

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

██████████ 2024
Signature Confirmation

██████████
██████████
Request # 233017

NOTICE OF DECISION

PARTY

██████████
██████████
██████████

PROCEDURAL BACKGROUND

On ██████████ 2024, the Department of Social Services (the “Department”) sent ██████████ ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying her request for replacement of stolen benefits under the Supplemental Nutrition Assistance Program (“SNAP”) in the amount of \$521.00.

On ██████████ 2024, the Appellant requested an administrative hearing to contest the Department’s decision to deny the replacement of stolen benefits under the SNAP.

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

On ██████████ 2024, the Department did not attend the scheduled administrative hearing.

On ██████████ 2024, the OLCRAH issued the Appellant an updated notice rescheduling the administrative hearing for ██████████ 2023.

On ██████████ 2024, in accordance with sections 17b-60, 17b-61 and 4-176e to 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an administrative hearing telephonically.

The following individuals were present at the hearing:

██████████, Appellant
Javier Rivera, Department's Representative
Jessica Gulianello, Hearing Officer

The hearing record remained open until the close of business on ██████████ 2024, for the submission of additional documentation from the Department. The Department provided additional documentation and the hearing record closing accordingly.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Department's decision to deny the Appellant's request for replacement of stolen benefits under the SNAP was correct.

FINDINGS OF FACT

1. The Appellant is a recipient of benefits under the SNAP. (*Hearing Record*)
2. The Department deposits benefits under the SNAP each month to an Electronic Benefit Transfer ("EBT") account held by the Appellant. (*Exhibit 5: Notice of Corrected Decision dated ██████████/2024 – Findings of Fact ("FOF") # 3*)
3. The Appellant accesses her benefits under the SNAP using an EBT card issued by the Department and a Personal Identification Number ("PIN") chosen by the Appellant. The Appellant keeps her EBT card in her wallet. The Appellant has not given anyone the authority to use her EBT card or access her benefits under the SNAP. (*Exhibit 5: Notice of Corrected Decision dated ██████████/2024 – Findings of FOF # 4*)
4. The Appellant regularly uses her benefits under the SNAP to purchase groceries online for delivery. (*Exhibit 5: Notice of Corrected Decision dated ██████████/2024 – FOF # 5, Appellant's Testimony*)
5. On ██████████ 2023, the following transactions were authorized from the Appellant's EBT account using the EBT card number ██████████ ("EBT card ██████████") listing the transaction location as ██████████ ██████████ ██████████ for all 10 transactions. The transactions completed on this date were not reported as stolen to the Department:

| <u>Transaction Date</u> | <u>Transaction Time</u> | <u>Transaction Amount</u> | <u>Transaction Location</u> |
|-------------------------|-------------------------|---------------------------|--|
| ██████████ 23 | 00:36:39 | \$81.66 | ██████████ ██████████ ██████████ |
| ██████████ 23 | 03:33:16 | \$12.98 | ██████████ ██████████ ██████████ |

| | | | |
|-----------|----------|---------|--|
| ██████ 23 | 03:37:09 | \$85.19 | ████████████████████ ████████████████████ ████████████████████ |
| ██████ 23 | 09:45:07 | \$63.51 | ████████████████████ ████████████████████ ████████████████████ |
| ██████ 23 | 11:49:13 | \$4.98 | ████████████████████ S ████████████████████ ████████████████████ |
| ██████ 23 | 12:06:56 | \$4.98 | ████████████████████ ████████████████████ ████████████████████ |
| ██████ 23 | 12:49:28 | \$22.04 | ████████████████████ ████████████████████ ████████████████████ |
| ██████ 23 | 13:06:40 | \$24.07 | ████████████████████ ████████████████████ ████████████████████ |
| ██████ 23 | 13:27:34 | \$3.78 | ████████████████████ ████████████████████ ████████████████████ |
| ██████ 23 | 14:38:07 | \$20.16 | ████████████████████ ████████████████████ ████████████████████ |

(Exhibit 5: Notice of Corrected Decision dated ██████/2024 – FOF # 6)

