

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 # ██████████

NOTICE OF DECISION
PARTY

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

PROCEDURAL BACKGROUND

On ██████████, 2023, the Department of Social Services (the “Department”) issued a Notification of Overpayment and Recoupment to ██████████ ██████████ (the “Appellant”), indicating she had been overpaid \$11,595.20 in Supplemental Nutrition Assistance Program (“SNAP”) benefits and that she must repay the overpayment.

On ██████████, 2024, the Appellant requested an administrative hearing to contest the Department’s decision to recover such benefits.

On ██████████, 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████, 2024

On ██████████, 2024, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-184 inclusive of the Connecticut General Statutes, the OLCRAH held an administrative hearing. The following individuals participated in the hearing:

██████████, Appellant
Brittany Velleca, Department’s Representative
Joseph Davey, Administrative Hearing Officer

The hearing record was left open until ██████████, 2024, for the submission of additional information from the Appellant and the Department. Information from both parties was received the record closed on ██████████, 2024.

STATEMENT OF THE ISSUE

The issue is whether the Department correctly determined the Appellant was overpaid \$11,595.20 in SNAP benefits and whether the Department's recoupment of the SNAP overpayment is correct.

FINDINGS OF FACT

1. The Appellant is forty-one years old (DOB [REDACTED]) and received SNAP benefits for a household of three; herself and two children, during the period of [REDACTED], 2020, through [REDACTED], 2021. (Exhibit 3: NOA dated [REDACTED], Exhibit 5: NOA dated [REDACTED], Appellant's testimony, Department's testimony)
2. From [REDACTED], 2020, through [REDACTED], 2020, the Appellant received the following SNAP benefits on the following dates:

Date	Amount
[REDACTED]/2020	\$399.00
[REDACTED]/2020	\$110.00
[REDACTED]/2020	\$110.00
[REDACTED]/2020	\$399.00
[REDACTED]/2020	\$110.00
[REDACTED]/2020	\$729.60
[REDACTED]/2020	\$399.00
[REDACTED]/2020	\$110.00
[REDACTED]/2020	\$399.00
[REDACTED]/2020	\$110.00
[REDACTED]/2020	\$399.00
[REDACTED]/2020	\$110.00
[REDACTED]/2020	\$399.00
[REDACTED]/2020	\$110.00
[REDACTED]/2020	\$399.00
[REDACTED]/2020	\$79.80
[REDACTED]/2020	\$110.00
[REDACTED]/2020	\$399.00
[REDACTED]/2020	\$136.00
[REDACTED]/2020-[REDACTED]/2020	Total: \$4,508.40

(Exhibit 6: Benefit issuance history [REDACTED] - [REDACTED])

3. On [REDACTED], 2020, the Department sent the Appellant an NOA informing her that her SNAP benefits were closing on [REDACTED], 2020, for failure to complete the renewal process. (Exhibit 3)

4. On [REDACTED], 2020, the Department received a W-1ER renewal form (“W-1ER”) for the SNAP. The W-1ER was signed by the Appellant and dated [REDACTED], 2020. The Appellant did not report any earned or unearned income and left blank the section of the renewal which stated: *“Enter new income received by you or any other household members in the blank table. Examples include but are not limited to: rent paid to you, loans repaid to you, TFA or TANF, retirement pension, military benefits, disability benefits, child or spousal support, guardian or foster care payments, social security benefits, SSI, dividends or interest on investments, worker’s compensation, tribal payments, unemployment compensation, educational income (such as financial aid), and any other money/monies received from any other source.”* Also left blank was the question under the aforementioned table which stated: *“If there are no changes to the information above, check here:”* By signing the W-1ER renewal form, each applicant attests to the following, listed under the “Certifications and Signatures” portion of the W-1ER renewal form: *“I have read this form, including the rights and responsibilities provided with this form, or have had it read to me in a language that I understand...I certify under penalty of perjury that all of the information given on this form is true and complete to the best of my knowledge...I understand that I can be criminally or civilly prosecuted under state or federal law if I knowingly give incorrect information or fail to report something I should report.”* (Exhibit 12: W-1ER renewal form received [REDACTED])
5. On [REDACTED], 2020, the Department processed and reinstated the Appellant’s SNAP benefits effective [REDACTED], 2020; the date the Appellant submitted her signed renewal form. The SNAP renewal cycle was listed as [REDACTED], 2020, through [REDACTED], 2021. The processing worker noted *“Client (the Appellant) reported no income”*. (Exhibit 11: Case notes dated [REDACTED]-[REDACTED])
6. On [REDACTED], 2020, the Department sent the Appellant a NOA that her SNAP benefits were approved effective [REDACTED], 2020. The NOA stated in part that *“Your SNAP period of eligibility is [REDACTED] to [REDACTED]. As long as your situation does not change and you send us all the required forms when requested, you will get SNAP benefits for each month of your period of eligibility. You must call the Benefit Center at 1-855-626-6632 to report the following changes to us during your SNAP period of eligibility: 1. If your household’s total monthly gross income is more than \$2,353.00. Total monthly gross income is all wages from working and money you get from any other source before taxes and deductions...You must report changes to us by the 10th day of the month following the month of the change.”* (Exhibit 4: NOA dated [REDACTED])
7. From [REDACTED], 2020, through [REDACTED], 2021, the Appellant received the following SNAP benefits on the following dates:

