

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

Client ID ■■■■
Case ID ■■■■
Request 235140

NOTICE OF DECISION

PARTY

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■■■■
■■■■

PROCEDURAL BACKGROUND

On ■■■■ 2024, the Department of Social Services made a request for an Administrative Disqualification Hearing (“ADH”) to seek disqualification of ■■■■ (the “Defendant”) from participation in the Supplemental Nutrition Assistance Program (“SNAP”) for twelve (12) months. The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) by failing to disclose the correct household composition. The Department also seeks to recover overpaid SNAP benefits of \$1,705.00.

On ■■■■ 2024, the Office of Legal Counsel, Regulations and Administrative Hearings (“OLCRAH”) mailed the Defendant a Notice of Administrative Hearing (the “notice”) scheduling an ADH for ■■■■ 2024 via certified mail. The notice included the ADH fact sheet, a list of Legal Service Agencies, the Department’s hearing summary and evidence against the Defendant, and notification of a Defendant’s rights in these proceedings (“ADH packet”) with the notice.

On ■■■■ 2024, the United States Postal Service (“USPS”) delivered the ADH packet for which the Defendant signed for delivery.

On ■■■■ 2024, the Defendant requested a continuance because he would be in court out of state. OLCRAH granted his request for a continuance.

On [REDACTED] [REDACTED] 2024, the OLCRAH mailed the Defendant a Notice of Administrative Hearing via certified mail and first-class mail. The Notice informed him the ADH has been rescheduled to [REDACTED] [REDACTED] 2024.

On [REDACTED] [REDACTED] 2024, the USPS delivered the Notice of Administrative Hearing sent via certified mail for which the Defendant signed for delivery.

As of [REDACTED] [REDACTED] 2024, the USPS has not returned the Notice of Administrative Hearing sent by first class mail.

On [REDACTED] [REDACTED] 2024, OLCRAH conducted the ADH in accordance with section 17b-88 of the Connecticut General Statutes and Title 7 of the Code of Federal Regulations section 273.16 subsection (e).

PRESENT AT THE HEARING

Dominic Laird, Department Representative
Lisa Nyren, Fair Hearing Officer

The Defendant did not appear for the ADH and has not made any contact with OLCRAH to show good cause for his failure to appear.

STATEMENT OF THE ISSUE

The issue to be decided is whether the Defendant committed an intentional program violation ("IPV") of the SNAP and subject to a twelve (12) month disqualification penalty under the SNAP.

A secondary issue to be decided is whether the Department's proposal to recoup a SNAP overpayment of \$,1,705.00 for the period [REDACTED] [REDACTED] 2023 through [REDACTED] [REDACTED] 2024 is correct.

FINDINGS OF FACT

1. On [REDACTED] [REDACTED] 2023, [REDACTED] ("employer") hired the Defendant for full time employment at a payrate of \$26.00 per hour. The Defendant earned the following pay for [REDACTED] 2023: Pay Date [REDACTED]/[REDACTED]/23 20 hours \$533.00 gross wages and Pay Date [REDACTED]/[REDACTED]/23 49 hours \$1,391.00 gross wages. (Exhibit 4: Case Notes and Exhibit 6: Work Number)
2. On [REDACTED] [REDACTED] 2023, the Department received a W-1E Application for Benefits (the "application") completed and signed by the Defendant on

██████████ 2023 requesting food assistance for a household of three under the SNAP. The application includes the following language: “By signing, I agree that: I have read this form including the section about rights and responsibilities listed at the end of this application, or have had it read to me in a language that I understand, and that I must comply with these rules; The information I am giving is true and complete to the best of my knowledge, including all information about citizenship, alien and felon status; I could go to prison or be required to pay fines if I knowingly give wrong or incomplete information; and DSS and other federal, state, and local officials may verify (check) any information I give.” (Exhibit 3: Application)

3. The Defendant listed himself, ██████████ (“son”), his son, and ██████████ (“daughter”), his daughter, as members of his household on the application. The Defendant listed ██████████ (█ year old son), his young son on the application. The Defendant listed his address as ██████████ (“home address”). (Exhibit 3: Application)
4. The Defendant is age ██████████ born on ██████████ and reports he is disabled on his application listing his diagnosis as post-traumatic stress disorder, anxiety, and acute depression. The Defendant writes he has not worked in 8-months was “just approved disability” listing income source as CT disability beginning ██████████ 2023. (Exhibit 3: Application)
5. The son is age ██████████ born on ██████████ 2008 in ██████████. The son is not disabled. The Defendant reported his son is a full-time student at ██████████ and last grade completed as 10th grade on the application. With regard to his son, the Defendant answered yes to the following questions:
 - Does this person live with you?
 - Do you buy, prepare and eat food together with this person?
 - Does this person plan to remain in CT?
 (Exhibit 3: Application)
6. The daughter is age ██████████ born on ██████████ in ██████████. The daughter is not disabled. The Defendant reported his daughter is a full-time student at ██████████ and last grade completed as 8th grade on the application. With regard to his daughter, the Defendant answered yes to the following questions:
 - Does this person live with you?
 - Do you buy, prepare and eat food together with this person?
 - Does this person plan to remain in CT?