6. On ██████, 2023, at ██████ the Appellant contacted the number on the back of her EBT card and spoke to a customer service agent. The agent reviewed the transaction history with the Appellant noting several duplicate online ██████ transactions made in the state of ██████. (Exhibit 5: Notice of Corrected Decision dated ██████/2024 – FOF # 8)
7. On ██████, 2023, the Appellant submitted an online request for replacement of benefits under the SNAP to the Department alleging seven (7) online transactions totaling \$521.00 made on ██████, 2023, with ██████ were unauthorized (lost, stolen, skimmed) because the following transactions occurred out of state:

| <u>Transaction Date</u> | <u>Transaction Time</u> | <u>Transaction Amount</u> | <u>Transaction Location</u> |
|-------------------------|-------------------------|---------------------------|--|
| ██████ 23 | 17:46:35 (5:46 pm) | \$85.56 | ████████████████████ ████████████████████ ████████████████████ |
| ██████ 23 | 17:47:17 (5:47 pm) | \$85.56 | ████████████████████ ████████████████████ ████████████████████ |

| | | | |
|-----------|--------------------|---------|--|
| ██████ 23 | 17:48:06 (5:48 pm) | \$85.56 | ████████████████████ ████████████████████ ████████████████████ |
| ██████ 23 | 17:48:46 (5:48 pm) | \$85.56 | ████████████████████ ████████████████████ ████████████████████ |
| ██████ 23 | 17:49:24 (5:48 pm) | \$85.56 | ████████████████████ ████████████████████ ████████████████████ |
| ██████ 23 | 17:52:32 (5:52 pm) | \$71.30 | ████████████████████ ████████████████████ ████████████████████ |
| ██████ 23 | 17:54:09 (5:54 pm) | \$21.39 | ████████████████████ ████████████████████ ████████████████████ |
| Totals | \$520.49 | | ████████████████████ |

(Exhibit 5: Notice of Corrected Decision dated ██████/2024- FOF # 8-9, Appellant's Testimony)

8. On ██████████, 2023, the Department issued the Appellant a new EBT card. (Exhibit 5: Notice of Corrected Decision dated ██████/2024- FOF # 10, Exhibit 11: ImpaCT Card Replacement – Case # ██████████)
9. On ██████████ 2023, the Department approved the Appellant's request for the replacement of stolen benefits under the SNAP in the amount of \$521.00 which she had reported as stolen. (Exhibit 5: Notice of Corrected Decision dated ██████/2024 – FOF # 11, Exhibit 8: Notice of Action W-3026N dated ██████/2023)
10. On ██████████ 2023, the Department deposited replacement benefits under the SNAP in the Appellant's EBT account in the amount of \$521.00. (Exhibit 1: EBT Transaction History, Exhibit 5: Notice of Corrected Decision dated ██████/2024- FOF # 12)
11. On or about ██████████ 2023, a Policy Aid Consultant ("PAC") for the Department reviewed the Appellant's case. The PAC reviewed the Appellant's EPPIC Transaction Report and Location (EBT account history report) and determined that the Appellant regularly shopped at the online retail location, ██████████ ██████████ ██████████, and she had made prior purchases at this same location. (Exhibit 5: Notice of Corrected Decision dated ██████/2024- FOF # 13)
12. On ██████████ 2023, the Department reversed its decision to replace the Appellant's alleged stolen benefits under the SNAP totaling \$521.00 and charged the Appellant with an overpayment of benefits under the SNAP totaling \$521.00. (Exhibit 5: Notice of Corrected Decision dated ██████/2024- FOF # 13)

13. The following transactions were authorized from the Appellant's EBT account using EBT card [REDACTED] listing the transaction location as [REDACTED] [REDACTED] for all ten (10) transactions:

| Transaction Date | Transaction Time | Transaction Amount | Transaction Location |
|------------------|--------------------|--------------------|----------------------|
| [REDACTED] 23 | 17:23:18 (5:23 pm) | \$82.61 | [REDACTED] |
| [REDACTED] 23 | 13:59:44 (1:59 pm) | \$31.63 | [REDACTED] |
| [REDACTED] 23 | 16:40:00 (4:40 pm) | \$27.07 | [REDACTED] |
| [REDACTED] 23 | 17:01:21 (5:01 pm) | \$12.70 | [REDACTED] |
| [REDACTED] 23 | 17:33:39 (5:33 pm) | \$33.45 | [REDACTED] |
| [REDACTED] 23 | 17:23:35 (5:23 pm) | \$13.86 | [REDACTED] |
| [REDACTED] 23 | 07:30:34 (7:30 am) | \$13.96 | [REDACTED] |
| [REDACTED] 23 | 07:40:01 (7:40 am) | \$6.53 | [REDACTED] |
| [REDACTED] 23 | 08:26:28 (8:26 am) | \$2.42 | [REDACTED] |
| [REDACTED] 23 | 13:31:55 (1:31 pm) | \$15.79 | [REDACTED] |

