

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 # 235076

**ADMINISTRATIVE DISQUALIFICATION HEARING**  
**NOTICE OF DECISION**

**PARTY**

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

**PROCEDURAL BACKGROUND**

On ██████████ 2024, 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 12 months. The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) as a result of the Defendant’s failure to report income from ██████████. The Department proposes to recoup from the Defendant \$1545.00 in alleged overpaid SNAP benefits. This is the Defendant’s first IPV offense in the SNAP program.

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. The notification outlined the Defendant’s rights in these proceedings. The ADH was scheduled for ██████████ 2024.

On ██████████ 2024, the Defendant requested the ADH be rescheduled.

On [REDACTED] 2024, OLCRAH notified the Defendant of the initiation of the rescheduled ADH process via Certified mail. On [REDACTED] 2024, the Defendant signed the certified letter per United States Postal Service (“USPS”) tracking. The notification outlined the Defendant’s rights in these proceedings. The ADH was rescheduled for [REDACTED] 2024.

On [REDACTED] 2024, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Disqualification Hearing.

The following individuals were present at the hearing:

[REDACTED] Defendant  
Christopher Pinto, the Department’s Representative  
Scott Zuckerman, Hearing Officer

### **STATEMENT OF THE ISSUES**

The first issue to be decided is whether the Defendant committed an IPV in the SNAP program.

The second issue to be decided is whether the Department’s proposal to recoup a SNAP overpayment is correct.

### **FINDINGS OF FACT**

1. On [REDACTED], 2020, the Defendant began employment at the [REDACTED] and timely notified the Department of such employment. (Department’s testimony)
2. On [REDACTED] 2022, the Department received the Defendant’s renewal for SNAP benefits. (Exhibit 18: Notice of Action, [REDACTED]/23)
3. On [REDACTED] 2023, the Department sent the Defendant a Notice of Action (“NOA”). The Defendant’s period of eligibility was continued from [REDACTED] 2023, through [REDACTED] 2023. The notice informed the Defendant to report changes to the Department, including, if her total household income is more than \$1,984.00, and that she must report the change by the tenth (10<sup>th</sup>) day of the month following the month of the change. (Exhibit 18: NOA, [REDACTED]23)
4. On [REDACTED] 2023, the Defendant began employment at [REDACTED] and [REDACTED]. (Department’s Testimony and Exhibit 3: Equifax, The Work Number, inquiry date [REDACTED]/23)

5. On [REDACTED] 2023, the Defendant received her first pay of \$31.90 from Rikos. (Exhibit 3)
6. On [REDACTED] 2, 2023, the Defendant's employment at [REDACTED] ended. (Exhibit 3, [REDACTED]/23)
7. In [REDACTED] 2023, the Defendant's gross earnings from [REDACTED] were as follows: [REDACTED]/23 \$ 150.10; [REDACTED]/2023 \$ \$293.63; [REDACTED]/23 \$873.32; [REDACTED] 2023 \$597.76. The total [REDACTED] 2023 gross earnings from [REDACTED] is \$1914.81 (Exhibit 3)
8. In [REDACTED] 2023, the Defendant's gross earnings were \$2719.42 at the [REDACTED] [REDACTED] [REDACTED]/2023 \$138.24; [REDACTED]/23 \$518.76; [REDACTED]/23 \$654.30; [REDACTED] 2023 \$663.12 and [REDACTED] 23 \$745.00 (Exhibit 5: [REDACTED] wage report [REDACTED]/2023 to [REDACTED]/2023)
9. In [REDACTED] 2023, the Defendant's combined gross income from [REDACTED] and the [REDACTED] is \$4634.23 (\$1914.81 + \$2719.42). (Ex. 3 and Ex. 5)
10. In [REDACTED] h 2023, the Defendant's total gross income of \$4,634.23 exceeded 130% of the Federal Poverty Level ("FPL") for a household of two of \$1984.00. The increase in the Defendant's income in [REDACTED] 2023, required her to report the change in income by [REDACTED], 2023, to change the benefit effective [REDACTED] 2023. (Department's testimony and Hearing Summary)
11. The Defendant did not report new employment and the change in income to the Department. (Hearing Record)
12. In [REDACTED] 2023 the Defendant's total gross wages from the [REDACTED] were \$3626.90 [REDACTED]/2023 \$898.70 + [REDACTED]/23 \$718.80 + [REDACTED]/23 \$712.80 + [REDACTED]/23 \$546.20 + [REDACTED]/23 \$750.40). (Exhibit 5)
13. In [REDACTED] 2023, the Defendant's total gross wages from [REDACTED] were \$2311.34 [REDACTED]/23 \$638.53 + [REDACTED]/23 \$616.36 + [REDACTED] 23 \$572.18 + [REDACTED]/23 \$484.27). (Exhibit 3)
14. In [REDACTED] 2023, the Defendant's combined gross income from [REDACTED] and the [REDACTED] was \$5938.24. (Exhibits 3 and 5)
15. In [REDACTED] 2023, the Defendant's gross wages from the [REDACTED] were \$2571.20 ([REDACTED]/23 \$712.60; [REDACTED]/23 \$554.00 + [REDACTED]/23 \$667.80 + [REDACTED]/23 \$636.80). (Exhibit 5)