(Exhibit 3: Application)

7. The ■-year-old son was born on ■ ■ ■ in ■■■■■■■■■■. The ■ year-old son is not disabled. The Defendant reported the ■-year-old son is a full-time student at ■■■■■■■■■■, last grade completed was Pre-K, on the application. The Defendant answered no to the question: "Does this person live with you?" With regard to the ■-year-old son, the Defendant answered yes to the following two questions:
- Do you buy, prepare and eat food together with this person?
 - Does this person plan to remain in CT?

(Exhibit 3: Application)

8. The Defendant reports he has a joint custody agreement for his son and daughter for which he is the custodial parent and that he holds "state insurance for both kids" on the application. The Defendant reports he paid \$120.00 per week child support for the son and daughter, and \$105.00 per week child support for the ■-year-old son when he worked. (Exhibit 3: Application)
9. On the application, the Defendant reported he does not own any of the following assets: bank account, a retirement account, property, life insurance, burial contracts, nor a car. The Defendant does not have any lawsuits pending nor has he transferred any assets. The Defendant crossed out the work income section of the application and writes, "disabled per the state I don't work 8 months." The Defendant reports he has not lost a job, changed jobs, quit a job, or reduced hours in the last 120 days. The Defendant writes, "no work in 8 months [and] just approved disability." The Defendant reports he last worked on ■ ■ 2023 and received his last check on ■ ■ 2023. (Exhibit 3: Application)
10. The Defendant reported \$00.00 shelter expenses on the application but pays for heating or cooling separate listing his gas expense as \$100.00 per month. (Exhibit 3: Application)
11. On ■ ■ 2023, the Department determined the Defendant qualified for expedited processing under the SNAP and authorized SNAP benefits effective ■ ■ 2023 for a household of three: the Defendant, the son, and the daughter for the months of ■ ■ 2023 and ■ ■ 2024. (Hearing Record)
12. On ■ ■ 2023, the Defendant terminated employment with the employer. (Exhibit 4: Case Notes)

13. On [REDACTED] [REDACTED] 2024, the Defendant telephoned the Benefit Center and completed the application interview with the Department. The Defendant stated he resides with his son and daughter and does not pay child support or rent. The Defendant reported he has an agreement with the landlord to pay rent at a later date. The Defendant reported receipt of energy assistance to pay for his utilities. (Exhibit 4: Case Notes)
14. On [REDACTED] [REDACTED] 2024, the Investigations Unit of the Department received a fraud report from the [REDACTED] Child Support Enforcement Office alleging the son and daughter do not reside with the Defendant in [REDACTED]. The referral states the son and daughter reside with their mother in the [REDACTED]. (Exhibit 1: Referral and Exhibit 12: Email and Supporting Documents)
15. On [REDACTED] [REDACTED] 2024, [REDACTED] [REDACTED] [REDACTED] [REDACTED] (the "school") confirmed the son and daughter were not students at the school with the Investigations Unit. The school confirmed the school had no records of attendance for the son or daughter. (Exhibit 4: Case Notes)
16. On [REDACTED] [REDACTED] 2024, the Defendant admitted to the Investigations Unit during a home visit that the son and daughter do not reside with him. The Defendant reported the son and daughter live in Virginia. (Exhibit 4: Case Notes and Investigator Testimony)
17. The Department determined the Defendant reported his household incorrectly on his [REDACTED] 2023 application for SNAP assistance requesting benefits for individuals who do not live with him and do not live in the state. The Department determined the Defendant reported his incorrect household again during the [REDACTED] 2024 application interview with the Department when he confirmed the son and daughter live with him at the home address. (Hearing Record)
18. The Department determined the Defendant committed an IPV because the Defendant intentionally reported a household of three in order to obtain additional benefits under the SNAP when he listed his son and daughter on the application as part of his household and again confirmed this with the Department at his application interview. (Hearing Record)
19. On [REDACTED] [REDACTED] 2024, the Department issued the Defendant a Notice of Prehearing Interview (form "W1448") scheduling an appointment with the Defendant for [REDACTED] [REDACTED] 2024 at the Regional Office to discuss his SNAP benefits. The notice stated the Defendant broke the SNAP rules on purpose because "the children on your SNAP case are not in the household" which resulted in an overpayment of SNAP benefits issued equaling \$1,705.00. The Department enclosed Waiver of Disqualification

Hearing (form “W1449”) notice informing the Defendant of what an IPV means, penalties, the right to an administrative disqualification hearing, and an opportunity to waive his hearing rights. (Exhibit 12: Notice of Prehearing Interview and Exhibit 18: Waiver of Disqualification Hearing)

