

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

██████████  
Signature Confirmation

Case ID # ██████████  
Client ID # ██████████  
Request # 239104

ADMINISTRATIVE DISQUALIFICATION HEARING

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

The Department of Social Services (the "Department") requested an Administrative Disqualification Hearing ("ADH") to seek the disqualification of ██████████ (the "Defendant") from participating in the Supplemental Nutritional Assistance Program ("SNAP") for a period of 12 months. The Department alleges that the Defendant committed an Intentional Program Violation ("IPV") because of the Defendant's unauthorized use of an EBT card. This is the Defendant's first IPV offense in the SNAP program. The Department further seeks to recover the unauthorized SNAP benefits for ██████████.

On ██████████, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") notified the Defendant of the initiation of the ADH process and their rights via certified mail scheduling the ADH for ██████████.

The USPS online tracking failed to verify the certified delivery of the ADH notice to the Defendant, and on ██████████, the OLCRAH mailed a copy of the ADH packet to the Defendant via USPS First Class mail.

On [REDACTED], 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:

Shannon Hales-Eaton, Investigator  
Shawn P. Hardy, Hearing Officer

The Defendant was not present at the hearing. The Defendant did not establish good cause for failing to appear at the hearing.

### **STATEMENT OF THE ISSUE**

The first issue is whether the Defendant committed an IPV of the SNAP program and whether the Department is correctly disqualifying her from SNAP benefits for 12 months.

The second issue is whether the Defendant must repay SNAP benefits of [REDACTED] due to trafficking for the period from [REDACTED], through [REDACTED]

### **FINDINGS OF FACT**

1. The Defendant, lives at [REDACTED]. (Hearing Summary, Exhibit 8: Periodic Report Form [REDACTED])
2. The Defendant received her own benefits in the month of [REDACTED] under the SNAP program for a household of two. (Exhibit 9: Periodic Report Form [REDACTED], Exhibit 11: EPPIC Recipient Transaction History)
3. The EBT card issued to the Defendant ended in [REDACTED]. (Hearing Record, Exhibit 11)
4. On [REDACTED], the Department received a referral about unauthorized use of [REDACTED]' (the decedent) EBT card after his death. (Hearing Summary, Exhibit 1: Investigations Fraud Referral [REDACTED])
5. The decedent died on [REDACTED]. (Exhibit 3: SOLQ-I Results Details)
6. Prior to his death the decedent lived at [REDACTED], and received benefits under SNAP. (Hearing Record, Exhibit:11)
7. The EBT card issued to the decedent prior to his death ended in [REDACTED]. (Exhibit 11)

8. The decedent's EBT card ending in [REDACTED] along with a [REDACTED] ending in [REDACTED] were used at [REDACTED] on [REDACTED]. The decedent's EBT card ending in [REDACTED] along with a [REDACTED] ending in [REDACTED] and EBT card ending in [REDACTED] were used at [REDACTED] on [REDACTED].

Date of Transaction	Time of Transaction	Amount of Transaction
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

(Hearing Summary, Exhibit 11, Exhibit 12: [REDACTED] Transaction Report)

9. On [REDACTED], the Department received from [REDACTED] the loyalty card information for the EBT transactions made after the decedent's death identifying the Defendant as the owner of [REDACTED]. (Hearing Summary, Exhibit 12: [REDACTED] Transaction Report)

10. At the time of the decedent's death, the Defendant was not listed as an Authorized Representative, or as an Authorized Shopper on file with the Department. (Hearing Record, Exhibit 14: Authorized Representative - Summary)

11. The Defendant also used EBT card ending in [REDACTED] between [REDACTED] and [REDACTED].

Date of Transaction	Time of Transaction	Amount of Transaction
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

(Hearing Record, Exhibit 11)

12. On [REDACTED], the Defendant completed and signed an application for SNAP benefits in a service center acknowledging Rights and Responsibilities. "I am not allowed to use, or have in my possession, an EBT card that is not mine (unless I am an authorized SNAP shopper)". "If I intentionally misuse an Electronic Benefit Transfer (EBT) card, I may no longer get SNAP. I may also be fined up to \$250,000.00 or sent to jail for up to 20 years or both. Misuse of an EBT card means

altering, selling, or trading a card, using someone else's card without permission, or exchanging benefits.” (Hearing Summary, Exhibit 4: W-1BPE “EMS Generated Document Request or Determination Attachment” (signed/dated by Defendant [REDACTED]))