Date	Amount
██████/2020	\$374.00
██████/2020	\$161.00
██████/202	\$535.00
██████/2021	\$535.00
██████/2021	\$81.00
██████/2021	\$616.00
██████/2021	\$616.00
██████/2021	\$616.00
██████/2021	\$95.00
██████/2021	\$616.00
██████/2021	\$95.00
██████/2021	\$616.00
██████/2021	\$95.00
██████/2021	\$616.00
██████/2021	\$95.00
██████/2021	\$616.00
██████/2021	\$95.00
██████/2021	\$613.80
██████/2020-██████/2021	Total: \$7,086.80

(Exhibit 6)

8. On ██████, 2021, the Department was contacted by the state auditor's office and noted that "██████ wages for (the Appellant) were received from the ██████ to create a SNAP overpayment for unreported earnings from the ██████ for the period ██████. However, as the amount exceeds the \$5,000 threshold for prosecution, I entered only current wages and closed SNAP effective ██████. Then, I made a referral to investigations for fraud." (Exhibit 11, Department's testimony)

9. On ██████, 2021, the Department's Quality Assurance Investigations Division received a SNAP fraud referral from the Department's Eligibility Unit. The referral alleged the Appellant misrepresented her income and noted that the Appellant "never reported working for the ██████ while in receipt of SNAP from ██████ 2020 through ██████ 2021. Pays from ██████ were supplied by the ██████ and were sent to scanning today. In addition, (the Appellant) reported and verified receiving \$1100.00 monthly for living expenses." (Exhibit 9: Fraud referral printout dated ██████, Department's testimony, Hearing Record)

10. On ██████, 2021, the Department's investigator called the Appellant to discuss the alleged misrepresentation of income. The Department's investigator noted that the Appellant is "aware that she will be prosecuted for failing to disclose pension." and that the Appellant "stated (via email) that she did provide proof of pension and highlighted to items she submitted from her DSS account." The

Department's investigator did not find any verification of pension income allegedly submitted by the Appellant. (Exhibit 11, Exhibit 15: Document searches)

11. On [REDACTED], 2021, the Department's investigator submitted an Arrest Warrant Application form to the State of Connecticut Superior Court in [REDACTED], CT. The Arrest Warrant Application form requested that a warrant be issued by the court for the arrest of the Appellant on the charge of "*Larceny in the First Degree by Defrauding a Public Community in the amount of \$11,595.20.*" An Affidavit written by the Department's investigator and included as part of the form noted that the amount of \$11,595.20 was "*covering the period [REDACTED]/2020 through [REDACTED]/2021 for which (the Appellant) was not eligible.*" The Affidavit further outlined in relevant part that the Appellant "*began earning a [REDACTED] pension in [REDACTED] 2020. (The Appellant) received her first payment on [REDACTED]/2020 in the amount of \$3063.91. Pension income was verified via [REDACTED] ([REDACTED] [REDACTED]).*...On [REDACTED]/2020 (the Appellant) was mailed a Notice of Action in which her SNAP benefits were explained, and her reporting requirements were outlined. (The Appellant) was informed that if her household's gross monthly income exceeded \$2311.00, she had to report this change by the 10th day of the month following the month the change occurred. (The Appellant) failed to report her income change by [REDACTED]/20, which would have resulted in her SNAP benefits being discontinued effective [REDACTED]/20...This Affiant (the Department's investigator), advised (the Appellant) that she has a right to review the information/documents in person and that the department supports the overpayment of \$11,595.20 and the affidavit for an arrest warrant." The Department, in addition to the criminal charge of Larceny in the First Degree, was also seeking a one-year disqualification of the Appellant from the SNAP for Intentional Program Violation ("IPV") and to recoup the proposed IPV overpayment of \$11,595.20. (Exhibit 10: Arrest Warrant Application form dated [REDACTED], Exhibit 11, Department's testimony)
12. Between [REDACTED], 2021, and [REDACTED], 2023, the Appellant and/or her legal counsel appeared in court to address the Department's claims against her. The hearing record does not reflect the number of or dates of the court appearances. (Hearing Record)
13. The Appellant was ordered by the court to pay \$5000.00 to the Department. The hearing record does not reflect the date of the court order. (Department's testimony, Appellant's testimony)
14. On [REDACTED], 2023, the Appellant's Attorney, [REDACTED], [REDACTED], [REDACTED], submitted a letter to the Department titled "*RE: Restitution, Docket No. [REDACTED]*" which stated the following in relevant part: "*Please accept the enclosed money order totaling \$7,000.00¹ as a full and final court ordered restitution payment on behalf of my client, (the*