- 20. On [REDACTED] [REDACTED] 2024, the Defendant contacted the Investigation Unit and requested to reschedule his appointment for that day to [REDACTED] [REDACTED] 2024. The Department moved the appointment from [REDACTED] [REDACTED] 2024 to [REDACTED] [REDACTED] 2024 at the Defendant’s request. (Investigator Testimony)
- 21. On [REDACTED] [REDACTED] 2024, the Defendant failed to appear for the prehearing interview. The Department did not receive a signed form W-1449 from the Defendant. (Hearing Record)
- 22. On [REDACTED] [REDACTED] 2024, the Department’s Investigations and Recoveries Division submitted a request to OLCRAH for an ADH to pursue an IPV against the Defendant. (Hearing Record)
- 23. On [REDACTED] [REDACTED] 2024, the OLCRAH conducted an administrative disqualification hearing. The Defendant did not appear at the ADH. (Hearing Record)
- 24. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of twelve (12) months due to an IPV when the Defendant reported on his [REDACTED] [REDACTED] 2023 application and again at the [REDACTED] [REDACTED] 2024 application interview that the son and daughter reside with him resulting in an incorrect SNAP benefit for a household of three. This would be the first disqualification penalty under the SNAP for the Defendant. (Hearing Record)
- 25. The Department determined the Defendant’s correct benefits as calculated below:

Shelter costs: \$00.00 rent + \$912.00 Standard Utility Allowance
 \$912.00 shelter costs – 50% Adjusted Gross Income (“AGI”) = \$241.40
 [REDACTED] shelter disregard
 \$912.00 shelter costs – 50% AGI = \$912.00, shelter disregard capped at \$672.00 [REDACTED] – [REDACTED] 2024 shelter disregard
 Pay Date [REDACTED]/[REDACTED]/23 gross wages + Pay Date [REDACTED]/[REDACTED]/23 \$1,391.00 gross wages = \$1,924.00 [REDACTED] gross wages
 \$1,924.00 gross wages x 20% = \$384.80 Earned Income Deduction

[REDACTED] 2023	
Earned Income	\$1,924.00
Less 20%	<u>384.80</u>

Total	<u>\$1,539.20</u>
Plus Unearned Income	<u>00.00</u>
Total	<u>\$1,539.20</u>
Less standard deduction	<u>\$198.00</u>
Adjusted gross income	<u>\$1,341.20</u>
<u>SHELTER COSTS</u>	
Rent	\$00.00
SUA	<u>\$912.00</u>
Total shelter costs	<u>\$912.00</u>
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$912.00
Less 50% of adjusted gross income	<u>\$670.60</u>
Total shelter hardship	\$241.40
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$1,341.20
Less shelter hardship	<u>\$241.40</u>
Net Adjusted Income (NAI)	<u>\$1,099.80</u>
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 1 Person	\$291.00
Less 30% of NAI	<u>\$330.00</u>
SNAP award	<u>\$00.00</u>

<p>██████████, ██████████ 2024</p>	
Earned Income	\$00.00
Less 20%	<u>\$00.00</u>
Total	<u>\$00.00</u>
Plus Unearned Income	<u>00.00</u>
Total	<u>\$00.00</u>
Less standard deduction	<u>\$198.00</u>
Adjusted gross income	<u>\$00.00</u>
<u>SHELTER COSTS</u>	
Rent	\$00.00
SUA	<u>\$912.00</u>
Total shelter costs	<u>\$912.00</u>
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$912.00
Less 50% of adjusted gross income	<u>\$00.00</u>

Total shelter hardship max allowed	\$672.00
ADJUSTED NET INCOME	
Adjusted gross income	\$00.00
Less shelter hardship	<u>\$672.00</u>
Net Adjusted Income (NAI)	(-\$672.00)
BENEFIT CALCULATION	
Thrifty Food Plan for 1 Person	\$291.00
Less 30% of NAI	<u>\$00.00</u>
SNAP award	\$291.00

(Exhibit 10: SNAP Computation Sheets)

26. The Department seeks to recover \$1,705.00 in overpaid SNAP benefits because the Defendant failed to follow the SNAP regulations when he reported that his son and daughter lived with him on his ██████████ 2023 application for SNAP benefits and again at the ██████████ 2024 application interview with the Department. (Hearing Record)

Month	Received	Entitled	Overpayment
██████████ 2023	280.00	00.00	280.00
██████████ 2024	766.00	291.00	475.00
██████████ 2024	766.00	291.00	475.00
██████████ 2024	766.00	291.00	475.00
Totals	\$2,578.00	873.00	1,705.00

(Exhibit 5: Eligibility Determination Results, Exhibit 10: SNAP Computation Sheet, and Exhibit 11: Overpayment Summary)

27. The issuance of this decision is timely under Title 7 Section 273.16(e)(2)(iv) of the Code of Federal Regulations, which requires that a decision be issued within 90 days of the notice of the initiation of the ADH process. On ██████████ 2024, the OLCRAH mailed the Defendant notification of the initiation of the ADH process. However, the hearing which was originally scheduled for ██████████ 2024 was rescheduled for ██████████ 2024 which caused a ██████████-day delay. Because this ██████████-day delay resulted from the Defendant's request, this decision is not due until ██████████ 2024, and therefore timely.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes ("Conn. Gen. Stat.") provides as follows:

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.

