

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

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

████████████████████
████████████████████
Request 228008

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ 2023, the Department of Social Services 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 twelve (12) months. The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) by misrepresentative of household composition. The Department did not propose to seek recovery of an overpayment.

On ██████████ 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 informing the Defendant that the Department scheduled of an Administrative Disqualification Hearing for ██████████ 2024, 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 ██████████ 2023, the notifications were delivered and signed for by the Defendant.

On ██████████ 2024, 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 Defendant did not appear for the in-person ADH held on ██████████ 2024.

PRESENT AT THE HEARING

Christopher Pinto, Department Representative
Jessica Gulianello, Hearing Officer

The hearing record remained open to allow the Department time to submit additional information. Additional information was received from the Department and on [REDACTED] 2024, 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 and is subject to a twelve (12) month disqualification penalty under the SNAP.

FINDINGS OF FACT

1. On [REDACTED] 2023, the Department received an online application (“ONAP”) electronically signed by the Defendant and dated [REDACTED] 2023. The Defendant requested benefits under the SNAP for a household comprised of four (4) individuals: self (DOB: [REDACTED]) and her three (3) minor children. (*Exhibit 2: ONAP submission date: [REDACTED] 2023, received date: [REDACTED] 2023, Exhibit 12: Case Notes – Details dated [REDACTED] 2023, Exhibit 14: ImpaCT Document Search History, Hearing Summary, Department’s Testimony*)
2. On [REDACTED] 2023, the Department reviewed the above-noted ONAP, registered the Defendant’s request for benefits under the SNAP in the Department’s electronic eligibility management system, (“ImpaCT”), determined the Defendant to be ineligible for expedited benefits, and left the case in a pending status awaiting completion of the required telephone interview (“TI”). The corresponding case note states, “Income reported appears to have been written in error as CL [the Defendant] is reporting \$50,024 income/month”. (*Exhibit 12: Case Notes – Details dated [REDACTED] 2023*)
3. On [REDACTED] 2023, the Department mailed the Defendant an Interview Notice that requested she contact the Department by [REDACTED] 2023, to complete the required TI. (*Exhibit 13: ImpaCT Historical Correspondence: Interview Notice form # W-3015N dated [REDACTED] 2023*)
4. On [REDACTED] 2023, the Department issued the Defendant a Notice of Missed Interview. (*Exhibit 13: ImpaCT Historical Correspondence: Notice of Missed Interview form # W-0108N dated [REDACTED] 2023*)

5. On [REDACTED] 2023, the Department issued the Defendant a Notice of Action (“NOA”) advising that her request for benefits under the SNAP for the household comprised of four (4) individuals (the Defendant and her three (3) minor children) was denied effective [REDACTED] 2023. The NOA cited the following reasons: “No household members are eligible for this program”, “The required interview was not completed” and “Does not meet program requirements”. (*Exhibit 12: Case Notes – Details dated [REDACTED] 2023, Exhibit 13: ImpaCT Historical Correspondence: NOA dated [REDACTED] 2023*)

6. On [REDACTED] 2023, the Department received an ONAP electronically signed by the Defendant on [REDACTED] 2023, requesting benefits under the SNAP for a household comprised of four (4) individuals; one adult (the Defendant) and her three (3) minor children. The Defendant reported a mortgage of \$3,200 per month plus utilities paid separately but no income [\$0.00]. (*Exhibit 6: Case Notes Details – [REDACTED]/2023, Exhibit 14: ImpaCT Document Search History – ONAP submission date: [REDACTED]/2023, received date: [REDACTED] 2023*)

7. On [REDACTED] 2023, the Department reviewed the above-noted ONAP, and registered the Defendant’s request for benefits under the SNAP in the ImpaCT eligibility management system. The Department determined the household comprised of four (4) individuals to be eligible for expedited benefits under the SNAP. (*Exhibit 12: Case Notes – Details dated [REDACTED] 2023*)

8. On [REDACTED] 2023, the Department issued the Defendant an Interview Notice requesting she contact the Department to conduct the required TI under the SNAP due by [REDACTED] 2023. (*Exhibit 13: ImpaCT Historical Correspondence: Interview Notice, form # W-3015N dated [REDACTED]/2023*)

9. On [REDACTED] 2023, the Department issued the Defendant a Proofs We Need (“W1348”) requesting the following proofs due by [REDACTED] 2023:

