

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 # ██████████

ADMINISTRATIVE DISQUALIFICATION HEARING
NOTICE OF DECISION
PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

The Department of Social Services (the “Department”) requested an Administrative Disqualification Hearing (“ADH”) to seek the disqualification of ██████████ (the “Defendant”) from participating in the Supplemental Nutrition Assistance Program (“SNAP”) for a period of ten (10) years. The Department alleged that the Defendant committed an Intentional Program Violation (“IPV”) because she received concurrent SNAP benefits from two states. In addition, the Department seeks to recover the overpaid SNAP benefits of \$2,022.00.

On ██████████, 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) notified the Defendant of the initiation of the ADH process via certified mail and scheduled an in-person hearing for ██████████, 2024, at 11:00 AM. The notification outlined a Defendant’s rights in these proceedings.

On ██████████, 2024, the Defendant signed for the certified letter per United States Postal Service (“USPS”) tracking.

On ██████████, 2024, in accordance with Sections § 17b-88 of the Connecticut General Statutes and Title 7 § 273.16 of the Code of Federal Regulations (“C.F.R.”) the OLCRAH held an Administrative Disqualification Hearing. The Defendant did not appear for the hearing. The Defendant did not show good cause for failing to appear. The following individuals were present at the hearing:

Shannon Hales-Eaton, Social Services Investigator, Department’s Representative
Joseph Davey, Administrative Hearing Officer

STATEMENT OF THE ISSUE

The first issue is whether the Defendant committed an IPV of the SNAP and is subject to a ten (10) year disqualification penalty.

The second issue is whether the Department's proposal to recoup a SNAP overpayment of \$2,022.00 is correct.

FINDINGS OF FACT

1. The Defendant is a recipient of the SNAP in the State of Connecticut for a household of three (3). (Exhibit 15: NOA dated [REDACTED], Department's testimony)
2. The Defendant has no prior IPV's. (Exhibit 10: Electronic Disqualification Recipient System ["EDRS"] printout, Department's testimony)
3. The Defendant began receiving SNAP benefits in the State of Georgia on [REDACTED], 2021. (Exhibit 3: Email from Georgia Department of Human Services dated [REDACTED])
4. The Defendant most recently signed (electronically) a SNAP application in Georgia on [REDACTED], 2022. By electronically signing, the Defendant certified that *"the information that has been reported with the request for change is true and correct to the best of my knowledge. If I give false information, withhold information, fail to report changes promptly, or obtain assistance for which I am not eligible, I may be breaking the law and could be prosecuted for perjury, larceny, and/or fraud."* (Exhibit 13: Application for SNAP assistance from Georgia Department of Human Services electronically signed on [REDACTED])
5. The Defendant reported on the [REDACTED], 2022, Georgia SNAP application that she resided at [REDACTED] in [REDACTED], Georgia [REDACTED]. (Exhibit 13)
6. On [REDACTED], 2023, the Defendant completed and signed an Eligibility Determination Document application for SNAP benefits ("EDD") in the State of Connecticut. By signing the EDD, the Defendant attested that all of the information was *"true and complete to the best of my knowledge"* and *"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 1: Eligibility Determination Document application from the State of Connecticut dated [REDACTED], Department's testimony)
7. The Defendant reported on the [REDACTED], 2023, EDD that she resided at [REDACTED] in [REDACTED], Connecticut [REDACTED], had not received Cash or SNAP benefits from another state in the last 90 days, did not have an authorized

representative or authorized shopper, did not have any impairments or disabilities, and did not request any accommodations. (Exhibit 1, Exhibit 16: Individual Details Page, Exhibit 17: Authorized Representative Summary Page, Exhibit 18: Disability Summary Page, Exhibit 19: Out of State Benefits Summary Page, Exhibit 20: Special Needs Summary Page)