The Appellant did not report the above-noted transactions as stolen to the Department. (*Exhibit 5: Notice of Corrected Decision dated [REDACTED]/2024- FOF # 15*)

14. Between [REDACTED] 2023, and [REDACTED], 2023, the Appellant's EBT account was credited by the online vendor, [REDACTED] [REDACTED] on at least nine (9) occasions. When making food purchases online, the vendor will credit SNAP benefits for unavailable or non-delivered items referred to as a food stamp return. (*Exhibit 5: Notice of Corrected Decision dated [REDACTED]/2024- FOF # 16*)

15. On [REDACTED] 2023, the OLCRAH held an administrative hearing at the Appellant's request concerning the Department's proposal to charge the Appellant with an overpayment of benefits under the SNAP in the amount of \$521.00. (*Exhibit 5: Notice of Corrected Decision dated [REDACTED]/2024*)
16. On [REDACTED] 2024, the OLCRAH issued a Notice of corrected Decision that remanded the Appellant's previously noted appeal back to the Department for further review. The OLCRAH ordered the Department to complete the following steps:
1. The Department must complete a thorough review of the Appellant's [REDACTED], 2023 claim request for replacement of stolen SNAP benefits equaling \$521.00 for online transactions made on [REDACTED], 2023 at Walmart by contacting the online retailer for additional customer information associated with the [REDACTED] 2023 transactions and complete a replacement determination of eligibility.
 2. Upon completion of a new determination of eligibility for replacement of stolen SNAP benefits, the Department must issue the Appellant a Notice of Action – Request for Replacement of Stolen Benefits letter (W-3036N/W-3036NS).
 3. Dependent on the outcome of the Department's new review of the Appellant's [REDACTED] 2023 request for replacement of [REDACTED] 2023 stolen SNAP benefits, the Department can then determine whether or not the Appellant received an overpayment of SNAP benefits, if appropriate, and issue a new notice to the Appellant.
 4. Compliance is due 14-days from the date of this decision.

(*Exhibit 5: Notice of Corrected Decision dated [REDACTED] 2024- Decision & Order*)

17. On [REDACTED] 2024, the Department entered the following case note – details under the Appellant's case: "Late case note: This worker contacted [REDACTED] [REDACTED] on [REDACTED]/2024 and spoke to a representative [REDACTED] customer service and representative asked this worker for client's email or account number, I was able to provide client's email and representative was able to find that account but it is deactivated and as unable to provide information for the month of [REDACTED] 2023 due to client deactivated account." (*Exhibit 3: Case Notes Details dated [REDACTED] 2024*)
18. On [REDACTED], 2024, the Department denied the Appellant's request for replacement of stolen benefits under the SNAP in the amount of \$521.00 which she had reported as stolen on [REDACTED], 2023, citing the following reasons on the corresponding Notice of Action: "We found that the SNAP benefits were not

stolen due to skimming, card cloning, or other similar fraudulent methods.” (Exhibit 10: Notice of Action: W-3026N dated [REDACTED]/2024)

19. On [REDACTED], 2024, the Appellant requested an administrative hearing to contest the Department’s decision to deny the replacement of stolen benefits under the SNAP. (Exhibit A: Hearing Request: voicemail received by the OLCRAH on [REDACTED]/2024, Hearing Record)

20. The Appellant testified that her account with [REDACTED] was deactivated due to a “violation”. (Appellant’s Testimony)

21. The ID Code/ Transaction ID # 5 [REDACTED] is for [REDACTED] [REDACTED] [REDACTED] (Exhibit 1: Department’s email correspondences dated [REDACTED]/2024)

22. The EPPIC Recipient Transaction History reports (“EPPIC Reports”) beginning [REDACTED] 2023, ending [REDACTED] 2023, validate that the Appellant frequently authorized multiple transactions from her EBT account using her EBT card(s) often within short time intervals. The EPPIC reports also confirm that the Appellant was often issued SNAP credits from vendors/merchants including but not limited to Vender ID [REDACTED] [EBT WB – Walmart]. (Exhibit 1: EBT Transaction History [REDACTED]/2023-[REDACTED]/2023)