2. Title 7 Section 273.16€ of the Code of Federal Regulations ("C.F.R.") provides as follows:

The State agency shall conduct administrative disqualification hearings for individuals accused of an Intentional Program Violation ("IPV") in accordance with the requirements outlined in this section.

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 shall 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-88

Federal regulation provides for the Consolidation of administrative disqualification hearing with fair hearing.

The State agency may combine a fair hearing and an administrative disqualification hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the household receives prior notice that hearings will be combined. If the disqualification hearing and fair hearing are combined, the State agency shall follow the timeframes for conducting disqualification hearings. If the hearings are combined for the purpose of settling the amount of the claim at the same time as

determining whether or not intentional Program violation has occurred, the household shall lose its right to a subsequent fair hearing on the amount of the claim. However, the State agency shall, upon household request, allow the household to waive the 30-day advance notice period required by paragraph (e)(3)(i) of this section when the disqualification hearing and fair hearing are combined.

7 C.F.R. § 273.16(e)(1)

The Department has the authority to consolidate into a single hearing an administrative disqualification hearing with a fair hearing and conduct both hearings simultaneously.

3. Federal regulation 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 over issuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the over issuance 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.

7 C.F.R. § 273.16(a)(1)

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)

4. Federal regulation provides as follows:

General household definition. A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section:

1. An individual living alone;
2. An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or
3. A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

7 C.F.R. § 273.1(a)

Federal regulation provides as follows:

The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified.

- i. Spouses;
- ii. A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and

- iii. A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under the parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such person as an adult.

7 C.F.R. § 273.1(b)(1)

During the Department's IPV investigation, the Department correctly concluded the Defendant failed to accurately report his household composition because he falsely reported on his ██████████ 2023 application for SNAP benefits that his son and daughter live with him at his home address. The son and daughter do not live with the Defendant, nor do they live in the ██████████ and should not be included in the Defendant's SNAP household. The Defendant lives alone. The Department determined the correct household is composed of the Defendant only, a household of one.

5. Federal regulation provides as follows:

Except for households certified for longer than 12 months, and except as provided in paragraph (e)(2) of this section, households must have a face-to-face interview with an eligibility worker at initial certification and at least once every 12 months thereafter. State agencies may not require households to report for an in-office interview during their certification period, though they may request households to do so. For example, State agencies may not require households to report en masse for an in-office interview during their certification periods simply to review their case files, or for any other reason. State agencies may not require an in-person interview solely to take a photo. Interviews may be conducted at the SNAP office or other mutually acceptable location, including a household's residence. If the interview will be conducted at the household's residence, it must be scheduled in advance with the household. If a household in which all adult members are elderly or disabled is certified for 24 months in accordance with § 273.10(f)(1), or a household residing on a reservation is required to submit monthly reports and is certified for 24 months in accordance with § 273.10(f)(2), a face-to-face interview is not required during the certification period. The individual interviewed may be the head of household, spouse, any other responsible member of the household, or an authorized representative. The applicant may bring any person he or she chooses to the interview. The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. The interviewer must advise households of their rights and responsibilities during the interview, including the appropriate application

processing standard and the households' responsibility to report changes. The interviewer must advise households that are also applying for or receiving PA benefits that time limits and other requirements that apply to the receipt of PA benefits do not apply to the receipt of SNAP benefits, and that households which cease receiving PA benefits because they have reached a time limit, have begun working, or for other reasons, may still qualify for SNAP benefits. The interviewer must conduct the interview as an official and confidential discussion of household circumstances. The State agency must protect the applicant's right to privacy during the interview. Facilities must be adequate to preserve the privacy and confidentiality of the interview.

7 C.F.R. § 273.2(e)(1)

Federal regulation provides in pertinent part:

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 household, or on a case-by-case basis because of household hardship situations as determined by the State agency.

7 C.F.R. § 273.2(e)(2)

During the Department's IPV investigation, the Department correctly concluded the Defendant failed to accurately report his household composition at the [REDACTED] 2024 application interview with the Department because he falsely reported that his son and daughter live with him at his home address. The son and daughter do not live with the Defendant, nor do they live in the [REDACTED] and should not be included in the Defendant's SNAP household. The Defendant lives alone. The Department determined the correct household is composed of the Defendant only, a household of one.

