

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

██████████ 2024  
Signature confirmation

Case: ██████████  
Client: ██████████  
Request: 230655

**ADMINISTRATIVE DISQUALIFICATION HEARING**

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

The Department of Social Services (the “Department”) petitioned the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) to conduct an administrative disqualification hearing to determine whether ██████████ (the “Defendant”) may be barred from participating in the Supplemental Nutrition Assistance Program (“SNAP”) for twelve months for committing an intentional Program violation.

On ██████████ 2024, the OLCRAH issued a *Notice of Administrative Hearing* to the Defendant with a copy of the Department’s summary and exhibits by certified mail, restricted delivery to the Defendant’s address of record. The *Notice* advised the Defendant that an administrative disqualification hearing would be go forward on ██████████, 2024 at the Department’s ██████████ ██████████ Regional Office in ██████████, Connecticut and a decision would be issued even should the Defendant not appear.

The Defendant signed for receipt of the ██████████ 2024 mailing.

On ██████████ 2024, an OLCRAH manager spoke with the Defendant by telephone. The manager apprised the Defendant that State offices would be closed the following day due to an anticipated severe weather event. The Defendant agreed to attend the ██████████, 2024 hearing by telephone conferencing.

On ██████████ 2024, the OLCRAH conducted an administrative disqualification hearing in accordance with Title 7, Section 273.16 of the Code of Federal Regulations (“C.F.R.”) and Section 17b-88 of the Connecticut General Statutes by telephone conferencing. The Defendant did not

appear for the [REDACTED], 2024 hearing and did not request a postponement of the proceedings for good cause. The following individuals participated:

Christopher Pinto, Department Representative  
Eva Tar, Hearing Officer

The hearing record closed [REDACTED] 2024.

### **STATEMENT OF ISSUE**

The issue is whether the Defendant committed an intentional Program violation, permitting the Department to disqualify the Defendant from participating in the SNAP for 12 months.

### **FINDINGS OF FACT**

1. The Defendant and [REDACTED] (the “mother”) are the parents of [REDACTED] (dob [REDACTED]) (the “child”). (Dept. Exhibits 4 and 8)
2. The Defendant, the mother, and the couple’s child live at [REDACTED], [REDACTED] (the “residence”). (Dept. Exhibits 4, 6, 7, and 8)
3. From [REDACTED] 2022 through [REDACTED] 2023, the Department issued SNAP benefits to the Defendant. (Dept. Exhibit 12)
4. The Defendant received SNAP benefits for a household of two, the household being made up of the Defendant and the child. (Department Representative Testimony)
5. On [REDACTED] 2023, the Defendant submitted an online SNAP renewal form, reporting that he and his child had moved from their address to the residence. (Dept. Exhibit 4)
6. On the [REDACTED] 2023 renewal form, the Defendant did not list the child’s mother as living at the residence and did not report the mother’s employment. The Defendant reported that the household had no income. (Dept. Exhibit 4)
7. On [REDACTED] 2023, the Department initiated an internal resource referral to determine if the Defendant had misrepresented his household composition and income on the [REDACTED] 2023 renewal form. (Dept. Exhibits 3 and 10)
8. On [REDACTED] 2023, the Defendant confirmed that the mother lived at the residence with the Defendant and the couple’s child. (Department Representative Testimony) (Dept. Exhibit 10)
9. On [REDACTED] 2023, the Department administratively added the mother as a household member to the Defendant’s SNAP case. (Dept. Exhibit 5)
10. In [REDACTED] 2023, the SNAP gross monthly income limit for a household of three equaled \$4,144.00. (Department Representative Testimony)

11. In [REDACTED] 2023, the mother grossed \$7,515.38 in wages. (Dept. Exhibit 7)
12. The mother's gross monthly wages rendered the Defendant's household of three ineligible to participate in the SNAP. (Dept. Exhibit 11)
13. On [REDACTED], 2023, the Department issued a *Notice of Action* to the Defendant, declining to recertify his SNAP case effective [REDACTED] 2023. (Dept. Exhibit 11)
14. The Department Representative mailed a *Waiver of Disqualification Hearing* to the Defendant. (Dept. Exhibit 9)
15. The Defendant did not complete and return the *Waiver of Disqualification Hearing*. (Department Representative Testimony)
16. The Defendant has not previously been disqualified from the SNAP. (Dept. Exhibit 1)
17. 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...." This final decision would become due no later than [REDACTED], 2024. 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 the authority for the Department to conduct administrative disqualification hearings for cases involving alleged fraud in the SNAP.

Title 7, Section 273.16 of the Code of Federal Regulations ("C.F.R.") addresses Program disqualification for intentional Program violations with respect to the SNAP. Subsection (a)(1) of this section provides in part: "Administrative disqualification procedures ... 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. ***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); ...." 7 C.F.R. § 273.1 (b)(1).

**The Defendant's child, as a person under 22 years of age who is living with his natural parents, was a mandatory member of the Defendant's SNAP household in the relevant period.**

**The mother of the child was a mandatory member of the Defendant's SNAP household when she resided in the same residence as the Defendant and the couple's child.**

3. "Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. ... Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for SNAP...." 7 C.F.R. § 273.9 (a).

"Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee." 7 C.F.R. § 273.9 (b)(1)(i).

**With respect to the Defendant's SNAP household, the mother's wages are counted income.**

4. "Certified change reporting households are required to report the following changes in circumstances: (i)...; (ii) All changes in household composition, such as the addition or loss of a household member. (iii) Changes in residence and the resulting change in shelter costs." 7 C.F.R. § 273.12 (a)(1)(ii) and (iii).

"Certified households must report changes within 10 days of the date the change becomes known to the household, or at the State agency's option, the household must report changes within 10 days of the end of the month in which the change occurred. ...." 7 C.F.R. § 273.12 (a)(2).

5. "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) (emphasis added).

**As a condition of SNAP eligibility, the Defendant was required to accurately disclose his household composition to the Department.**

**The Defendant misrepresented, concealed, or withheld facts when he failed to report to the Department that he and the child had started living with the child's mother.**

**The Defendant misrepresented, concealed, or withheld facts when he failed to report the mother's wages, a financial eligibility factor that adversely impacted his participation in the SNAP.**

**The Department provided clear and convincing evidence that the Defendant had committed an intentional Program violation of the SNAP.**

6. Title 7, Code of Federal Regulations, Section 273.16 (b)(1) provides:

***Disqualification penalties.***

(1) 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.

7 C.F.R. § 273.16 (b)(1).

**The Department correctly determined that the Defendant is subject to disqualification from participation in the SNAP for 12 months for a first intentional Program violation.**

**DECISION**

The Department's request to disqualify the Defendant from participating in the SNAP for 12 months is GRANTED.

*Eva Tar-electronic signature*  
Eva Tar  
Hearing Officer

Cc: Christopher Pinto, DSS-New Haven  
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, 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 his 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.