), (b)(3), (b)(4), and (b)(5) of this section.”

7 C.F.R § 273.16(b)(1)(i)

10. Federal regulation provides in part as follows:

**Definition of Trafficking.** (1) The buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers, and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;

7 C.F.R. § 271.2

**The Defendant’s unauthorized use of Mr. [REDACTED]’ EBT card to access his SNAP benefits following his death constitutes stealing and meets the definition of Trafficking as defined under regulation.**

Federal regulation provides as follows:

**Eligible food.** Program benefits may be used only by the household, or other persons the household selects, to purchase eligible food for the household, which includes, for certain households, the purchase of prepared meals, and for other households residing in certain designated areas of Alaska, the purchase of hunting and fishing equipment with benefits.

7 C.F.R. § 274.7(a)

**The Defendant was not part of Mr. [REDACTED] household nor she did not have authorization from Mr. [REDACTED] household to utilize his EBT card to access his SNAP benefits following his death.**

Federal regulation provides as follows:

11. Disqualification Penalties. Even though only 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 forth in § 273.18.

7 C.F.R. § 273.16(b)(12)

Federal regulation provides as follows:

12. Obtaining SNAP benefits. An authorized representative may be designated to obtain benefits. Even if the household is able to obtain benefits, it should be encouraged to name an authorized representative for obtaining benefits in case of illness or other circumstances which might result in an inability to obtain benefits. The name of the authorized representative must be recorded in the household's case record. The authorized representative for obtaining benefits may or may not be the same individual designated as an authorized representative for the application process or for meeting reporting requirements during the certification period.

7 C.F.R. § 273.2(n)(2)

13. Federal regulation provides as follows:

A household may allow any household member or nonmember to use its EBT card to purchase food or meals, if authorized, for the household. Drug or alcohol treatment centers and group living arrangements which act as authorized representatives for residents of the facilities must use SNAP benefits for food prepared and served to those residents participating in SNAP (except when residents leave the facility as provided in § 273.11(e) and (f)).

7 C.F.R. § 273.2(n)(3)

**The Defendant did not have authorization to utilize Mr. [REDACTED] EBT card.**

14. Federal regulation provides as follows:

Trafficking-related claims. Claims arising from trafficking-related offenses will be the value of the trafficked benefits as determined by:

- (i) The individual's admission;
- (ii) Adjudication; or
- (iii) The documentation that forms the basis for the trafficking determination.

7 C.F.R. § 273.18(c)(2)

15. Federal regulation provides as follows:

- (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 CFR 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 recent national rates of collection. If you do not meet these standards, you must take 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 trafficks or otherwise causes an overpayment or trafficking.

(b) Types of claims. There are three types of claims:

(1) **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.**

(2) Inadvertent household error (IHE) claim is ....

any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household.

(3) Agency error (AE) claim

any claim for an overpayment caused by an action or failure to take action by the State agency.

The hearing record established clear and convincing evidence that the Defendant intentionally violated SNAP regulations by misusing [REDACTED] EBT card after his death and stealing SNAP benefits. The evidence and testimony established that the Defendant was stealing [REDACTED] SNAP benefits as evidenced by using her Stop and Shop loyalty card in connection to [REDACTED] EBT card. The Department did not establish clear and convincing evidence regarding the purchases at Walmart as there was no loyalty card connected with the purchases. The Defendant continued to purchase food for herself using [REDACTED] EBT card on seven occasions at Stop and Shop between [REDACTED] 2023, through [REDACTED], 2023, after [REDACTED] death.

The evidence substantiates that the Defendant intentionally committed an IPV.

16.7 C.F.R. § 273.16(b) identifies the disqualification penalties as follows: 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.

17. 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 forth in § 273.18.

**The Department is correct to seek the disqualification of the Defendant from participating in the SNAP program for a period of 12 months under a first violation because the Defendant committed an IPV.**

**The Department established clear and convincing evidence that the Defendant was stealing SNAP benefits from [REDACTED] by the unauthorized use of his EBT card following his death.**

The Department is correct to seek recoupment of a \$230.58 claim from the Defendants theft of benefits by using [REDACTED] EBT card at Stop and Shop.

The Department is incorrect to seek recoupment of a \$274.66 claim from the Defendant's theft of benefits by using [REDACTED] EBT card at Walmart.

### DECISION

The Defendant is **Guilty** of committing a first offense intentional program violation of the Supplemental Nutrition Assistance Program.

The Department's request to disqualify the Defendant from SNAP and impose a first offense SNAP penalty for twelve months is **Granted**.

With regard to the Department's request to recover a claim of \$505.24 from the Defendant, the Department's request is **Granted in part** and **Denied in part**. The Department may recover the claim from the improper use of [REDACTED] EBT card from transactions at Stop and Shop in the amount of \$230.58. The Department's request to recover a claim of \$274.66 from transactions at Walmart is denied.

Scott Zuckerman  
Scott Zuckerman  
Hearing Officer

**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.