6. Federal regulation provides in pertinent part as follows:

A State agency may consider an application form to be a paper document, on-line document or a recorded conversation. Each application form shall contain:

- i. In prominent and boldface lettering and understandable terms a statement that the information provided by the applicant in connection with the application for SNAP benefits will be subject to verification by Federal, State, and local officials to determine if such information is factual; that if any information is incorrect, SNAP benefits may be denied to the applicant; and that the applicant may

- be subject to criminal prosecution for knowingly providing incorrect information;
- ii. In prominent and boldface lettering and understandable terms a description of the civil and criminal provisions and penalties for violations of the Food and Nutrition Act of 2008;
 - iii. A statement to be signed by one adult household member which certifies, under penalty of perjury, the truth of the information contained in the application, including the information concerning citizenship and alien status of the members applying for benefits;

7 C.F.R. § 273.2(b)(1)(i)-(iii)

During the IPV investigation, the Department correctly concluded the Defendant falsely reported the members of his household on his [REDACTED] [REDACTED] 2023 application for benefits under the SNAP signed by the Defendant on [REDACTED] [REDACTED] 2023 and during the application interview with the Department on [REDACTED] [REDACTED] 2024. The Defendant certified that all information reported on the application as true, that he had reviewed his rights and responsibilities, and was notified that he could be penalized for wrong or incomplete information by his [REDACTED] [REDACTED]/23 signature on the application. The Defendant failed to establish good cause for inaccurately reporting his son and daughter live with him on his application and during the application interview.

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

“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, intentional Program violation as defined in paragraph (c) of this section.” 7 C.F.R. § 273.16(e)(6)

Federal regulation provides as follows:

Definition of intentional Program violation. Intentional Program violations shall consist of having intentionally:

1. Made a false or misleading statement, or misrepresented, concealed, or withheld facts; or
2. Committed any act that constitutes a violation of SNAP, SNAP regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking of SNAP benefits or BET cards.

7 C.F.R. § 273.16(c)

The Department correctly determined that the Defendant committed an IPV of the SNAP as per Title 7 Section 273.16(c)(1) of the Code of Federal Regulations resulting in a higher SNAP benefit than entitled.

The Defendant knowingly made a false written statement on his application for SNAP benefits when he listed the son and daughter as household members, enrolled at the local high school, and that he is the custodial parent. Both the son and daughter reside out of state. Although the Defendant listed the ■-year old son on his application, he clearly indicated the ■-year old son does not live with him supporting the conclusion the Defendant falsely reported the son and daughter as household members.

The Defendant made false statement(s) at the application interview by affirming with the Department the son and daughter are household members and attending local high school.

The Defendant misrepresented his household members and concealed and withheld the fact that the son and daughter reside out of state and do not reside with him.

Additionally, the Defendant concealed his ■■■■■ 2023 employment with the employer from the Department when he failed to report this on his application. The Defendant began employment with the employer on ■■■■■ ■ 2023, applied for SNAP on ■■■■■ ■ 2023, and terminated employment ■■■■■ ■ 2023. The Defendant purposely withheld this information. The Defendant writes on his application he has not worked in eight (8) months.

8. Federal regulation provides as follows:

Imposition of disqualification penalties. (i) If the hearing authority rules that the individual has committed an intentional Program violation, the household member must be disqualified in accordance with the disqualification periods and procedures in paragraph (b) of this section. The same act of intentional Program violation repeated over a period of time must not be separated so that separate penalties can be imposed.

7 C.F.R. § 273.16(e)(8)(i)

Federal regulation provides as follows:

Disqualification penalties. Individuals found to have committed an intentional Program violation either through an administrative

disqualification hearing or by a Federal, State or local court, or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the Program: For a period of twelve months for the first intentional Program violation, except as provided under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section.

7 C.F.R. § 273.16(b)(1)(i)

The Department was correct to seek the disqualification of the Defendant from participating in the SNAP for a period of 12 months under a first violation because the Defendant committed an IPV and subject to disqualification under the SNAP for a period of 12 months. Refer to Conclusion of Law (“COL”) #s 4-7

9. Federal regulation provides as follows:

Income eligibility standards. Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for SNAP. 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 SNAP. Households which 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 Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

7 C.F.R. § 273.9(a)

Federal regulation provides as follows:

Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. Unearned income shall include, but not be limited to: Annuities; pensions; retirement, veteran's, or disability benefits; worker's or unemployment compensation including any amounts deducted to repay claims for intentional program violations as provided in §272.12; old-age, survivors, or social security benefits; strike benefits; foster care payments for children or adults who are considered members of the household; gross income minus the cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least 20 hours a week.

7 C.F.R. § 273.9(b)(2)(ii)

Federal regulation provides as follows:

Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. Unearned income shall include, but not limited to: Payments from Government-sponsored programs, dividends, interest, royalties, and all other direct money payments from any source which can be construed to be a gain or benefit.

