

STATE OF CONNECTICUT  
DEPARTMENT OF SOCIAL SERVICES  
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS  
55 FARMINGTON AVENUE  
HARTFORD, CT 06105-3730

██████████  
SIGNATURE CONFIRMATION

Client ID # ██████████  
Case # ██████████  
Hearing # 231712

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 Nutritional Assistance Program ("SNAP") for a period of twelve (12) months. The Department alleged that the Defendant committed an Intentional Program Violation ("IPV") because of the Defendant's misrepresentation of her household composition. This is the Defendant's first IPV offense in the SNAP.

On ██████████, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") mailed the Defendant notification of the initiation of the ADH process via certified mail. The notification outlined a Defendant's rights in these proceedings.

On ██████████ the Defendant confirmed receipt of the certified mail with her signature.

On [REDACTED], in accordance with sections 17b-60, 17-61, and 4-176e to 4-184, inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Disqualification Hearing. The Defendant was not present at the hearing. The Defendant did not show good cause for failing to appear.

The following individuals were present at the hearing:

Salvatore Tordonato, Department Investigator  
Shawn P. Hardy, Hearing Officer

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Defendant committed an IPV of the SNAP program and is subject to disqualification from the program for twelve months.

### **FINDINGS OF FACT**

1. On [REDACTED], the Defendant completed a Notice of Renewal of Eligibility to continue SNAP benefits. The defendant reported an address of [REDACTED], her [REDACTED]-year-old son is no longer in the household, she is now the sole resident of her household, and her rent increased from \$531 a month to \$965.00. (Hearing Summary, Exhibit 2: Notice of Renewal Eligibility [REDACTED])
2. On [REDACTED], the Department reviewed the Defendant's [REDACTED], Notice of Renewal. The Department deemed the reporting of the amount of the rental increase questionable as well as the [REDACTED]-year-old son's driver's license places him at the Defendant's address. The Department completed a referral to the Investigative division to review household composition. (Hearing Summary, Exhibit 1: Regional Office Complaint [REDACTED] Exhibit 3: Case Note [REDACTED])
3. On [REDACTED], the Investigator attempted a home visit to the Defendant's home address. A young male who identified himself as the Defendant's son ([REDACTED]) answered the door. The "son" told the Investigator he lives with his aunt in [REDACTED] when he was asked where he currently resides. He declined to provide the address and informed the Investigator he should talk with the Defendant. The Investigator gave him a business card detailing his contact information. (Hearing Summary, Department's Testimony)
4. On [REDACTED] the Defendant contacted the Investigator regarding the home visit and explained that her son resides with his aunt who resides at [REDACTED] [REDACTED] (Hearing Summary, Department's Testimony)

5. On [REDACTED], the Investigator made a visit to the aunt's address, [REDACTED]. The Investigator was unable to establish contact with anyone. (Hearing Record)
6. Postal tracers date stamped [REDACTED] and [REDACTED] show that the "son" [REDACTED] receives mail at the Defendant's address. (Exhibit 4: W-1412 [REDACTED], Exhibit 5: W-1412 [REDACTED])
7. The Department's Eligibility System under CT License / ID Search shows the son's driver's license address as that of the Defendant's. (Exhibit 7: CT License / ID Search [REDACTED])
8. On [REDACTED], the Defendant's landlord completed and signed W-1408 (Landlord Verification Request) verifying that the Defendant's son resides at [REDACTED]. (Exhibit 6: W-1408 [REDACTED])
9. The Defendant's [REDACTED], Notice of Renewal for SNAP application was not granted, and no overpayments occurred. (Department's Testimony)
10. The Department alleges that the Defendant intentionally misrepresented her household composition on her [REDACTED], SNAP Notice of Renewal of Eligibility resulting in an Intentional Program Violation (IPV). (Department's Testimony)
11. On [REDACTED], the Department issued the Defendant a W-1448, Notice of Prehearing Interview Food Stamp Program. The notice stated that the Department believes you broke the rules of the SNAP program on purpose. The Department scheduled an appointment for [REDACTED], at [REDACTED] with the Defendant to discuss the proposed IPV. (Exhibit 9: W-1448, Notice of Prehearing Interview [REDACTED])
12. On [REDACTED], the Department issued the Defendant a W1449, Waiver of Disqualification Hearing for SNAP. The notice stated that the Department believes the Defendant caused a SNAP IPV and proposed a twelve (12) month disqualification period. The form further stated that the Defendant had until [REDACTED], to sign and return the waiver form, and that failure to do so would result in the Department considering administrative action. (Exhibit 10: W1449 Waiver of Disqualification Hearing form [REDACTED])
13. The Defendant did not contact the Department, nor did she return the W1449 Waiver form. (Department's Testimony)
14. The Defendant has no prior SNAP IPV penalties. (Exhibit 11: Electronic Disqualified Recipient System, Department's Testimony)

15. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations ("C.F.R") § 273.16(e)(2)(iv) which 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. The Department notified the Defendant on [REDACTED], and held the administrative hearing on [REDACTED] therefore, this decision is due no later than [REDACTED]

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes provides that the Department of Social Services be designated as the state agency for the administration of (7) the Supplemental Nutrition Assistance Program pursuant to the Food and Nutrition Act of 2008.
2. 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 administer the SNAP program and conduct Administrative Disqualification Hearings.**

3. 7 C.F.R. § 273.16(e)(4) provides for the scheduling of hearing and states 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 official is required to carefully consider the evidence and determine if 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 official 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 not present at the hearing, nor did she show good cause for failing to appear.**

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 and the Department correctly initiated administrative disqualification proceedings.**

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 failed to sign and return the disqualification consent agreement.**

6. 7 C.F.R. § 273.16(c) defines an 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 benefit delivery system (access device).

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.

**The Department provided clear and convincing evidence that the Defendant committed an IPV because the Defendant misrepresented her household composition by failing to include her son on her [REDACTED] application for renewal. (See COL #5)**

7. 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 intention Program violation repeated over a period must not be separated so that separate penalties can be imposed. UPM § 7050.30(A)(1) provides an individual is disqualified from participating in the AFDC or Food Stamp program if: a. a court determines that he or she is guilty of intentional recipient error or grants the individual accelerated rehabilitation; or b. a determination of an intentional recipient error is made by an Administrative Disqualification Hearing official; or c. the individual signs a waiver of rights to an Administrative Disqualification Hearing.

**The Department correctly seeks to disqualify the Defendant's participation in the SNAP.**

8. 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.

7 C.F.R. § 273.16(b)(5) provides for disqualification penalties and states that individuals found to 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.

**The Department is correct to seek the disqualification of the Defendant from participating in the SNAP program for twelve months.**

**DECISION**

The Defendant is **GUILTY** of committing a first IPV of the SNAP, and the Department may disqualify the Defendant from participating in the SNAP for a period of twelve months.

*Shawn P. Hardy*

Shawn P. Hardy  
Hearing Officer

Cc: [OLCRAH.QA.DSS@ct.gov](mailto: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. 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.