16. In [REDACTED] 2023, the Defendant's gross wages from [REDACTED] were \$1820.42 ([REDACTED]/23 \$468.99 + [REDACTED]/23 \$398.90 + [REDACTED]/23 \$448.99 + [REDACTED]/23 \$503.54). (Exhibit 3)
17. In [REDACTED] 2023, the Defendant's combined gross wages from the [REDACTED] and the [REDACTED] is \$4391.62. (Ex. 3 and Ex. 5)
18. In [REDACTED] 2023, the Defendant's gross wages from the [REDACTED] were \$2848.30 ([REDACTED]/23 \$701.60 + [REDACTED]/23 \$594.40 + [REDACTED]/23 \$803.90 + [REDACTED]/23 \$748.40). (Ex. 5)
19. In [REDACTED] 2023, the Defendant's gross wages from the [REDACTED] were \$1681.92 ([REDACTED]/23 \$521.61 + [REDACTED]/23 \$504.63 + [REDACTED]/23 \$226.03 + [REDACTED]/23 \$429.65). (Ex. 3)
20. In [REDACTED] 2023, the Defendant's combined gross wages from the [REDACTED] and [REDACTED] is \$4530.22. (Exhibits 3 and 5)
21. In [REDACTED] 2023, the Defendant's gross wages from the [REDACTED] were \$4559.40 ([REDACTED]/23 \$705.00 + [REDACTED]/23 \$753.60 + [REDACTED]/23 \$862.70 + [REDACTED]/23 \$868.70 + [REDACTED]/23 \$1,369.40). (Ex. 5)
22. In [REDACTED] 2023, the Defendant's gross wages from [REDACTED] were \$1686.93 ([REDACTED]/23 \$366.75 + [REDACTED]/23 \$396.89 + [REDACTED]/23 \$342.57 + [REDACTED]/23 \$580.72). (Ex. 3)
23. In [REDACTED] 2023, the Defendant's combined gross wages from the [REDACTED] and [REDACTED] is \$6246.33). (Ex. 3 and Ex. 5)
24. In [REDACTED] 2023, the Defendant's gross wages from the [REDACTED] were \$2811.60 ([REDACTED]/23 \$705.40 + [REDACTED] 23 \$860.00 + [REDACTED]/23 \$568.60 + [REDACTED]/23 \$677.60). (Ex. 5)
25. In [REDACTED] 2023, the Defendant's gross wages from [REDACTED] were \$2678.15 ([REDACTED] 23 \$ 299.85 + [REDACTED]/23 \$477.30 + [REDACTED]/23 \$618.05 + [REDACTED]/23 \$721.83 + [REDACTED]/23 \$561.12). (Ex. 3)
26. In [REDACTED] 2023, the Defendant's combined gross wages from the [REDACTED] and [REDACTED] is \$5489.75. (Dept (Ex. 3 and Ex. 5)
27. In [REDACTED] 2023, the Defendant's gross wages from the [REDACTED] were \$2766.00 ([REDACTED]/23 \$670.00 + [REDACTED]/23 \$699.60 + [REDACTED]/24 \$705.00 + [REDACTED] 24\$ 691.00). (Ex. 5)

