

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

[REDACTED] 2024  
Signature Confirmation

Case # [REDACTED]  
Client ID # [REDACTED]  
Request # [REDACTED]

**ADMINISTRATIVE DISQUALIFICATION HEARING  
NOTICE OF DECISION**

**PARTY**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**REASON FOR HEARING**

On [REDACTED] [REDACTED] 2023, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received a request for an Administrative Disqualification Hearing (“ADH”) from the Department of Social Services (“Department”) Investigations and Recoveries Division (“Investigations Unit”) seeking disqualification of [REDACTED] (the “Defendant”) from participating in the Supplemental Nutrition Assistance Program (“SNAP”). The Department alleges the Defendant committed an Intentional Program Violation (“IPV”) by failing to disclose the correct household composition.

On [REDACTED] 2023, the 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 an administrative disqualification hearing for [REDACTED] 2024. The NOAH included notification of the Defendant’s rights in these proceedings and the Department’s hearing summary and evidence supporting the Department’s case against the Defendant.

On [REDACTED] 2023, the Defendant received the NOAH, notification of his rights, the hearing summary, and supporting evidence as documented by the online USPS tracking confirmation verified by OLCRAH.

On [REDACTED] 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 was not present at the hearing and did not provide good cause for not appearing.

The following individuals were present at the hearing:

Salvatore Tordonato, Department's Investigator  
Alisha Laird, Fair Hearing Officer

### **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. The Defendant was born on [REDACTED] [REDACTED], and is [REDACTED] years old. [REDACTED] ("Child 1") was born on [REDACTED] [REDACTED], and is [REDACTED] year old. (Exhibit 2: ONAP [REDACTED] 23)
2. On [REDACTED] 2023, the Defendant submitted a signed Online Application ("ONAP") requesting SNAP assistance for himself and Child 1. The ONAP listed the household member's residence as at [REDACTED] [REDACTED], CT [REDACTED], and a rental expense of \$1,200.00 monthly. (Exhibit 2)
3. On [REDACTED] 2023, [REDACTED] (the "LLR"), born [REDACTED] [REDACTED], submitted a signed ONAP requesting SNAP assistance for herself and [REDACTED] ("Child 2"), born [REDACTED] [REDACTED]. The LLR's ONAP listed her residence as [REDACTED] CT [REDACTED] (Exhibit 5: ONAP 1[REDACTED]/2023)
4. The Defendant and the LLR signed a twelve (12) month lease with [REDACTED] [REDACTED], CT [REDACTED] address on [REDACTED] 2022, listing Child 2 as a household member. (Exhibit 8: Apartment Lease)
5. On [REDACTED] 2023, the Department received a letter and signed W1408 Landlord Verification Request form from the Appellant stating that he and Child 1 rent a room and kitchen from [REDACTED] at the following residential address: [REDACTED], CT [REDACTED] and he pays \$1,200.00 monthly for rent. (Exhibit 4: W1408)

6. On [REDACTED] [REDACTED] 2023, the Defendant contacted the Department to complete a telephone interview for the SNAP. The Defendant withdrew his SNAP application after the Department inquired about the LLR and unspecified Child. (Exhibit 3: [REDACTED] Case Note [REDACTED]/2023)
7. On [REDACTED] 2023, the LLR contacted the Department to complete a telephone interview for the SNAP. She stated her household members include Child 1 and Child 2, and she has a rental expense of \$950.00. (Exhibit 7: [REDACTED] Case Note [REDACTED]/2024)
8. On [REDACTED] 2023, the Department submitted a fraud referral for suspected intentional program violation because the Defendant misrepresented his household composition. (Exhibit 1: Fraud Referral)
9. On [REDACTED] 2023, the LLR submitted a signed ONAP requesting SNAP assistance for herself, Child 1, and Child 2. The ONAP listed the household members residing at [REDACTED] CT [REDACTED]. (Exhibit 11: ONAP [REDACTED]/2023)
10. The Department's Investigator attempted a home visit at [REDACTED] [REDACTED] CT [REDACTED] address on [REDACTED] 2023, and [REDACTED] [REDACTED], 2023. The Investigator did not gain access to the residence on either occasion. (Hearing Summary)
11. On [REDACTED] [REDACTED] 2023, the Department's Investigator sent a recommendation to the Department to add the Defendant to the LLRs SNAP case, due to several collaterals placing them at the same residence. (Hearing Summary)
12. On [REDACTED] 2023, the Department's Investigator sent the Defendant a Notice of Prehearing Interview ("W1448") instructing the Defendant to attend an in-office appointment at the [REDACTED] Regional Office to discuss the charges. Included in the mailing was a SNAP Waiver of Disqualification Hearing ("W1449") with a due date of [REDACTED] 2023. (Exhibit 19: W1448 dated [REDACTED]/2023 and Exhibit 20: W1449)
13. The Defendant did not attend the appointment and did not sign and return the W1449 by the [REDACTED]/2023 deadline. (Hearing Summary)
14. On [REDACTED] 2023, the Department's Investigator spoke with the Defendant regarding the missed appointment. The Defendant informed the Investigator that he did not sign the W1449 because he did not receive any SNAP benefits. He confirmed he was on the lease and stated his relationship with the LLR was complicated and he will be moving back to [REDACTED] state. (Hearing Summary)