Household Member(s)	Proofs Needed	Acceptable Proofs	Additional Information
[REDACTED]	Proof of shelter expenses	Rent receipt, current lease, mortgage bill, condo fees bill, Section 8 or other rental subsidy contract, letter from landlord, DSS form (W-1408) You may use the attached W-1408.	Please provide verification on how you are able to pay your expenses with no reported income.
[REDACTED]	Proof of your gross earnings	Most recent four weeks paystubs,	Please provide four weeks of current and

		letter signed by employer showing most recent four weeks of gross earnings and hours worked, DSS form W-35	consecutive wage stubs from your employment with [REDACTED]
[REDACTED]	Last Date Worked	Letter from the employer stating the last date worked, the date and amount of the last pay and the reason the job ended.	Please provide a last date of work and last date paid from your employer [REDACTED]. This must be signed and dated on company letterhead.

(Exhibit 13: ImpaCT Historical Correspondence: W-1348 dated [REDACTED] 2023)

10. The “Historical Correspondence” page in the Department’s online eligibility management system, (“ImpaCT”) confirms that the Department issued the Defendant a NOA on [REDACTED] 2023; however, the details of the notice are not known as the Department did not submit a copy to the corresponding notice to the hearing record. *(Exhibit 13: ImpaCT Historical Correspondence record, Hearing Record)*

11. On [REDACTED] 2023, an eligibility worker for the Department electronically submitted a FRED referral to the investigation’s unit alleging suspicion that the Defendant misrepresented the SNAP household. The referral narrative stated, “CL [the Defendant] reporting home [REDACTED]. CL [the Defendant] reports no income but reports a monthly mortgage, looked property up on GIS [REDACTED]. Shows a [REDACTED]. Children in home all have last name [REDACTED]. Questionable HH [household] comp [composition] possible LLR [legally liable relative] in home.” *(Exhibit 1: ImpaCT FRED Referral dated [REDACTED]/2023, Exhibit 12: Case Notes – Details [REDACTED]/2023, Hearing Summary, Department’s Testimony)*

12. The above noted referral was assigned to the Department’s Investigator, Christopher Pinto. *(Exhibit 1: ImpaCT FRED Referral dated [REDACTED]/2023, Hearing Summary, Department’s Testimony)*

13. The Department’s Investigator focused the investigation on the Defendant’s [REDACTED] [REDACTED] 2023, application for benefits under the SNAP. *(Hearing Summary, Defendant’s Testimony)*

14. On [REDACTED] 2023, the Department's Investigator conducted a [unscheduled] home visit to the Defendant's address of record, [REDACTED]. A woman (the [REDACTED]) answered the door and reported that the Defendant and [REDACTED] were not home. A phone call was placed to [REDACTED], and he orally confirmed that he resides at the same address as the Defendant and their three (3) common children. Mr. [REDACTED] advised that he was not seeking benefits under the SNAP due to cultural reasons. The Department's Investigator verbally informed Mr. [REDACTED] that because he was residing at the same address as the Defendant and their common children, they were an intact household and as such he was a mandatory participant in the Defendant's SNAP household. (*Department's Testimony*)

15. On [REDACTED], 2023, the Department received documents from the Defendant. (*Exhibit 14: ImpaCT Document Search results received date [REDACTED]/2023*)

16. On [REDACTED], 2023, the Department issued the Defendant a Notice of Missed Interview that stated, "Your application will be denied if you do not have your interview and send us all of the required proofs we asked for by the denial date(s)." Denial date(s): [REDACTED] 2023. (*Exhibit 13: ImpaCT Historical Correspondence: Notice of Missed Interview form # W-0108N dated [REDACTED]/2023*)

17. On [REDACTED], 2023, the Department received an online Change Report from the Defendant which reflected that [REDACTED] was residing in the same household and provided his demographic information. (*Exhibit 12: Case Notes – Details dated [REDACTED]/2023, Exhibit 13: ImpaCT Historical Correspondence: Online Change Report dated [REDACTED]/2023*)

18. In [REDACTED] 2023, the Department's Investigator issued the Defendant a Notice of Prehearing Interview Food Stamp Program ("W1448") dated [REDACTED]/2023 (the exact date of issuance is not clear). The W1448 stated, "The Department of Social Services believes that [the Defendant] broke the rules of the Food Stamp program on purpose." "I am making an appointment for you to discuss this charge on [REDACTED]/2023 at _____, at the following location: [REDACTED]. [REDACTED]. "If you need to contact me before the appointment, you may reach me at [REDACTED]." (*Exhibit 3: W1448 dated [REDACTED]/2023*)