¹ Both the Department and Appellant testified that the court-ordered amount was \$5000.00. The payment amounts listed on the Attorney's letter total \$5000.00. \$7,000.00 is therefore assumed to be a typo.

Appellant).” Listed under the text were the sources, numbers, and amounts of payments. The amounts listed were \$4,300.00 and \$700.00 for a total of \$5000.00. The letter was stamped as received [REDACTED], 2023, by the Department of Social Services, Regional Administrators Office [REDACTED]. The Department confirmed that they received \$5000.00 from the Appellant. (Exhibit 13: Attorney’s letter dated [REDACTED], Department’s testimony)

15. On [REDACTED], 2023, the Department sent the Appellant a W-0058N Notice of Overpayment and Recoupment notice which stated the following in relevant part: *“We determined that you received the following overpayment of benefits: Program: SNAP-FS-Federal SNAP, Overpayment Start Date: [REDACTED]/20, Overpayment End Date: [REDACTED]/21, Overpayment Amount: \$11,595.20, Overpayment Type: Client Error.”* (Exhibit 2: W-0058N Notification of Overpayment and Recoupment dated [REDACTED])
16. On [REDACTED], 2023, the court case with Docket Number [REDACTED] *“has been disposed”*. (Appellant’s Exhibit A: Screenshot of electronic case notification from the State of CT)
17. The Appellant has not been found guilty of an IPV. There is no evidence in the hearing record that the Appellant was found guilty of Larceny in the First Degree, or any other criminal charge related to the Department’s [REDACTED], 2021, Arrest Warrant Application. (Department’s testimony, Hearing Record)
18. The Department is requesting recoupment of \$6,595.20 in SNAP benefits as a Client Error (i.e. Inadvertent Household Error or “IHE”) overpayment. The amount was derived by subtracting the Appellant’s court-ordered \$5,000.00 payment from the total proposed recoupment amount of \$11,595.20 [$\$11,595.20 - \$5,000.00 = \$6,595.20$]. (Exhibit 2, Department’s testimony, Hearing Record)
19. On [REDACTED], 2024, after the administrative hearing, the Department amended the requested recoupment amount from \$6,595.20 to \$5,241.04. The amended amount was derived by subtracting the below listed expunged SNAP benefits from the initial proposed recoupment amount of \$6,595.20 ($\$6,595.20 - \$1,353.36 = \$5,241.04$).

Date	Amount Expunged
[REDACTED]/2021	\$29.36
[REDACTED]/2021	\$616.00
[REDACTED]/2021	\$95.00
[REDACTED]/2021	\$613.80
[REDACTED]/2021-[REDACTED]/2021	Total: \$1,353.36

(Exhibit 6, Exhibit 17: Emails from Department)

20. The issuance of this decision is timely under the Code of Federal Regulations (“C.F.R.”) 273.15 (c)(1) which provides in part that “[w]ithin █ days of receipt of a request for a fair hearing, the State agency shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision....” The Appellant requested an administrative hearing on █, 2024. Therefore, this decision is due no later than █, 2024. However, the hearing record was extended (9) days to allow for the submission of information from the Appellant and the Department. This decision is therefore not due until █, 2024. (Hearing Record)

CONCLUSIONS OF LAW

1. Connecticut General Statutes (Conn. Gen. Stat.) § 17b-2 provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to administer the SNAP.

2. Conn. Gen. Stat. § 17b-88 provides for Overpayments. Recoupment. Administrative disqualification hearings. 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 (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.

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.

7 C.F.R. § 273.16(c) provides the Definition of intentional Program violation. Intentional Program violations shall consist of having intentionally: (1) Made a false or misleading statement, or misrepresented, concealed or withheld facts; or (2) Committed any act that constitutes a violation of SNAP, SNAP regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of SNAP benefits or EBT cards.