23. The EPPIC Reports for the Appellant’s EBT transaction history for the [REDACTED] [REDACTED] period beginning [REDACTED] 2023 ending [REDACTED] 2023, validate the following transactions:

| <u>Month:</u> | <u>ID Code/Transaction ID</u> | <u>Vendor</u> | <u>Address:</u> | <u>Purchases & Credits</u> |
|-----------------|-------------------------------|--|--|--------------------------------|
| [REDACTED] 2023 | [REDACTED] | [REDACTED] [REDACTED] [REDACTED] | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | 24 total transactions |
| [REDACTED] 2023 | [REDACTED] | [REDACTED] [REDACTED] [REDACTED] | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | 64 total transactions |
| [REDACTED] 2023 | [REDACTED] | [REDACTED] [REDACTED] [REDACTED] | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | 47 total transactions |
| [REDACTED] 2023 | [REDACTED] | [REDACTED] [REDACTED] [REDACTED] | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | 9 total transactions |

(Exhibit 1: EBT Transaction History: [REDACTED]/2023-[REDACTED]/2023)

24. On [REDACTED] 2024, the Appellant respectfully declined to attempt any direct contact with [REDACTED] to inquire if her account may be reactivated for [REDACTED] [REDACTED] Walmart to verify the address(es) that coincided with the grocery deliveries for the seven (7) alleged fraudulent EBT account transactions being disputed that occurred on [REDACTED], 2023. (*Appellant's Testimony*)
25. The hearing record is void of clear evidence to substantiate if the Appellant was issued SNAP credit(s) from [REDACTED] for any of the seven (7) alleged fraudulent EBT benefit transactions being disputed. (*Hearing Record*)
26. The Department conducted an Internet Search that confirmed [REDACTED] [REDACTED] [REDACTED]. (*Exhibit 12: Walmart Contact Information*)
- [REDACTED] [REDACTED] matches the transaction location for the seven (7) alleged fraudulent EBT account transactions being disputed as stolen benefits under the SNAP totaling \$521.00. (*Hearing Record*)
28. The issuance of this decision is timely under the Code of Federal Regulations § 273.15 which states that a decision must be reached, and the household notified within 60 days of receipt of a request for a fair hearing. The Appellant requested an administrative hearing on [REDACTED], 2024. This decision was due no later than [REDACTED], 2024, and it is therefore timely. (*Hearing Record*)

CONCLUSIONS OF LAW

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

The Department has the authority to administer the SNAP in [REDACTED].

2. Title 7 of the Code of Federal Regulations ("C.F.R.") section 274.1(a) and (b) provides for Basic issuance requirements. State agencies shall establish issuance and accountability systems which ensure that only certified eligible households receive benefits; that Program benefits are timely distributed in the correct amounts; and that benefit issuance and reconciliation activities are properly conducted and accurately reported to FNS. (b) System classification. State agencies may issue benefits to households through any of the following systems: (1) An on-line Electronic Benefit Transfer (EBT) system in which Program benefits

are stored in a central computer database and electronically accessed by households at the point of sale via reusable plastic cards.

3. 7 CFR § 274.2(f) provides EBT cards and Personal Identification Numbers (PINs). (1) State agencies which issue EBT cards by mail shall, at a minimum, use first class mail and sturdy nonforwarding envelopes or packages to send EBT cards to households. (2) The State agency shall permit SNAP households to select their PIN. (i) PIN assignment procedures shall be permitted in accordance with industry standards as long as PIN selection is available to clients if they so desire and clients are informed of this option. (ii) If assigning a PIN by mail in conjunction with card issuance, State agencies shall mail the PIN separate from the card one business day after the card is mailed.

The Department provides SNAP benefits to recipients through the issuance and use of EBT cards.

4. 7 C.F.R. §274.6(b) provides for replacement EBT cards or PINs as follows:
The State agency shall make replacement EBT cards available for pick up or place the card in the mail within two business days following notice by the household to the State agency that the card has been lost, stolen or damaged unless the State agency implements a replacement procedure pursuant to paragraph (b)(5) of this section.

The Department correctly determined that the Appellant was issued an EBT connect card to access her SNAP benefits.

5. 7 C.F.R. §274.6(b)(1) provides that an immediate hold shall be placed on accounts at the time notice is received from a household regarding the need for card or PIN replacement. The State agency shall implement a reporting system that is continually operative. Once a household reports that their EBT card has been lost or stolen, the State agency shall assume liability for benefits subsequently drawn from the account and replace any lost or stolen benefits to the household. The State agency or its agent shall maintain a record showing the date and time of all reports by households that their card is lost or stolen.
6. 7 C.F.R. § 274.6 (b)(2) addresses replacement issuances and cards to households.
“Once a household reports that their EBT card has been lost or stolen, the State agency shall assume liability for benefits subsequently drawn from the account and replace any lost or stolen benefits to the household. The State agency or its agent shall maintain a record showing the date and time of all reports by households that their card is lost or stolen.”