19. In [REDACTED] 2023, the Department's Investigator issued the Defendant a notice entitled, "Waiver of Disqualification Hearing SNAP Program" ("W-1449"). (*Exhibit 4: W1448*)

20. On [REDACTED] 2023, the Department received the W-1448 signed and dated [REDACTED] 2023 by the Defendant. The Defendant selected Option C under Question 8, "I have read this notice and wish to exercise my right to have an administrative hearing". (*Exhibit 4: W1448 signed & dated [REDACTED] 2023*)

21. On [REDACTED] 2023, the Department issued the Defendant a NOA that advised benefits under the SNAP had been approved for in the prorated amount of \$406.00 for the benefit period of [REDACTED] 2023, through [REDACTED] 2023, and \$973.00 for the benefit period of [REDACTED] 2023, through [REDACTED] 2023, for the Defendant and her three (3) minor children. (*Exhibit 13: ImpaCT Historical Correspondence: NOA dated [REDACTED] 2023*)
22. On [REDACTED] 2023, the Defendant contacted the Department's Benefit Center to conduct a phone interview and she was scheduled for a callback. (*Exhibit 12: Case Notes – Details dated [REDACTED] 2023*)
23. On [REDACTED] 2023, the Department contacted the Defendant and she completed the required phone interview. The corresponding case note states, "CI [the Defendant] confirms at start of BC call that [REDACTED] is now residing with her and their children, wants to ensure he is added to the HH's [household's] appl [application]. (*Exhibit 12: Case Notes – Details dated [REDACTED]/2023*)
24. On [REDACTED] 2023, the Department issued the Defendant a NOA that advised benefits under the SNAP had been approved in the amount of \$973.00 for the benefit period beginning [REDACTED] 2023, ending [REDACTED] 2023, respectively for a household comprised of four (4) individuals (the Defendant and her three (3) minor children). (*Exhibit 13: ImpaCT Historical Correspondence: NOA dated [REDACTED] 2023*)
25. On [REDACTED] 2023, the Department issued the Defendant a second W-1348 requesting the following proofs due by [REDACTED] 2023:

Household Member(s)	Proofs Needed	Acceptable Proofs	Additional Information
[REDACTED]	Last Date Worked	Letter from the employer stating the last date worked, the date and amount of the last pay and the reason the job ended.	N/A
[REDACTED]	Proof of loss of employment	Termination letter from employer, DSS form W-35	N/A
[REDACTED]	Proof of your gross earnings	Most recent four weeks paystubs, letter signed by employer showing most recent four weeks of gross	N/A

		earnings and hours worked, DSS form W-35	
--	--	--	--

“FOR ██████ – PLEASE PROVIDE AN EMPLOYER LETTER THAT CONFIRMS YOUR HIRE DAT, AVERAGE SCHEDULED HOURS PER WEEK AND PAY PER HOUR INFORMATION FROM ██████. IF YOU DO NOT PLAN TO CONTINUE WORKING THERE, THEN DSS WILL NEED A DIFFERENT LETTER FROM THIS SAME EMPLOYER CONFIRMING LAST DATE OF WORK, REASON FOR SEPARATION AND DATE OF LAST PAID (INCLUDING PAYROLL INFOMRATION IF WILL BE PAID IN ██████ 2023).”

“FOR ██████ – PLEASE HAVE HIM OBTAIN AN EMPLOYER LETTER FROM ██████ CONFIRMING HIS LAST DATE OF WORK, REASON FOR SEPARATION AND DATE LAST PAID (INCLUDING PAYROLL INFORMATION IF WILL BE PAID ██████ 2023).”

(Exhibit 13: ImpaCT Historical Correspondence: W-1348 dated ██████/2023)