28. In [REDACTED] 2023, the Defendant's gross wages from [REDACTED] were \$2483.73 ([REDACTED]/23 \$600.94 + [REDACTED]/23 \$467.05 + [REDACTED]/23 \$523.59 + [REDACTED]/23 \$892.15). (Ex. 3)
29. In [REDACTED] 2023, the Defendant's combined gross wages from the [REDACTED] and [REDACTED] was \$5249.73. (Ex. 3 and Ex. 5)
30. In [REDACTED] 2023, the Defendant's gross wages from the [REDACTED] were \$3435.30 ([REDACTED]/23 \$ 539.40 + [REDACTED]/23 \$660.00 + [REDACTED] 23 \$908.30 + [REDACTED]/23 \$782.80 + [REDACTED]/23 \$544.80). (Ex. 5)
31. In [REDACTED] 2023, the Defendant's gross wages from [REDACTED] were \$2708.86 ([REDACTED] 23 \$493.62 + [REDACTED]/23 \$693.93 + [REDACTED]/23 \$677.70 + [REDACTED]/23 \$843.61). (Ex. 3)
32. In [REDACTED] 2023, the Defendant's combined gross wages from the [REDACTED] and [REDACTED] was \$6144.16. (Ex. 3 and Ex. 5)
33. In [REDACTED] r 2023, the Defendant's gross wages from the [REDACTED] were \$2482.40 [REDACTED] 23 \$679.20 + [REDACTED]/23 \$684.00 + [REDACTED]/23 \$577.20 + [REDACTED]/23 \$542.00). (Ex. 5)
34. In [REDACTED] 2023, the Defendant's gross wages from [REDACTED] were \$2126.78 ([REDACTED] 23 \$443.43 + [REDACTED]/23 \$795.20 + [REDACTED]/23 \$288.91 + [REDACTED]/23 \$559.24). (Exhibit 3)
35. In [REDACTED] 2023, the Defendant's combined gross wages from the [REDACTED] and [REDACTED] is \$4609.18. (Ex. 3 and Ex. 5)
36. The Defendant's household does not contain an elderly or disabled household member. (Hearing Record)
37. On [REDACTED] 2023, the Department received the Defendant's W-1ER, Notice of Renewal of Eligibility. The Defendant indicated employment at The Village Table but did not list wages. (Exhibit 1: W-1ER, [REDACTED]/23)
38. On [REDACTED] 2023, the Department initiated the SNAP renewal and conducted a SNAP telephone interview. The Defendant stated she is still employed at the [REDACTED]. The Department found new employment at [REDACTED]. The Defendant reported she no longer is employed at [REDACTED]. The employment database indicated she received a check on [REDACTED] 2023. The Department sent investigations a referral. (Hearing Summary and Exhibit 2: Case notes, [REDACTED]/23 and Exhibit 16: Update Referral, [REDACTED]/23)

39. On ██████████ 2023, the Defendant's SNAP benefits were discontinued. (Department's testimony and Defendant's testimony)
40. On ██████████ 2024, the Department completed a W-262 CF, Report of Suspected Intentional Program Violation Overpayment as a result of an investigation. The Department indicated the Defendant should have reported her employment at ██████████ by the ██████████ of ██████████ 2023 and overpayment of SNAP benefits exist from ██████████ 2023 through ██████████ 2023. The SNAP closed in ██████████ 2023 for the renewal process not completed. (Exhibit 15: W-262CF)
41. The Department calculated SNAP overpayments as a result of the unreported income. (Hearing Record)
42. As of ██████████ 2023, the threshold for reporting income changes under the SNAP equaled \$1984.00 / 130% of the Federal Poverty Level ("FPL"), for a household of two. Under expanded categorical eligibility, the gross income limit for a household of two equaled \$3,052.00 / 200 % of the FPL.
43. As of ██████████, 2023, the threshold for reporting income changes under the SNAP equaled \$2,137.00 / 130% of the FPL, for a household of two. Under expanded categorical eligibility, the gross income limit for a household of two equaled \$3,287.00 / 200 % of the FPL.
44. The Defendant was issued the following SNAP benefits from ██████████ 2023, through ██████████, 2023:

Month	SNAP Received
██████████ 2023	\$180.00
██████████ 2023	\$180.00
██████████ 2023	\$180.00
██████████ 2023	\$180.00
██████████ 2023	\$180.00
██████████ 2023	\$215.00
██████████ 2023	\$215.00
██████████ 2023	\$215.00
<b>Total</b>	<b>\$1545.00</b>

(Exhibit 8: Benefit History Search)

45. The SNAP overpayments were calculated as follows:

Month	SNAP received	SNAP eligible	Overpayment
██████████ 2023	\$180.00	\$0.00	\$180.00
██████████ 2023	\$180.00	\$0.00	\$180.00
██████████ 2023	\$180.00	\$0.00	\$180.00

██████████ 2023	\$180.00	\$0.00	\$180.00
██████████ 2023	\$180.00	\$0.00	\$180.00
██████████ 2023	\$215.00	\$0.00	\$215.00
██████████ 2023	\$215.00	\$0.00	\$215.00
██████████ 2023	\$215.00	\$0.00	\$215.00
	<b>Total</b> \$1545.00		<b>Total</b> \$1545.00

(Hearing Summary, Exhibit 8: Benefit Issuance Search; Exhibit 8: Manual Overpayment Details; and Exhibit 11)

46. On ██████████ 2024, the Department sent the Defendant a Notice of Prehearing interview, Food Stamp Program. The notice stated that the Defendant received \$1545.00 in SNAP benefits to which she was not entitled because she misrepresented her household income. The pre-hearing interview was scheduled for ██████████ 2024, at 11:00 am. (Exhibit 10: W-1448, Notice of Prehearing interview, ██████/24)
47. On ██████████ 2024, the Department sent the Defendant a W-1449, Waiver of Disqualification Hearing SNAP Program. The Waiver stated the Department believes the Defendant broke the rules of the SNAP program and that the Defendant may be disqualified from the program for one year. The form states by signing the waiver the Defendant gives up her right to an administrative disqualification hearing. (Exhibit 11: Waiver of Disqualification Hearing SNAP program)
48. Effective ██████ 2023, the Defendant's monthly income exceeds 130% of the Federal Poverty Level for a Household of two of \$1984.00. (Hearing Summary)
49. On ██████████ 2024, the Department conducted the pre-hearing interview with the Defendant. The Defendant did not agree with the charges and wished to exercise her rights for an ADH. (Hearing Record).
50. On ██████████, 2024, the signed W-1449 was received with option C checked requesting her right to have the hearing. (Hearing record)
51. The Defendant has no prior intentional program violations of the SNAP program. (Department's testimony, Exhibit 13: EDRS and Exhibit 14 WFLK)
52. The issuance of this decision is timely under Title 7 Section 273.16€(2)(iv) of the Code of Federal Regulations, which requires that a decision be issued within 90 days of the initiation of the ADH process. On ██████████ 2024, the OLCRAH mailed the Defendant notification of the initiation of the ADH process. On ██████████ 2024, the Defendant, requested the ADH be rescheduled. Because the ADH was rescheduled at the request of the

Defendant this caused a 23 – day delay. Therefore, this decision is due not later than [REDACTED] 2024.

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program.
2. Section 17b-88 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to recover any public assistance overpayment and take such other action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings.
3. State statute provides as follows:

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 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.

Conn. Gen. Stat. § 17b-8

4. Title 7 of the Code of Federal Regulations (“C.F.R.”) § 273.16(a)(1) provides as follows:

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 State agency shall conduct administrative disqualification hearings for individuals accused of intentional Program violation in accordance with the requirements outlined in this section.” 7 C.F.R. § 273.16(e)

5. Federal regulation provides as follows:

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 individuals 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.

7 C.F.R. § 273.16(a)(3)

6. Federal regulation provides as follows:

*General.* No household may participate beyond the expiration of the certification period assigned in accordance with §273.10(f) without a determination of eligibility for a new period. The State agency must establish procedures for notifying households of expiration dates, providing application forms, scheduling interviews, and recertifying eligible households prior to the expiration of certification periods. Households must apply for recertification and comply with interview and verification requirements.