The Department correctly determined that the Appellant made a timely report regarding the *alleged lost* (lost, stolen, or skimmed) EBT card.

There were no additional reports of unauthorized transactions from the Appellant after she had requested a new EBT card.

7. 7 CFR § 274.2(g)(2) provides for Adjustments. A State agency shall make adjustments to an account to correct an auditable, out-of-balance settlement condition that occurs during the redemption process as a result of a system error. A system error is defined as an error resulting from a malfunction at any point in the redemption process: from the system host computer, to the switch, to the third party processors, to a store's host computer or POS device. These adjustments may occur after the availability date and may result in either a debit or credit to the household.

The Department correctly determined that a system error or malfunction cannot be established as the Appellant's account with [REDACTED] [REDACTED] was deactivated for the month of [REDACTED] 2023.

8. Title IV, Section 501 of the Consolidated Appropriations Act, 2023 requires that the Food and Nutrition Service (FNS) issue guidance to state agencies and promulgate regulations to protect and replace SNAP benefits stolen via card skimming, card cloning, and other similar fraudulent methods. State agencies must submit plans that address how state agencies will process household claims of stolen benefits to be submitted to FNS.

As the administrator of SNAP in Connecticut, the Department had the authority and responsibility to submit a State Plan to the Federal Food and Nutrition Service ("FNS") to complete with Title IV, Section 501 of the Consolidated Appropriations Act, 2023.

Upon approval by FNS, the Department was required to implement the State Plan.

The [REDACTED] 2023, POGA is the Department's internal dissemination of the State Plan's procedures for processing household claims of stolen benefits to its staff.

9. The State Plan for the Replacement of Stolen EBT Benefits Consolidated Appropriations Act 2023 provides that upon approval of this plan, households will have thirty (30) calendar days to submit a claim for benefits stolen prior to the date of approval. This information will be communicated through the state's social media posts, website, and up-front Interactive Voice Response (IVR) telephone system. In addition, an email will be sent to the legal and advocate communities, as well as state partners informing them of this same information with additional guidance around what is needed to request and substantiate a claim or reimbursement of stolen benefits.

In addition, DSS will attempt to contact those individuals who previously reported their benefits stolen between October 1, 2022, and the date of plan approval through direct mailings, providing them information about the requirements, procedures, and timeline to provide information for replacement benefits. The State will use the same application, validation process, and timeliness, processing, and distribution of benefits criteria described below to issue retroactive benefits as it will non-retroactive claims.

Households have thirty (30) calendar days from the date they discovered that their benefits were stolen because of card skimming, cloning, or similar fraudulent methods to make their initial report to DSS. Households may do this via the telephone, through the mail, or in person at any DSS field office. When an initial report is received, a case note will be entered by the staff member who received it along with the date the *Request for Replacement of Stolen SNAP Benefits Form* (Appendix A) was sent. The household will have ten (10) calendar days from the date the form is sent to complete and return the *Request for Replacement of Stolen SNAP Benefits* form via mail or in person.

If the household comes into a DSS office to report a claim of stolen benefits, they will be provided the *Request for Replacement of Stolen SNAP Benefits Form* and given the option to complete and submit the form at that time or to take the form with them for later completion.

The household will have ten (10) calendar days from the date of the visit, which will be noted in the case notes, to complete and return the *Request for Replacement of Stolen SNAP Benefits* form via mail or in person.

Validation of Criteria

By requesting replacement benefits on the Request for Replacement of Stolen SNAP benefits form, the household must attest that they understand the following:

- 1) Have 30 calendar days from the date they discovered their benefits were stolen to request a replacement.
- 2) Replacement benefits due to theft cannot exceed the amount of two months of SNAP benefits for the amount of my actual reported loss, whichever is less.
- 3) DSS must receive this signed form within 10 calendar days of the date it was sent by DSS to receive SNAP replacement benefits.
- 4) Benefits lost due to theft cannot be replaced more than two times in a federal fiscal year; and

5) Benefits replacement claims can only be made for thefts that occurred between 10/1/2022 through 9/30/2024.