7 C.F.R. § 273.16(g) provides for Court referrals. Any State agency exempted from the requirement to establish an administrative disqualification system in accordance with paragraph (a) of this section shall refer appropriate cases for prosecution by a court of appropriate jurisdiction in accordance with the requirements outlined in this section. (1) Appropriate cases. (i) The State agency shall refer cases of alleged intentional Program violation for prosecution in accordance with an agreement with prosecutors or State law. The agreement shall provide for prosecution of intentional Program violation cases and include the understanding that prosecution will be pursued in cases where appropriate. This agreement shall also include information on how, and under what circumstances, cases will be accepted for possible prosecution and any other criteria set by the prosecutor for accepting cases for prosecution, such as a minimum amount of overissuance which resulted from intentional Program violation. (ii) State agencies are encouraged to refer for prosecution under State or local statutes those individuals suspected of committing intentional Program violation, particularly if large amounts of SNAP benefits are suspected of having been obtained by intentional Program violation, or the individual is suspected of committing more than one act of intentional Program violation.

The State agency shall confer with its legal representative to determine the types of cases which will be accepted for possible prosecution. State agencies shall also encourage State and local prosecutors to recommend to the courts that a disqualification penalty as provided in section 6(b) of the Food and Nutrition Act of 2008 be imposed in addition to any other civil or criminal penalties for such violations.

The Department has the authority to recoup SNAP benefits.

The Department correctly referred the Appellant's case to a court of appropriate jurisdiction for prosecution, suspected Intentional Program Violation, and recoupment of SNAP benefits.

3. 7 C.F.R. § 273.18(a)(1)(i) provides that a recipient claim is an amount owed because of: (i) Benefits that are overpaid.

7 C.F.R. § 273.18(a)(2) provides that 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.

7 C.F.R. § 273.16(b)(12) provides that 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. § 273.18(b) provides for types of claims. There are three types of claims: (1) Intentional Program violation (IPV) 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") defined as any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household; (3) Agency error ("AE") defined as any claim for an overpayment caused by an action or failure to take action by the State agency.

The Department incorrectly classified the \$11,595.20 SNAP overpayment as an Inadvertent Household Error.

DISCUSSION

At issue in this administrative hearing is the Department's proposed recoupment of \$11,595.20 in overpaid SNAP benefits as a result of Client Error (aka Inadvertent Household Error or "IHE"). The Department is seeking to recover \$5,241.04 of the \$11,595.20 total it has not expunged or been paid for (see FOF # 18). Central to the issue is that the Department initially referred the Appellant's case for prosecution through the court system for over-issuance caused by a suspected act of IPV. In addition to the criminal charge of Larceny in the First Degree, the Department was seeking a one-year disqualification of the Appellant from the SNAP for IPV, as well as recoupment of \$11,595.20 in overpaid SNAP benefits resulting from the commission of an IPV for the period of [REDACTED], 2020, through [REDACTED], 2021.

It was established during the administrative hearing that the Appellant was not found guilty of committing an IPV, but was ordered by the court to pay \$5,000.00 to the Department. There was no evidence presented that the Appellant was found guilty of Larceny in the First Degree, or any other criminal charge related to the Department's referral. The undersigned had requested a copy of the court order detailing the outcome from both the Appellant and the Department, but neither party provided it for the record. However, there is sufficient evidence in the record to establish that the court ordered the Appellant to pay the Department \$5000.00, of which the Department confirmed receipt, and that no IPV penalty was assessed against the Appellant as a result of the court order. Therefore, the core issue of the administrative hearing is whether the Department has the authority to recoup a SNAP overpayment through both a referral for prosecution and through an administrative hearing.

7 C.F.R. § 273.16(a)(1) states 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... 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 Federal Register Volume 48, Number 32 provides important clarification that the language of 7 C.F.R. § 273.16(a) was structured to prevent the same overpayment claim resulting from an alleged IPV from being pursued in both the courts and through an administrative disqualification hearing:

The Department has also added language to the section of the final rule on administrative responsibility to clarify that 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 must take action to collect the overissuance by establishing an inadvertent household error claim. (See 7 CFR 273.16 (a) and (g)).