8. On [REDACTED], 2023, the Department issued a Notice of Action (“NOA”) to the Defendant informing her that her SNAP benefits had been approved. Her SNAP eligibility period was listed as [REDACTED], 2023, through [REDACTED], 2024. (Exhibit 15)
9. On [REDACTED], 2023, the Department issued the Defendant an Electronic Benefits Transfer (“EBT”) card ending in [REDACTED]. (Exhibit 5: EBT transaction history CT)
10. In [REDACTED] 2023, the Department received a Public Assistance Reporting Information System (“PARIS”) match informing them that the Defendant was receiving SNAP benefits in Georgia. The PARIS matched the Defendant’s social security number, date of birth, and name to confirm she was receiving SNAP benefits in both Georgia and Connecticut. (Exhibit 2: Public Assistance Reporting Information System CFI Disposition form, Hearing Record)
11. On [REDACTED], 2023, the Department’s Investigations Unit emailed the Georgia Department of Human Services (“GDHS”) to obtain the Defendant’s SNAP eligibility dates in the state of Georgia, obtain her SNAP benefit issuances, obtain any SNAP applications filed by the Defendant in Georgia, and verify whether the SNAP benefits were still active. (Exhibit 3)
12. On [REDACTED], 2023, the Department’s investigator called the Defendant to discuss the alleged concurrent receipt of SNAP benefits in Georgia and Connecticut. The Defendant reported that she was now residing at [REDACTED] [REDACTED] in [REDACTED], Connecticut. The Defendant emailed a copy of her lease to the Department’s investigator confirming her address. The Defendant further reported that she had closed her SNAP benefits in Georgia and submitted a screenshot from gateway.ga.gov that displayed her SNAP benefits as “Closed.” The screenshot did not display a closure date for the Georgia SNAP benefits. (Exhibit 11: Gateway GA screenshot undated, Exhibit 12: Lease for [REDACTED] [REDACTED] in [REDACTED], CT, Department’s testimony, Hearing Record)
13. On [REDACTED], 2023, the GDHS emailed the Department’s investigator and confirmed that the Defendant received SNAP benefits in the State of Georgia from [REDACTED], 2021, through [REDACTED], 2023. (Exhibit 3)
14. On [REDACTED], 2023, the GDHS provided the Department’s investigator with a SNAP application filed by the Defendant in Georgia on [REDACTED], 2022, as well as transaction records for the Defendant’s Georgia-issued EBT card ending in [REDACTED]. The EBT records provided by the GDHS covered the period of [REDACTED],

2023, through [REDACTED], 2023. (Exhibit 4: EBT transactions for Georgia issued EBT card [REDACTED]-[REDACTED], Exhibit 13, Hearing Record)

15. On [REDACTED], 2023, the Department's Investigations Unit mailed an Administrative Disqualification Hearing Process and Rights Information Sheet ("W-1447"), Notice of Prehearing Interview form ("W-1448"), and a Waiver of Disqualification letter ("W-1449") to the Defendant's address at [REDACTED] [REDACTED] in [REDACTED], Connecticut. The Prehearing Interview was scheduled for [REDACTED], 2023, at 10:30 AM. The return date for the W-1449 was [REDACTED], 2023. (Exhibit 6: Notice of Prehearing Interview W-1448 with due date of [REDACTED], Exhibit 7: Wavier of Disqualification letter W-1449 with due date of [REDACTED], Exhibit 8: Administrative Disqualification Hearing Process and Rights Information Sheet W-1447, Hearing Record)
16. On [REDACTED], 2023, the Defendant called the Department's investigator for the scheduled Prehearing Interview. The Department's investigator spoke with the Defendant and explained the alleged IPV, the recoupment of SNAP benefits, the prehearing interview process, as well as form W-1449. The Defendant stated that *"due to her medical condition she's been dealing with, she'd rather have a hearing."* The Defendant declined to sign the W-1449. (Department's testimony, Hearing Record)
17. The Defendant used her Georgia-issued EBT card ending in [REDACTED] to complete SNAP transactions between [REDACTED], 2023, and [REDACTED], 2023. All transactions the Defendant completed with the Georgia-issued EBT card ending in [REDACTED] were made in the state of Connecticut. (Exhibit 4)
18. The Defendant used her Connecticut-issued EBT card ending in [REDACTED] to complete SNAP transactions between [REDACTED], 2023, and [REDACTED], 2023. All transactions the Defendant completed with the Connecticut-issued EBT card ending in [REDACTED] were made in the state of Connecticut. (Exhibit 5)
19. The Defendant used her Georgia and Connecticut-issued EBT cards to access SNAP benefits from both states simultaneously in the months of [REDACTED] 2023, [REDACTED] 2023, and [REDACTED] 2023. (Exhibit 4, Exhibit 5, Department's testimony)
20. The Defendant received SNAP benefits from the state of Connecticut totaling \$2,022.00 for the months of [REDACTED] 2023 (\$542.00), [REDACTED] 2023 (\$740.00), and [REDACTED] 2023 (\$740.00). (Exhibit 5, Exhibit 15, Department's testimony)
21. The Department concluded the Defendant committed an IPV by intentionally concealing concurrent receipt of SNAP benefits in both Connecticut and Georgia and seeks to disqualify her from participation in the SNAP for a period of ten (10) years. In addition, the Department wishes to recoup the \$2,022.00 in SNAP benefits the Defendant received from the state of Connecticut while she was also receiving SNAP benefits from the state of Georgia. (Exhibit 9: Report of

Suspected Intentional Program Violation Overpayment W-262CF dated [REDACTED], Department's testimony, Hearing Record)

22. As of [REDACTED], 2024, the date of the ADH, the Defendant's SNAP case in Connecticut remains open. Recoupment has not yet started on the Defendant's SNAP case. (Department's testimony)
23. As of [REDACTED], 2024, the date of the ADH, the Defendant's case has not been referred for civil or criminal prosecution. (Department's testimony)
24. The Defendant was not present at the ADH on [REDACTED], 2024, and did not show good cause for failing to appear. (Hearing Record)
25. 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 () 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 OLCRAH notified the Defendant of the initiation of the ADH process via certified mail on [REDACTED], 2024. This decision is therefore due no later than [REDACTED], 2024.