As well as that if they have knowingly given incorrect information about the facts stated above, they may be charged with an intentional program violation (IPV) and may be subject to civil and criminal penalties including, but not limited to, perjury for a false claim. Finally, that they understand that they have the right to a Fair Hearing if they disagree with the decision to replace benefits made by DSS.

Validation-Denial of Claims

Claims will be denied for any of the following reasons:

- The household already received replacement benefits two times in the respective federal fiscal year.
- The household did not report their stolen benefits to DSS within thirty (30) calendar days of discovering the theft.
- The household did not provide the signed *Request for Replacement of Stolen SNAP Benefits* form within the required ten (10) calendar days.
- The state was unable to validate the claim that the benefits were stolen as a result of card skimming, cloning, or similar fraudulent methods.
- The state was unable to validate the claim that the benefits were stolen outside of the allowable timeframe, 10/1/2022-9/30/2024.

10. In accordance with the United States Department of Agriculture (“USDA”) Food and Nutrition Service (“FNS”): Replacement of SNAP Benefits in the Consolidated Appropriations Act of 2023: Policy Memo dated Jan 31, 2023: All SNAP State Agencies: All Regions:

Validation Criteria

Claims may be validated through data provided on the State’s Administration Terminal (AT) such as a household’s transaction history. For example, a state may access a household’s transaction history from the date the proposed theft occurred. The AT data may indicate that the household’s benefits were used for an in-state purchase, yet only hours later, their benefits were used in an out-of-state transaction. Additionally, states may validate claims by comparing households’ theft statements with identified stolen benefit trends occurring in the state, such as known phishing schemes. Data from state’s interactive voice response (IVR) systems may also be used to access household’s balance inquiry history to verify that all inquiries were made with household phone numbers.

The Department incorrectly granted the Appellant’s request for replacement of benefits under the SNAP. Upon further case review of the Appellant’s EBT transaction history, the Department subsequently discovered its error and correctly reversed its decision.

DISCUSSION

The Appellant's primary argument was that the seven (7) alleged fraudulent transactions that occurred on [REDACTED], 2023, happened out of state and over short time intervals. However, the Department provided evidence to substantiate that [REDACTED] corporate address of [REDACTED] [REDACTED] matches the ID Code/ Transaction ID # [REDACTED] for [REDACTED] the location for the transactions under dispute. Furthermore, the Department provided evidence to substantiate during the [REDACTED] period beginning [REDACTED] 2023 and ending [REDACTED] 2023 transactions under the Appellant's EBT account using her EBT card(s) with the vendor ID Code/ Transaction ID # [REDACTED]: [REDACTED] [REDACTED] totaled one hundred and forty-four (144) inclusive of purchases and credits. The evidence supports that the Appellant frequently purchased groceries online and often authorized multiple transactions from her EBT account using her EBT card(s) within short time intervals. Furthermore, the evidence substantiates that the Appellant was frequently issued SNAP credits from vendor ID [REDACTED] [REDACTED]. The hearing record is void of evidence to substantiate if the Appellant was approved or denied SNAP credits for any of the alleged unauthorized EBT transactions that occurred on [REDACTED], 2023, being disputed as stolen benefits under the SNAP.

The Department correctly attempted to conduct a more thorough review of the Appellant's [REDACTED], 2023, claim request for replacement of stolen benefits under the SNAP in response to the corrected hearing decision issued by the OLCRAH on [REDACTED] 2024. The Department contacted the vendor, [REDACTED]. The [REDACTED] customer service representative reported that they were able to find the Appellant's account; however, they were unable to provide further information as the account had been deactivated for the month of [REDACTED] 2023. It is reasonable to assert that the Department likely does not have the authority to request account changes such as re-activation for an individual with a third-party vendor. In consideration of the Appellant's rejection to contact [REDACTED] and request account activation for [REDACTED] 2023, authentication of the delivery address(es) for the transactions in question, and/or documentation from [REDACTED] to confirm SNAP credit(s) were not issued for the transactions being disputed I find there is a lack of evidence to substantiate that the benefits under the SNAP were stolen by card skimming, card cloning, or other fraudulent means.

DECISION

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

Jessica Gulianello

Jessica Gulianello
Hearing Officer

CC: Javier Rivera: ESW, Angelica Branfalt, SSOM DO: [REDACTED]
Suhay (Millie) Morales, ESS, Josephine Savastra, Lindsey Collins, Mathew Kalarickal,
David Mazzone SSOM's DO: [REDACTED]

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.