15. The Defendant has no prior IPV's of the SNAP program. (Exhibit 21: eDRS Query)
16. The issuance of this decision is timely under Title 7 section 273.16(e)(20)(iv) of the Code of Federal Regulations ("C.F.R.") which requires that the agency issue a decision within 90 days of the notice of the initiation of the ADH process. On ██████████ 2023, OLCRAH mailed the Defendant notification of the initiation of the ADH process. Therefore, this decision is due no later than ██████████ 2024.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statutes ("Conn. Gen. Stat.") provides 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.
2. Conn. Gen. Stat. § 17b-88 provides for 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.
3. Title 7 of the Code of Federal Regulations ("C.F.R.") section 273.16(e) provides for disqualification hearings. The State agency shall conduct administrative disqualification hearings for individuals accused of intentional Program violation in accordance with the requirements outlined in this section.

**The Department has the authority to initiate and hold Administrative Disqualification Hearings.**

4. 7 C.F.R. § 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 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.

**The Defendant's case has not been referred for civil or criminal prosecution.**

5. 7 C.F.R. § 273.16(c) defines an IPV as follows: 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.
6. 7 C.F.R. § 273.16(e)(6) provides for 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.

**The Department correctly determined that the Defendant committed an IPV under the SNAP by misrepresenting his household composition on his application for SNAP benefits. The hearing record clearly and convincingly establishes that the Defendant withheld the fact that the LLR and Child 2 also resided with him in their home.**

7. 7 C.F.R. § 273.2(f)(11)(i) provides for the use of disqualification data. 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: (A) Ascertain the appropriate penalty to impose based on past disqualifications in a case under consideration.

**The Department correctly determined that the Defendant does not have any prior disqualifications.**

8. 7 C.F.R. § 273.16(b)(1)(i) provides for disqualifications 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: (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.
9. 7 C.F.R. § 273.16(e)(8)(i) provides for the imposition of disqualifications penalties. 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.
10. 7 C.F.R. § 273.16(e)(8)(ii) provides no further administrative appeal procedure exists after an adverse State level hearing. The determination of intentional Program violation made by a disqualification hearing official cannot be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay by a court of appropriate jurisdiction or other injunctive remedy.

11.7 C.F.R. § 273.16(e)(8)(iii) provides once a disqualification penalty has been imposed against a currently participating household member, the period of disqualification shall continue uninterrupted until completed regardless of the eligibility of the disqualified member's household. However, the disqualified member's household shall continue to be responsible for repayment of the overissuance which resulted from the disqualified member's intentional Program violation regardless of its eligibility for Program benefits.

**The Department correctly determined the Defendant is subject to a SNAP disqualification penalty for twelve (12) months because he is guilty of committing an IPV due to misrepresenting his household composition.**

### **DECISION**

The Defendant is **GUILTY** of committing their first Intentional Program Violation under the SNAP. The Department's request to disqualify the Defendant from the SNAP for twelve (12) months is **GRANTED**.

*Alisha Laird*

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Alisha Laird  
Fair Hearing Officer

CC: [OLCRAH.QA.DSS@ct.gov](mailto:OLCRAH.QA.DSS@ct.gov)  
Salvatore Tordonato, Department's Investigator

**RIGHT TO APPEAL**

The appellant has the right to appeal this decision to Superior Court within **45** days of the mailing of this decision, or **45** days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. 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. 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 the Commissioner's 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 appellant resides.