The proposed rule would have deleted two provisions of current Program regulations which clarify when the State agency can conduct administrative fraud hearings. The first provision allows the State agency to conduct such hearings in cases where it believes the facts do not warrant civil or criminal prosecution through the courts and in cases previously referred for prosecution that were declined by the appropriate legal authority. And, the other provision clarifies that administrative fraud hearings can be conducted regardless of whether other legal action is planned against the household member. The Department deleted these provisions to reflect a change in the language of the statutory requirement governing State agency action in pursuit of cases of alleged Program abuse. Specifically, whereas the Food Stamp Act of 1977 previously mandated State agency proceedings against individuals alleged to have committed fraud either by way of administrative hearings or by referring such matters to appropriate legal authorities, or both (Section 6(b)), the language

was amended by the Omnibus Budget Reconciliation Act of 1981 (Section 112 of Pub. L. 97-35) to simply require that the proceedings be either by way of administrative hearings or referrals to appropriate legal authorities.

The Department received a number of comments on the proposed rule which indicated the need for further clarification in this area. *Two commenters suggested that the State agency be allowed to hold an administrative disqualification hearing after a court's decision if clear evidence exists indicating intentional Program violation, but the court failed to find an individual guilty (i.e., due to plea bargaining, pre-trial intervention, technical reasons, or the court's reluctance to impose permanent disqualification for a third violation).* One of these commenters also felt that such a procedure would be appropriate if full repayment of the amount of overissuance was not ordered or the issue of restitution was not addressed by the court.² And, a third commenter expressed the view that the Department's policy of limiting State retention of 50 percent of collected claims to those claims based on determinations that intentional Program violation occurred would force the State agency to hold administrative disqualification hearings on all cases in which the court does not render a guilty finding.

² Emphasis added.

We continue to believe that Congress intended to prevent the State agency from pursuing the same case of alleged Program abuse by way of both an administrative hearing and referral for prosecution when the language of the statute was changed. Therefore, the final rule prohibits the State agency from initiating 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 a court of appropriate jurisdiction. This prohibition would not apply, however, in those instances where the factual issues of a case do not involve circumstances which are the same or related to those of the case against an individual previously referred for prosecution. In addition, the final rule clarifies those limited instances where a case which meets the criteria in the State agency's agreement with a prosecutor or which have previously been referred for prosecution should be pursued by way of an administrative hearing. These instances include cases where the State agency believes the facts do not warrant prosecution through the legal system, cases previously referred for prosecution which were declined by the appropriate legal authority, and previously referred cases where no action was taken by the prosecutor within a reasonable period of time.³ And, when no action is taken on a case referred for

³ Emphasis added.

prosecution within a reasonable period of time, the State agency will have to formally withdraw the referral prior to holding an administrative disqualification hearing. (Food Stamp Program; Disqualification Penalties for Intentional Program Violation, and Improved Recovery of Overpayments, 48 Fed. Reg. 6836, 6840 (Feb. 15, 1983) (to be codified at 7 C.F.R. pts. 272, 273, 276, 277))

As clarified above, 7 C.F.R. § 273.16(a) prevents the Department from pursuing the same overpayment claim in both the court system and through an administrative disqualification hearing. As overpayment claims are classified as IPV-related, IHE (*“resulting from a misunderstanding or unintended error on the part of the household”*) related, or Agency Error (see 7 C.F.R. § 273.18(a) and (b)), and the hearing record established that the Appellant’s \$11,595.20 overpayment was pursued in the court as an IPV, the Department cannot reclassify the claim as IHE in an attempt to pursue it through an administrative hearing.

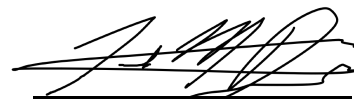
Although the issue of this administrative hearing is the proposed SNAP recoupment amount, the undersigned finds that the Department does not have the authority to recoup any SNAP overpayment amount in this instance, as the SNAP overpayment being pursued by the Department through this administrative hearing is the same IPV overpayment claim already pursued and ruled on in a court of appropriate jurisdiction. Therefore, the proposed amount is irrelevant.

DECISION

The Appellant's appeal is **GRANTED**.

ORDER

1. The Department will remove the \$5,241.04 in SNAP overpayments for the period of [REDACTED], 2020, through [REDACTED], 2021, which were proposed for recoupment.
2. The Department will issue the Appellant a notice confirming the overpayments have been removed.
3. The Department shall demonstrate compliance with this order no later than (14) days from the date of this decision. Verification of compliance shall be sent to the undersigned via email confirmation.



Joseph Davey
Administrative Hearing Officer

CC: Brittany Velleca, Department's Representative, New Haven Regional Office
Sarah Chmielecki, SSOM, New Haven Regional Office
Tim Latifi, SSOM, New Haven Regional Office
Ralph Filek, SSOM, New Haven Regional Office

RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within 25 days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on §4-181a (a) of the Connecticut General Statutes.

Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue Hartford, CT 06105.

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.