

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

████████████████████  
████████████████████  
Request # 235087

**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 twelve (12) months. The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) by misrepresenting her household composition. The Department is not seeking recovery of over-paid SNAP benefits. This is the Defendant’s first IPV offense in the SNAP.

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

On ██████████ 2024, the Defendant received the certified mail delivery.

On ██████████ 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 participated in the administrative hearing:

Marc Blake, Investigator, Department's Representative  
Carla Hardy, Hearing Officer

The Defendant did not participate in the hearing proceedings.

The hearing record remained open for the Department to submit additional information which was received. The hearing record closed on [REDACTED] 2024.

### **STATEMENT OF THE ISSUE**

The issue to be decided is whether the Defendant committed an IPV of the SNAP, is subject to disqualification from participation in SNAP for 12 months.

### **FINDINGS OF FACT**

1. The Defendant did not participate in the ADH proceedings. (Hearing Record)
2. On [REDACTED], 2024, the Department received the Appellant's application for SNAP assistance for a household of three persons. She applied for herself and her two minor children, [REDACTED] and [REDACTED] ("the children"). She reported she was married, but living apart from her spouse. She listed [REDACTED] in [REDACTED], Connecticut as her address. (Exhibit 7: Application [REDACTED] 24; Hearing Record)
3. [REDACTED] is the father of the children. (After Hearing Exhibit 13: Birth Certificates)
4. On [REDACTED] 2024, the Department reviewed the Appellant's application and the supporting documents that she submitted. The lease statement shows that the Defendant and [REDACTED] paid the rent on [REDACTED] 2024. (Exhibit 3: Lease Statement; Hearing Record)
5. The Department called the Defendant to request a copy of her lease but was not successful in reaching her. They mailed her a request for her lease and made a referral to the Investigations Unit. (Hearing Record)
6. On [REDACTED] 2024, the Department's Investigator mailed the Defendant a W-1448 Notice of Prehearing Interview ("W-1448") informing her that they believe she broke the SNAP program rules on purpose and that there is no overpayment related to this situation and a W-1449 Waiver of Disqualification Hearing ("W-1449") for the SNAP informing her that she could contact the Department for more information about the IPV and disqualification, sign the waiver, or not sign the

waiver. The Defendant was given until [REDACTED] 2024, to respond. (Exhibit 8: W-1448 and W-1449)

7. On [REDACTED] 2024, the Department denied the Defendant's SNAP application because she failed to cooperate with the eligibility process. (Hearing Record)
8. The Appellant did not receive any SNAP benefits. (Department's Testimony)
9. The Department's Investigator conducted a review of the Defendant's case. The review concluded that [REDACTED] resided at [REDACTED], [REDACTED] in [REDACTED] Connecticut from [REDACTED] 2018, through [REDACTED] 2019, based on an Unemployment Benefit search. The Defendant listed her previous address as [REDACTED], [REDACTED] in [REDACTED], Connecticut. The Investigator conducted a query on The Work Number that confirmed that [REDACTED] became employed with [REDACTED] as of [REDACTED] 2023. He listed [REDACTED], [REDACTED] in [REDACTED], Connecticut as his address. (Exhibit 6: The Work Number Query; Exhibit 7; Hearing Record)
10. On [REDACTED] 2024, the Investigator attempted to contact the Defendant at her home address but was not successful. The Investigator called her but no one answered. (Hearing Record)
11. On [REDACTED] 2024, the Investigations Unit initiated a suspected IPV report, indicating the father of the children was residing in the home. (After Hearing Exhibit 10: Report of Suspected Intentional Program Violation Overpayment)
12. The Defendant did not contact the Department regarding the IPV nor did she sign the W-1449. (Hearing Record)
13. The Defendant has no prior IPV's. (After Hearing Exhibit 9: EDRs, Department's Testimony)
14. The Department is seeking to disqualify the Defendant from participating in the SNAP for one year because she did not truthfully report her correct household composition. The Department is not seeking recovery of any SNAP benefits due to an overpayment claim. (Hearing Record)
15. The issuance of the decision is timely based on Title 7 of the Code of Federal Regulations Section § 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] 2024; therefore, this decision is due no later than [REDACTED] 2024. (Hearing Record)

## **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. Title 7 of the Code of Federal Regulations (“C.F.R.”) Section 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.

Title 7 C.F.R. § 273.16(e) provides that the State agency shall conduct administrative disqualification hearings for individuals accused of Intentional Program Violation.

### **The Department has the authority to administer the SNAP program and conduct Administrative Disqualification Hearings.**

4. Title 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

Title 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 Department properly notified the Defendant of the ADH on [REDACTED] 2024.**

**The Defendant did not participate in the administrative disqualification hearing proceedings.**

5. Title 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 Department correctly initiated administrative disqualification proceedings.**

7. Title 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 waive her right to a hearing.**

8. Title 7 C.F.R. § 273.16(c) defines intentional Program violation 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).
9. Title 7 C.F.R. § 273.16(c) provides that 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 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.

Title 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 hearing record established with clear and convincing evidence that the Defendant intentionally violated the SNAP regulations by misrepresenting her household composition on her application.**

**The Department correctly determined that the Defendant committed an IPV when she did not report one of her household members on the application.**

10. Title 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 intentional Program violation repeated over a period must not be separated so that separate penalties can be imposed.

Title 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.

**The Department is correct to seek the Defendant's disqualification from participating in the SNAP for twelve months. The hearing record clearly and convincingly establishes that the Defendant committed an IPV when she intentionally misrepresented her household composition.**

11. Title 7 C.F.R. § 273.16(b)(12) provides that even though the individual is disqualified, the household, as defined in § 273.1, is responsible for making restitution for any overpayment. All IPV claims must be established and collected in accordance with the procedures set forth in § 273.18.

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

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

Title 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. (2) Inadvertent household error (“IHE”) defined as any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household; (3) Agency error (“AE”) defined as any claim for an overpayment caused by an action or failure to take action by the State agency.

**The Department correctly determined there is no claim resulting from the IPV.**

12. Title 7 C.F.R. § 273.18(c)(1)(i) provides for calculating the claim amount not related to trafficking. As a State agency, you must calculate a claim back to at least twelve months prior to when you became aware of the overpayment.

- (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
- (C) subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment
- (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.

**The Department correctly determined the Defendant received \$0.00 in SNAP benefits.**

**The Department is correct to seek recoupment of \$0.00 in SNAP benefits.**

### **DECISION**

The Defendant is **GUILTY** of committing her first IPV of the SNAP. She is disqualified from the program and ineligible to participate in the SNAP for one year.

\_\_\_\_\_  
*Carla Hardy*

Carla Hardy  
Hearing Officer

Pc: Quality Assurance, Department of Social Services  
Marc Blake, Lead Investigator, Department of Social Services

## **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.