7 C.F.R. § 273.9(b)(2)(v)

“Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include (i) all wages and salaries of employee.” 7 C.F.R. § 273.9(b)

For ██████████ 2023, the Department correctly included the Defendant’s earned income for the purpose of determining eligibility and calculating benefits under the SNAP.

10. Federal regulation provides as follows:

Determining income-(1) Anticipating income. For 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)

Federal regulation provides as follows:

Income only in month received. 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 [REDACTED] 2023, the Department correctly determined the Appellant's monthly gross wages as \$1,924.00.

Pay Date [REDACTED]/[REDACTED]/23 \$533.00 + Pay Date [REDACTED]/[REDACTED]/23 \$1,391.00 = \$1,924.00
[REDACTED] wages

11. *"Determining deduction.* Deductible expenses include only certain dependent care, shelter, medical and at State agency option, child support costs as described in § 273.9." 7 C.F.R. § 273.10(d)

Federal regulation provides as follows:

Effective October 1, 2002, in the 48 States and the District of Columbia, Alaska, Hawaii, and the Virgin Islands, the standard deduction for household sizes one through six shall be equal to 8.31 percent of the monthly net income eligibility standard for each household size established under [paragraph \(a\)\(2\)](#) of this section rounded up to the nearest whole dollar. For household sizes greater than six, the standard deduction shall be equal to the standard deduction for a six-person household. 7 C.F.R. § 273.9(d)(1)(i)

For the period October 1, 2023 through September 30, 2024, the standard deduction for a household of one equals \$198.00. (USDA, FNS Policy Memo Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023)

Federal Regulation provides as follows:

Twenty percent of gross earned income as defined in [paragraph \(b\)\(1\)](#) of this section. Earnings excluded in [paragraph \(c\)](#) of this section shall not be included in gross earned income for purposes of computing the earned income deduction, except that the State agency must count any earnings used to pay child support that were excluded from the household's income in accordance with the child support exclusion in [paragraph \(c\)\(17\)](#) of this section.

7 C.F.R. § 273.9(d)(2)

Federal regulation provides as follows:

At its option, the State agency may provide a deduction, rather than the income exclusion provided under [paragraph \(c\)\(17\)](#) of this section, for legally obligated child support payments paid by a household member to or for a nonhousehold member, including payments made to a third party on behalf of the nonhousehold member (vendor payments) and amounts paid toward child support arrearages. Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction. A State agency that chooses to provide a child support deduction rather than an exclusion in accordance with this [paragraph \(d\)\(5\)](#) must specify in its State plan of operation that it has chosen to provide the deduction rather than the exclusion.

7 C.F.R. § 273.9(d)(5)

Federal regulation provides as follows:

Excess shelter deduction. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of this section have been allowed. If the household does not contain an elderly or disabled member, as defined in §271.2 of this chapter, the shelter deduction cannot exceed the maximum shelter deduction limit established for the area. For fiscal year 2001, effective March 1, 2001, the maximum monthly excess shelter expense deduction limits are \$340 for the 48 contiguous States and the District of Columbia, \$543 for Alaska, \$458 for Hawaii, \$399 for Guam, and \$268 for the Virgin Islands. FNS will set the maximum monthly excess shelter expense deduction limits for fiscal year 2002 and future years by adjusting the previous year's limits to reflect changes in the shelter component and the fuels and utilities component of the Consumer Price Index for All Urban Consumers for the 12-month period ending the previous November 30. FNS will notify State agencies of the amount of the limit. Only the following expenses are allowable shelter expenses:

- A. Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.
- B. Property taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings.

- C. The cost of fuel for heating; cooling (i.e., the operation of air conditioning systems or room air conditioners); electricity or fuel used for purposes other than heating or cooling; water; sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; all service fees required to provide service for one telephone, including, but not limited to, basic service fees, wire maintenance fees, subscriber line charges, relay center surcharges, 911 fees, and taxes; and fees charged by the utility provider for initial installation of the utility. One-time deposits cannot be included.
- D. The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home; the current occupants of the home, if any, must not be claiming the shelter costs for SNAP purposes; and the home must not be leased or rented during the absence of the household.
- E. Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood. Shelter costs shall not include charges for repair of the home that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

7 C.F.R. § 273.9(d)(6)(ii)

Federal regulation provides as follows:

A standard with a heating or cooling component must be made available to households that incur heating or cooling expenses separately from their rent or mortgage and to households that receive direct or indirect assistance under the Low Income Home Energy Assistance Act of 1981 (LIHEAA). A heating or cooling standard is available to households in private rental housing who are billed by their landlords on the basis of individual usage or who are charged a flat rate separately from their rent. However, households in public housing units which have central utility meters and which charge households only for excess heating or cooling costs are not entitled to a standard that includes heating or cooling costs based only on the charge for excess usage unless the State agency mandates the use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. Households that receive direct or indirect energy assistance that is excluded from income consideration (other than that provided under the LIHEAA) are entitled to a standard that includes heating or cooling only if the amount of the expense exceeds the amount of the assistance. Households that receive direct or indirect energy assistance that is counted as income and incur a heating or

cooling expense are entitled to use a standard that includes heating or cooling costs. A household that has both an occupied home and an unoccupied home is only entitled to one standard.