7 C.F.R. § 273.14(a)

7. Federal regulation provides as follows:

*Application.* The State agency must develop an application to be used by households when applying for recertification. It may be the same as the initial application, a simplified version, a monthly reporting form, or other method such as annotating changes on the initial application form. A new household signature and date is required at the time of application for recertification. The provisions of §273.2(c)(7) regarding acceptable signatures on applications also apply to applications used at recertification. The recertification process can only be used for those households which apply for recertification prior to the end of their current certification period, except for delayed applications as specified in paragraph (e)(3) of this section. The process, at a minimum, must elicit from the household sufficient information that, when added to information already contained in the casefile, will ensure an accurate determination of eligibility and benefits. The State agency must notify the applicant of information which is specified in §273.2(b)(2) and provide the household with a notice of required verification as specified in §273.2(c)(5).

7 C.F.R. § 273.14(b)(2)

8. Federal regulation provides as follows:

The State agency may use a telephone interview instead of the face-to-face interview required in paragraph (e)(1) of this section for all applicant households, for specified categories of households, or on a case-by-case basis because of household hardship situations as determined by the State agency. The hardship conditions must include, but are not limited to, illness, transportation difficulties, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work or training hours that prevent the household from participating in an in-office interview. If a State agency has not already provided that a telephone interview will be

used for a household, and that household meets the State agency's hardship criteria and requests to not have an in-office interview, the State agency must offer to the household to conduct the interview by telephone. The State agency may provide a home-based interview only if a household meets the hardship criteria and requests one. A State agency that chooses to routinely interview households by telephone in lieu of the face-to-face interview must specify this choice in its State plan of operation and describe the types of households that will be routinely offered a telephone interview in lieu of a face-to-face interview. The State agency must grant a face-to-face interview to any household that requests one.

7 C.F.R. § 273.2(e)(2)

**The Department correctly determined that the Defendant failed to report her employment at [REDACTED] at recertification in [REDACTED] 2023.**

9. Federal regulation provides as follows:

The following households are categorically eligible for SNAP benefits unless the entire household is institutionalized as defined in §273.1(e) or disqualified for any reason from receiving SNAP benefits. (E) any household in which all members receive or are authorized to receive PA and/or SSI benefits in accordance with paragraphs (j)(2)(i)(A) through (j)(2)(i)(D) of this section.

7 C.F.R. § 273.2 (j) (2) (i)

**The Defendant is not a recipient of Public Assistance (cash assistance) or SSI and is therefore not categorically eligible.**

10. Federal regulation provides as follows:

Participation in the Program shall be limited to those households whose income incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households that contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Households, which do not contain an elderly or disabled member, shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households that are categorically eligible as defined in §273.2 (j) (2) or 273.2 (j) (4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

7 C.F.R. § 273.9 (a)

11. Federal regulation provides as follows:

An elderly or disabled member as a member of a household who: (1) Is 60 years of age or older; (2) Receives supplemental security income benefits under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act; (3) Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act.

7 C.F.R. § 271.2

**The Department correctly determined that the Defendant's household does not contain a disabled or elderly individual and is therefore subject to the gross income and net income eligibility standards.**

12. Federal regulation provides as follows:

*Reporting when gross income exceeds 130 percent of poverty.* A household subject to simplified reporting in accordance with paragraph (a)(5)(i) of this section, whether or not it is required to submit a periodic report, must report when its gross income exceeds the monthly gross income limit for its household size, as defined at 273.9(a)(1). The household shall use the monthly gross income limit for the household size that existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.

7 C.F.R. § 273.12(a)(5)(v)

**The Department correctly determined that the Defendant failed to report by [REDACTED], 2023, that her income exceeded 130 % of the FPL.**

13. Federal regulation provides as follows:

130 percent of the annual income poverty guidelines shall be divided by 12 to determine the monthly gross income standards, rounding the results upwards as necessary. For households greater than eight persons, the increment in the Federal income poverty guidelines is multiplied by 130 percent, divided by 12, and the results rounded upward if necessary.