26. On ██████ 2023, the Department’s Investigator conducted an electronic Property Listing search for ██████. The report results verified that the Defendant and ██████ purchased the property on ██████ 2021, and they co-own it. *(Exhibit 7: Property Listing Report, Town of ██████ created on ██████ 2023)*
27. On ██████ 2023, the Department’s Investigator conducted an electronic Vehicle Search. The search results verified that ██████ has a ██████ registered to the address of record. *(Exhibit 8: ImpaCT Vehicle Search results dated ██████/2023)*
28. On ██████ 2023, the Department’s Investigator conducted a CT License/ID Search. The search results verified that ██████ has a CT license/ID. *(Exhibit 9: ImpaCT CT License/ID Search dated ██████ 2023)*
29. On ██████ 2023, the Department’s Investigator conducted a Department of Labor (“DOL”) Wage Search. The search results verified that ██████ had been employed with the ██████. *(Exhibit 10: DOL Wage Details dated ██████ 2023)*
30. On ██████ 2023, the Department conducted a third-party employment verification search via ██████. The search results verified that ██████ was hired by the ██████ on ██████ 2014, and

reflected an inactive employment status with a termination date of [REDACTED] 2023. (*Exhibit 11: [REDACTED] Information as of [REDACTED] 2023*).

31. On [REDACTED] 2023, the Department denied continued benefits under the SNAP and issued the Defendant a NOA that advised benefits under the SNAP were closed effective [REDACTED] 2023, for the household comprised of five (5) individuals (two adults and three common minor children) citing the following reasons: “You did not return all of the required proofs by the date we asked”, “You did not provide the proofs needed in order to receive SNAP for a longer period of time”, and “Does not meet program requirements”. (*Exhibit 12: Case Notes Details – [REDACTED]/2023, Exhibit 13: ImpaCT Historical Correspondence: NOA dated [REDACTED]/2023, Exhibit 17: ImpaCT Case Search/Summary*)
32. The Defendant did not attend the prehearing interview. The Defendant had not contacted the Department’s Investigator concerning the investigation. (*Department’s Testimony*)
33. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of twelve (12) months due to an alleged IPV claiming that the Defendant intentionally misrepresented her household composition on the ONAP requesting benefits under the SNAP received on [REDACTED] 2023, electronically signed on [REDACTED] 2023. The Department is not seeking to recover a SNAP overpayment. This IPV would be the Defendant’s first disqualification penalty under the SNAP. (*Exhibit 5: eDRs dated [REDACTED]/2023, Hearing Summary, Department’s Testimony*)
34. The Defendant’s case has not been referred to the state police, prosecuting attorney, or the attorney general in the court system. (*Department’s Testimony*)
35. 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 OLCRAH mailed the Defendant a copy of the ADH packet that was delivered on [REDACTED] 2023. Thus, this decision is due no later than [REDACTED] 2023, and it is therefore timely. (*Hearing Record*)

CONCLUSIONS OF LAW

1. Section 17b-2(7) of 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 (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.

Title 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)(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 hearing.

The Defendant was not present at the hearing, nor did she provide good cause for failure to appear.

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 ADH was properly initiated by the Department. The Defendant's case has not been referred for civil or criminal prosecution.

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 disqualification consent agreement (Waiver) and selected the option to execute her right to have an ADH.

6. 7 C.F.R. § 273.2(f)(2)(i) provides as follows: The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level. The State agency shall establish guidelines to be followed in determining what shall be considered questionable information. These guidelines shall not prescribe verification based on race, religion, ethnic background, or national origin. These guidelines shall not target groups such as migrant farmworkers or American Indians for more intensive verification under this provision.
7. 7 C.F.R § 273.2(f)(3) provides as follows: State agency options. In addition to the verification required in paragraphs (f)(1) and (f)(2) of this section, the State agency

may elect to mandate verification of any other factor which affects household eligibility or allotment level, including household size where not questionable. Such verification may be required Statewide or throughout a project area, but shall not be imposed on a selective, case-by-case basis on particular households.

8. 7 C.F.R § 273.2(f)(3)(i) provides as follows: The State agency may establish its own standards for the use of verification, provided that, at a minimum, all questionable factors are verified in accordance with paragraph (f)(2) of this section and that such standards do not allow for inadvertent discrimination.

9. “The department’s uniform policy manual is the equivalent of a state regulation and, as such, carries the force of law.” *Bucchere v. Rowe*, 43 Conn. Supp. 175, 178 (1994) (citing Conn. Gen. Stat, § 17b-10; *Richard v. Commissioner of Income Maintenance*, 214 Conn. 601, 573 A.2d 712(1990))

10. UPM § 1505.40(A)(2) provides as follows: A Fraud Early Detection (FRED) investigation is done on AABD, Medicaid and Food Stamps applications that meet an error prone profile. Conditions that would cause a case to meet this profile include, but are not limited to:
 - a. a previous fraud overpayment;
 - b. children under the age of six;
 - c. the household is suspected of living above its means;
 - d. the case was denied or closed within three months;
 - e. application is inconsistent with prior case history;
 - f. questionable absent parent information;
 - g. no income for two consecutive months;
 - h. questionable verification;
 - i. living in Connecticut for less than three months;

- j. household composition appears different than reported;
- k. assets appear to be greater than reported.