7 C.F.R. § 273.9(d)(6)(iii)(C)

The Department correctly determined the standard deduction as \$198.00 per month.

The Department correctly determined the earned income deduction as \$384.80 for ██████████ 2023. $\$1,924.00 \times 20\% = \384.80

The Department correctly determined the Defendant not entitled to the child support deduction because he stated he has not paid child support due to the loss of employment.

The Department correctly determined the Defendant's shelter costs as \$912.00. $\$00.00$ rent + $\$912.00$ SUA = $\$912.00$.

12. Federal regulation provides as follows: *Calculating net income and benefit levels – Net monthly income.* To determine a household's net month income, the State agency shall:
- A. Add the gross monthly income earned by all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income. Net losses from the self-employment income of a farmer shall be offset in accordance with §273.11(a)(2)(iii).
 - B. Multiply the total gross monthly earned income by 20 percent and subtract that amount from the total gross income; or multiply the total gross monthly earned income by 80 percent and add that to the total monthly unearned income, minus income exclusions. If the State agency has chosen to treat legally obligated child support payments as an income exclusion in accordance with §273.9(c)(17), multiply the excluded earnings used to pay child support by 20 percent and subtract that amount from the total gross monthly income.
 - C. Subtract the standard deduction.
 - D. If the household is entitled to an excess medical deduction as provided in §273.9(d)(3), determine if total medical expenses exceed \$35. If so, subtract that portion which exceeds \$35.
 - E. Subtract allowable monthly dependent care expenses, if any, as specified under §273.9(d)(4) for each dependent.
 - F. If the State agency has chosen to treat legally obligated child support payments as a deduction rather than an exclusion in accordance with §273.9(d)(5), subtract allowable monthly child support payments in accordance with §273.9(d)(5).

- G. Subtract the homeless shelter deduction, if any, up to the maximum of \$143.
- H. Total the allowable shelter expenses to determine shelter costs, unless a deduction has been subtracted in accordance with paragraph (e)(1)(i)(G) of this section. Subtract from total shelter costs 50 percent of the household's monthly income after all the above deductions have been subtracted. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has been determined. If there is excess shelter cost, compute the shelter deduction according to paragraph (e)(1)(i)(I) of this section.
- I. Subtract the excess shelter cost up to the maximum amount allowed for the area (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other applicable deductions. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income has been determined.

7 C.F.R. § 273.10(e)(1)(i)

13. Federal regulation provides as follows:

Except as provides in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) for this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section. If 30 percent of the household's net income ends in cents, the State agency shall round in one of the following ways: The State agency shall round the 30 percent of net income up to the nearest higher dollar.

7 C.F.R. § 273.10(e)(2)(ii)(A)(1)

14. Federal regulation provides as follows:

Thrifty Food Plan (TFP) and Maximum SNAP Allotments. Maximum SNAP allotment level. Maximum SNAP allotments shall be based on the TFP as defined in §271.2, and they shall be uniform by household size throughout the 48 contiguous States and the District of Columbia. The TFP for Hawaii shall be the TFP for the 48 States and DC adjusted for the price of food in Honolulu. The TFPs for urban, rural I, and rural II parts of Alaska shall be the TFP for the 48 States and DC adjusted by the price of food in Anchorage and further adjusted for urban, rural I, and rural II Alaska as defined in §272.7(c). The TFPs for Guam and the Virgin Islands shall be adjusted for changes in the cost of food in the 48 States and DC, provided that the cost of these TFPs may not exceed the cost of the highest TFP for the 50 States. The TFP amounts and maximum allotments

in each area are adjusted annually and will be prescribed in a table posted on the FNS web site, at www.fns.usda.gov/fsp.

7 C.F.R. § 273.10(e)(4)(i)

Federal regulation provides as follows:

Adjustment. Effective October 1, 1996, the maximum SNAP allotments must be based on 100% of the cost of the TFP as defined in §271.2 of this chapter for the preceding June, rounded to the nearest lower dollar increment, except that on October 1, 1996, the allotments may not fall below those in effect on September 30, 1996.

7 C.F.R. § 273.10(e)(4)(ii)

For the period October 1, 2023 through September 30, 2024, the maximum SNAP allotment for the 48 States and DC for a household of one equals \$291.00 per month. (USDA, FNS Policy Memo Fiscal Year 2024 Cost-of-Living Adjustments, August 3, 2023)

For [REDACTED] 2023, the Department correctly calculated a SNAP benefit of \$00.00 for a household of one.