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 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.

The Department has the authority to recoup SNAP benefits.

3. 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.

The Department has the authority to conduct Administrative Disqualification Hearings.

4. 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 Defendant was properly notified of the ADH on [REDACTED], 2024. On that date, a packet containing the date, time, and place of the hearing, a summary of the charges against the Defendant, a summary of the evidence (including and how and where it can be examined,) as well as a warning that the decision will be based solely on the information provided by the State agency if the Defendant fails to appear at the hearing was mailed to the Defendant. The Defendant signed for the packet on [REDACTED], 2024.

The Defendant failed to appear for the scheduled ADH on [REDACTED], 2024, and did not display good cause for failing to appear.

5. 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. The ADH was properly initiated by the Department.

6. 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 did not sign or return the Waiver of Disqualification Hearing form (W-1449) the Department sent to her on [REDACTED], 2023.

7. 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(e)(6) provides the 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, an Intentional Program Violation as defined in paragraph (c) of this section.

The Department established with clear and convincing evidence that the Defendant willfully committed an IPV by intentionally concealing her concurrent receipt of SNAP benefits in Georgia and Connecticut.

The Defendant began receiving SNAP benefits in Georgia on [REDACTED], 2021. On [REDACTED], 2023, the Defendant applied for SNAP benefits in Connecticut and did not report her active SNAP benefits in the state of Georgia. The willful omission of her receipt of SNAP benefits in Georgia as well as a listed residence in Connecticut resulted in her SNAP benefits being granted in Connecticut. This demonstrates a clear intent to mislead and conceal her concurrent receipt of SNAP benefits.

The Defendant intentionally and willingly used both her Georgia-issued EBT card and SNAP benefits and her Connecticut-issued EBT card and SNAP benefits concurrently over the course of the three (3) months of [REDACTED] 2023, [REDACTED] 2023, and [REDACTED] 2023, which clearly constitutes both intent and commission of an IPV.

8. 7 C.F.R. § 273.16(b)(1) provides for 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.
9. 7 C.F.R. § 273.16(b)(5) provides that Except as provided under paragraph (b)(1)(iii) of this section, an individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple SNAP benefits simultaneously shall be ineligible to participate in the Program for a period of 10 years.

7 C.F.R. § 273.16(e)(8)(i)(ii)(iii) provides for the Imposition of disqualification penalties. (i) 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. (ii) 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. (iii) 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 that the disqualification period for the Defendant is ten (10) years.

10.7 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(a)(1) provides a recipient claim is an amount owed because of: (i) Benefits that are overpaid.

7 C.F.R. § 273.18(a)(2) provides that a claim for overpaid benefits represents a Federal debt and that the State agency must develop an adequate plan for establishing and collecting claims.

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.

7 C.F.R. 273.18(a)(4)(i) provides that the following are responsible for paying a claim: (i) Each person who was an adult member of the household when the overpayment or trafficking occurred.

The Department correctly determined that the Defendant is responsible to make restitution for the SNAP benefits she received during the IPV period.

11.7 C.F.R. 273.18(c)(1)(i) provides for Calculating the claims not related to trafficking. (i) As a State agency, you must calculate a claim back to at least twelve months prior to when you become aware of the overpayment and...for an IPV claim, the claim must be calculated back to the month the act of IPV first occurred and...for all claims, don't include any amounts that occurred more than six years before you became aware of the overpayment.

12.7 C.F.R. 273.18(c)(1)(ii) provides that the actual steps for calculating a claim are you...(A) determine the correct amount of benefits for each month that a household received an overpayment (B) do not apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim the claim is an AE claim apply the earned income deduction unless the claim is an AE claim then apply the earned income deduction. (C) subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment. Unless this answer is zero or negative; then dispose of the claim referral. (D) Reduce the overpayment amount by any EBT benefits expunged from the household's EBT benefit account in accordance with your own procedures. The difference is the amount of the claim. Unless you are not aware of any expunged benefits, then the amount of the overpayment calculated in paragraph (c)(1)(ii)(C) of this section is the amount of the claim.

The Department correctly determined the Defendant received \$2,022.00 in SNAP benefits during the IPV period of [REDACTED], 2023, through [REDACTED], 2023.

DECISION

1. The Defendant is **GUILTY** of committing a SNAP Intentional Program Violation for willfully concealing her receipt and use of SNAP benefits from the state of Georgia while also receiving and utilizing SNAP benefits in Connecticut.
2. The Department is authorized to disqualify the Defendant from participation in the SNAP for a period of ten (10) years and to seek recovery of the full \$2,022.00 proposed for recoupment.



Joseph Davey
Administrative Hearing Officer

CC: OLCRAH.QA.DSS@ct.gov
Shannon Hales-Eaton, Social Services Investigator, DSS, New Britain R.O.

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.