A FRED investigation is a CT process. A FRED investigation is intended to be completed during the SNAP application process when circumstances indicate an increased likelihood of fraud. The evidence substantiates that the Department's eligibility staff sent a FRED referral to investigations on [REDACTED] 2023, as the Defendant reported a mortgage but no income on her application for benefits under the SNAP that had been received on [REDACTED] 2023. It is not clear why the investigator focused the investigation on the Defendant's [REDACTED] 2023, application for benefits under the SNAP that had already been denied in [REDACTED] 2023, rather than her [REDACTED] 2023, application for benefits under the SNAP that was still in process.

10. 7 C.F.R § 273.1(b)(1) provides as follows: 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.

1. 7 C.F.R § 273.2(f)(1)(x) provides as follows: Household composition. State agencies shall verify factors affecting the composition of a household, if questionable. Individuals who claim to be a separate household from those with whom they reside shall be responsible for proving that they are a separate household to the satisfaction of the State agency. Individuals who claim to be a separate household from those with whom they reside based on the various age and disability factors for determining separateness shall be responsible for proving a claim of separateness (at the State agency's request) in accordance with the provisions of § 273.2(f)(1)(viii).

The Department correctly determined via the investigation that this is an intact household. [REDACTED] is the legally liable relative and he is a mandatory member of the Defendant's SNAP household.

2. 7 C.F.R. § 273.16 (b)(1)(i) provides that 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 paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section.
3. 7 C.F.R. § 273.16 (b)(5) provides for disqualification penalties and states that individuals found to have committed an IPV shall be ineligible to participate in the program for a period of twelve months for the first IPV. except as provided under paragraphs (b)(2), (b)(3), (b)(4) and (b)(5) of this section.
4. 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).
5. 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.
6. 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 procedure in paragraph (b) of this section. The same act of intentional Program violation repeated over a period must not be separated so that separate penalties can be imposed.

The Department did not present clear and convincing evidence to substantiate that the Defendant intentionally committed an IPV.

DISCUSSION

The Department's investigator focused the FRED investigation and the ADH on the Defendant's [REDACTED] 2023, application for benefits under the SNAP. However, the evidence substantiates that the Defendant reported income of \$50,024.00 on that application. Furthermore, the corresponding case note from the Department's eligibility staff acknowledged that the Defendant had likely made an error on the application. A telephone interview was not completed, and the application was denied accordingly in [REDACTED] 2023.

In [REDACTED] 2023, the Defendant reapplied for benefits under the SNAP and reported a mortgage but no income which prompted the above-noted FRED referral by the Department's eligibility staff. During the home visit, [REDACTED] was contacted by telephone. Mr. [REDACTED] orally confirmed that he resides at the same residence as the Defendant and their common children but stated that he did not want to apply for SNAP due to cultural reasons. The Department correctly determined this to be an intact household and educated Mr. [REDACTED] on the mandatory inclusion rules under the SNAP. The investigator did not have contact with the Defendant. The Defendant subsequently contacted the Department to corroborate that Mr. [REDACTED] resides at the same residence with her and their common children via an online change report and during the telephone interview (while the [REDACTED] 2023, application for benefits remained in process).

The evidence reflects that the Defendant likely made an unintentional error on her [REDACTED] 2023, application for benefits under the SNAP. There is a lack of clear and convincing evidence to substantiate that she committed an intentional program violation (IPV). However, it should be noted that the Defendant has since been made aware of the mandatory inclusion rules under the SNAP. If the Defendant chooses to reapply for benefits and does not accurately report her household composition, she may be subject to future disqualification and/or recovery of benefits.

DECISION

The Defendant is **NOT GUILTY** of committing a first-offense Intentional Program Violation (IPV) in the SNAP program.

ORDER

- 1). The Department shall rescind its proposal to disqualify the Defendant from SNAP for the period of one year (12 months).
- 2). Compliance with this order is due no later than ten (10) days from the date of this decision.

Jessica Gulianello

Jessica Gulianello
Hearing Officer

CC: OLCRAH.QA.DSS@ct.gov
Christopher Pinto, DSS Investigator, RO ■

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.