7 C.F.R. § 273.9(a)(3)(i)

“The income eligibility limits, as described in this paragraph, are revised each October 1 to reflect the annual adjustment to the Federal income poverty guidelines for the 48 States and the District of Columbia, for Alaska, and for Hawaii.” 7 C.F.R. § 273.9(a)(3)

7 C.F.R. § 273.9 (a) (4) provides that the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS website, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap).

Effective [REDACTED], 2009, the Department implemented SNAP changes referred to as Expanded Categorical Eligibility (“ECE”). Effective [REDACTED], the gross income limit for the SNAP increased to 185% of the Federal Poverty Level (“FPL”) for SNAP households that do not contain an elderly or disabled household member. Effective [REDACTED] 2021, the gross income limit for the SNAP increased to 200% of the Federal Poverty Level (“FPL”) for SNAP households that do not contain an elderly or disabled household member.

Effective [REDACTED], 2022, the FPL for a household of two equals \$18310.00 / 12 months = \$1526.00 monthly (Federal Register: [REDACTED] 2022 [Volume 87, Number 14, page 3316]).

Effective [REDACTED] 2022, the threshold to report income changes for a household of two is \$1984.00 (130% FPL for a household of one) [\$1526.00 FPL x 30%].

Under expanded categorical eligibility, the gross income limit for a household of two equaled \$3052.00 / 200% of the FPL effective [REDACTED] 2022.

Under expanded categorical eligibility, the gross income limit for a household of two equaled \$3,287.00 / 200 % of the FPL effective [REDACTED], 2023.

14. Federal regulation provides as follows:

If the State agency discovers that the household failed to report a change as required by paragraph (a) of this section and, as a result, received benefits to which it was not entitled, the State agency shall file a claim against the household in accordance with § 273.18. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if the household's benefits are reduced. A household shall not be held liable for a claim because of a change in household circumstances which it is not required to report in accordance with § 273.12(a)(1). Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the disqualification procedures specified in § 273.16.

7 C.F.R. § 273.12 (d)

15. “The State agency shall conduct administrative disqualification hearings for individuals accused of Intentional Program Violation.” 7 C.F.R. § 273.16(e)

## 16. Federal regulation provides as follows:

For purposes of determining through administrative disqualification hearings whether or not a person has committed an 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 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(c)

17. “Federal regulations provide for the criteria for determining intentional program violation as follows: 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.”

7 C.F.R. § 273.16(e)(6)

**The hearing record clearly and convincingly established that the Defendant’s error and misstatement of failing to report earnings over 130% of the FPL regarding the SNAP benefits was an intentional program violation.**

**The hearing record clearly and convincingly established that the Defendant did not report earnings over 130% of the FPL in ██████ 2023 and the misstatement on her ██████ 2023 renewal form for not reporting employment at ██████ was an intentional program violation of the SNAP.**

## 18. Federal regulation provides as follows:

Individuals found to have committed an intentional Program violation either through an administrative disqualification hearing or by a Federal, State or local court, or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the Program:

(i) For a period of twelve months for the first intentional Program violation, except as provided under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section;

(ii) For a period of twenty-four months upon the second occasion of any intentional Program violation, except as provided in paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section; and

(iii) Permanently for the third occasion of any intentional Program violation.

7 CFR 273.16(b)(1)

**The Hearing record clearly and convincingly established that the Defendant intentionally failed to report to the Department his employment when her earnings exceeded 130% of the FPL.**

**The Department is correct to seek the disqualification of the Defendant from participating in the SNAP program for a period of 12 months.**

19. "Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section." 7 C.F.R. § 273.9(b)

"Earned income shall include: (i) All wages and salaries of any employee." 7 C.F.R. § 273.9(b)(1)(i)

Federal regulation provides as follows:

The purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by § 273.12.

7 C.F.R. § 273.10(c)(1)(i)

**The Department correctly included the Defendant's wages to determine the SNAP benefit level.**

20. Federal regulation provides as follows:

Income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged. Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the state agency shall convert the income to a monthly amount by multiplying weekly amounts by 4.3 and biweekly amounts by 2.15, use the State Agency's PA conversion standard, or use the exact monthly figure if it can be anticipated for each month of the certification period. Nonrecurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income.