SNAP [REDACTED] 2023	
Earned Income	\$1,924.00
Less 20%	<u>-\$384.80</u>
Total	<u>\$1,539.20</u>
Plus Unearned Income	<u>+\$00.00</u>
Total	\$1,539.20
Less standard deduction	<u>-\$198.00</u>
Adjusted gross income	\$1,341.20
<u>SHELTER COSTS</u>	
Rent	\$00.00
SUA	<u>+\$912.00</u>
Total shelter costs	\$912.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$912.00
Less 50% of adjusted gross income	<u>-\$670.60</u>
Total shelter hardship	\$241.40
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$1,341.20
Less shelter hardship	<u>-\$241.40</u>
Net Adjusted Income (NAI)	\$1,099.80

BENEFIT CALCULATION	
Thrifty Food Plan for one	\$291.00
Less 30% of NAI	<u>-\$330.00</u>
SNAP award	\$00.00

For [REDACTED] ■ 2024 through [REDACTED] ■ 2024, the Department correctly determined the Defendant's SNAP benefit for a household of one as \$291.00 per month.

SNAP [REDACTED] 2024	
Earned Income	\$00.00
Less 20%	<u>-\$00.80</u>
Total	<u>\$00.00</u>
Plus Unearned Income	<u>+\$00.00</u>
Total	\$00.00
Less standard deduction	<u>-\$198.00</u>
Adjusted gross income	\$00.00
<u>SHELTER COSTS</u>	
Rent	\$00.00
SUA	<u>+\$912.00</u>
Total shelter costs	\$912.00
<u>SHELTER HARDSHIP</u>	
Shelter costs	\$912.00
Less 50% of adjusted gross income	<u>-\$00.00</u>
Total shelter hardship	\$912.00 (Can not exceed \$672 unless elderly or disabled)
<u>ADJUSTED NET INCOME</u>	
Adjusted gross income	\$00.00
Less shelter hardship	<u>-\$672.00</u>
Net Adjusted Income (NAI)	\$00.00
<u>BENEFIT CALCULATION</u>	
Thrifty Food Plan for 1 Person	\$291.00
Less 30% of NAI	<u>-\$00.00</u>
SNAP award	\$291.00

15. "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 may establish and collect any claim by following these regulations.” 7 C.F.R. § 273.18(a)(2)

“*Types of Claims:* There are three types of claims: 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 following are responsible for paying a claim: Each person who was an adult member of the household when the overpayment of trafficking occurred.” 7 C.F.R. § 273.18(a)(4)(i)

The Department correctly determined the SNAP overpayment as IPV because the Defendant falsely reported his household composition at time of application resulting in overpaid SNAP benefits for a household of three for which he was not entitled to. The Department is correct to establish an IPV claim for which the Defendant is responsible to pay.

16. Federal regulation provides as follows:

Calculating the claim amount—(1) 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)

Federal regulation provides as follows: The actual steps for calculating a claim are:

- A. You determine the correct amount of benefits for each month that a household received an overpayment;
- B. You 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. You subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment unless this answer is zero or negative then dispose of the claim referral.
- D. You reduce the overpayment amount by any EBT benefits expunged from the household’s EBT benefit account in accordance with your own procedures. The difference is the amount of the claim unless you are

not aware of any expunged benefits then the amount of the overpayment calculated in paragraph (c)(1)(ii)(C) of this section is the amount of the claim.

7 C.F.R. § 273.18(C)(1)(ii)

The Department correctly determined the Appellant overpaid beginning [REDACTED] 2023 through [REDACTED] 2024. SNAP benefits received minus Correct SNAP benefit equals Overpayment Claim.

Month	SNAP Received	SNAP Correct Amt.	Overpayment Claim
[REDACTED] 2023	\$280.00	\$00.00	\$280.00
[REDACTED] 2024	\$766.00	\$291.00	\$475.00
[REDACTED] 2024	\$766.00	\$291.00	\$475.00
[REDACTED] 2024	\$766.00	\$291.00	\$475.00
Total	\$2,578.00	\$873.00	\$1,705.00

The Department correctly determined the Defendant committed an IPV and is subject to a 12-month penalty period under the SNAP. The Department correctly established a SNAP overpayment claim for the period [REDACTED] 2023 through [REDACTED] 2024 totaling \$1,705.00 for which the Defendant is liable to repay.

DECISION

With regard to the Intentional Program Violation under the SNAP and the Department's request to disqualify the Defendant from SNAP for a period of 12 months, the Defendant is found guilty.

With regard to the Department's request to recover the overpayment claim of \$1,705.00 for the period [REDACTED] 2023 through [REDACTED] 2024, the appeal is granted.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: OLCRAH.QA.DSS@ct.gov
Dominic Laird, DSS RO #10

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.