7 C.F.R. § 273.10(c)(2)(i)

**For the period [REDACTED] 2023, through [REDACTED], 2023, the Department correctly calculated the Defendant's gross monthly household income.**

21. From [REDACTED] 2023, through [REDACTED], 2023, the Defendant's gross household income exceeded the SNAP income limit of \$3,052.00 under ECE, and therefore the household was ineligible for benefits for those months. It was not necessary for the Department to complete a SNAP calculation for [REDACTED] 2023 through [REDACTED] 2023 as the household was not categorically eligible under ECE and therefore subject to the gross income eligibility standards under the SNAP as follows:

Month	[REDACTED] 2023	[REDACTED] 2023	[REDACTED] 2023	[REDACTED] 2023	[REDACTED] 2023
Gross Income	\$5,938.24	\$4,391.62	\$4,530.33	\$6,246.33	\$5,489.75
200% ECE	\$3,052.00	\$3,052.00	\$3,052.00	\$3,052.00	\$3,052.00

22. From [REDACTED] 2023, through [REDACTED] 2023, the Defendant's gross household income exceeded the SNAP income limit of \$3,287.00 under ECE, and therefore the household was ineligible for benefits for those months. It was not necessary for the Department to complete a SNAP calculation for [REDACTED] 2023 through [REDACTED] 2023 as the household was not categorically eligible under ECE and therefore subject to the gross income eligibility standards under the SNAP as follows:

Month	[REDACTED] 2023	[REDACTED] 2023	[REDACTED] 2023
Gross Income	\$5,249.73	\$6,144.16	\$4,609.18
200% ECE	\$3,287.00	\$3,287.00	\$3,287.00

**The Department correctly determined that the Defendant's gross income for [REDACTED] 2023 through [REDACTED] 2023 was over the gross income limits for the program.**

23. Federal regulation provides as follows:

If the State agency discovers that the household failed to report a change as required by paragraph (a) of this section and, as a result, received benefits to which it was not entitled, the State agency shall file a claim against the household in accordance with § 273.18. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if the household's benefits are reduced. A household shall not be held liable for a claim because a change in household circumstances which it is not required to report in accordance with § 273.12(a)(1). Individual shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the disqualification procedures specified in § 273.16.

7 C.F.R. § 273.12(d)

"A recipient claim is an amount owed because of benefits that are overpaid."  
7 C.F.R. § 273.18(a)(1)(i)

"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. § 273.18(a)(2)

*"Type of claim:* There are three types of claims: An Intentional Program violation (IPV) claim is any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined in § 273.16". 7 C.F.R. § 273.18(b)(1)

**The Department correctly filed an IPV claim against the Defendant because the Defendant received benefits she was not entitled to in [REDACTED] 2023 through [REDACTED] 2023.**

24. Federal regulation provides as follows:

*Calculating the claim amount-Claims not related to trafficking.* 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.

7 C.F.R. § 273.18(c)(1)(i)

25. Federal regulation provides as follows:

The actual steps for calculating a claim are:

- 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 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.

7 C.F.R. § 273.18(c)(1)(ii)

**The Department correctly determined the Defendant was overpaid beginning [REDACTED] 2023, the month in which the Defendant failed to report her household income exceeded the SNAP gross income eligibility standard.**

**The Department correctly determined the total overpayment claim as \$1,545.00 for the period [REDACTED] 2023, through [REDACTED], 2023.**

### **DISCUSSION**

The Department met its burden by establishing clear and convincing evidence that the Defendant committed an intentional program violation of the SNAP.

### **DECISION**

The Defendant is **GUILTY** of committing a first-offense intentional program violation of the SNAP program as the Defendant knowingly did not properly report changes in her household earnings from employment at [REDACTED]. The Department's request is **GRANTED**. The Department may disqualify the Defendant from participating in the SNAP for 12 months.

With regards to the Department's proposal to pursue an overpayment claim of \$1545.00 under the SNAP for the period of [REDACTED] 2023, through [REDACTED] 2023, the Department's request is **GRANTED**.

*Scott Zuckerman*  
Scott Zuckerman  
Hearing Officer

Cc: DSS, Quality Assurance

**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.