13. On [REDACTED], the Defendant was mailed a Periodic Report Form that renews SNAP benefits. The form lists the Rights & Responsibilities for all programs including SNAP. (W-0016RR) The Defendant completed, signed, and submitted the Periodic Report Form on [REDACTED]. (Exhibit 8: Periodic Review Form [REDACTED], Exhibit 9: Completed and signed Periodic Review Form from the Defendant [REDACTED])
14. On [REDACTED], the Department mailed the Defendant a W-1448, Notice of Prehearing Interview Food Stamp Program. The notice stated that the Department believes you broke the rules of the SNAP program on purpose. “There is an overpayment related to this situation. You received [REDACTED] more than you should have in Food Stamp benefits. This happened because you used the SNAP/EBT card issued to [REDACTED] after his death on [REDACTED]. The Department scheduled an appointment for [REDACTED] am with the Defendant to discuss the proposed IPV. (Exhibit 6: W-1448, Notice of Prehearing Interview [REDACTED])
15. On [REDACTED], 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 on purpose, and that the Defendant may be disqualified from the program for one year due to this intentional program violation. The form states by signing the waiver the Defendant gives up her right to an administrative disqualification hearing. (Exhibit 15: W-1449 DSS, Waiver of Disqualification, SNAP Program)
16. On [REDACTED], the Department sent the Defendant an Administrative Disqualification Hearing Process and Rights Information Sheet detailing the purpose, location of hearing, scheduling of hearing, attendance at hearing, hearing rights, failure to appear, good cause for failure to appear, and hearing decision. (Hearing Record, Exhibit 5: Administrative Disqualification Hearing Process and Right Information Sheet)
17. On [REDACTED], the Defendant contacted the Department stating that the decedent was her friend. The Defendant admitted to using his issued EBT card. “We needed to buy food for his funeral repast.” The Defendant was reminded of SNAP EBT usage rules and guidelines. (Hearing Summary, Department’s Testimony)
18. The Defendant did not sign and return form W-1449, Waiver of Disqualification Hearing Snap Program to the Department. (Hearing Summary, Department’s Testimony)

19. The Defendant has had no prior Intentional Program Violations (Hearing Record, Exhibit 2: Report of Suspected Intentional Program Violation Overpayment W-262CF).
20. As of the date of the Hearing, [REDACTED], the Department has not received any documentation that the EBT card holder gave permission to the Defendant authorizing use of the EBT card prior to his death. (Hearing Record)
21. 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 the Department issue a decision within 90 days of the initiation of the ADH process. On [REDACTED] the OLCRAH mailed the Defendant notification of the initiation of the ADH process. Therefore, this decision is due no later than [REDACTED].

### **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.") § 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 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.

“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)

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

4. “Each State agency shall establish a system to verify and ensure that benefits are not issued to individual who are deceased.” 7 C.F.R. § 272.14(a)

“States shall use the SSA’s Death Master File, obtained through the State Verification and Exchange System (SVES) and enter into a computer matching agreement with SSA pursuant to authority to share data contained in 42 USC 405(r)(3). 7 C.F.R. § 272.14(b)

Federal regulation provides as follows:

Notwithstanding paragraph (i)(1) of this section, in instances when the State agency verifies a death match for all certified members of the household and closes the SNAP case in accordance with [§ 272.14 of this chapter](#), the State agency shall expunge the remaining SNAP balance in the household’s EBT account at that time. In accordance with [§ 273.13\(b\)\(2\) of this chapter](#), expungement notices, per [paragraph \(i\)\(2\)](#) of this section, are not required for these households.

7 C.F.R. § 274.2(i)(4)

**The Department correctly determined the deceased recipient’s date of death as [REDACTED].**

5. Federal regulation provides in part that Trafficking means: The buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINS), or by manual voucher and signature.

7 C.F.R. § 271.2 Definitions. Trafficking (1)

6. 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)

**“Definition of intentional Program violation.** Intentional Program violations shall consist of having intentionally: (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 EBT cards. C.F.R. § 273.16(c)(2)

**“Criteria for determining intentional Program violation.** 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 CFR 273.16(e)(6)

7. “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 paragraph (b)(2), (b)(3), (b)(4), and (b)(5) of this section.” 7 C.F.R § 273.16(b)(1)(i)

8. **Using benefits. A household may allow any household member or nonmember to use its EBT card to purchase food or meals, if authorized, for the household.** Drug or alcohol treatment centers and group living arrangements which act as authorized representatives for residents of the facilities must use SNAP benefits for food prepared and served to those residents participating in SNAP (except when residents leave the facility as provided in § 273.11(e) and (f)).” 7 C.F.R. § 273.2(n)(3)

*“Obtaining SNAP benefits.* An authorized representative may be designated to obtain benefits. Even if the household is able to obtain benefits, it should be encouraged to name an authorized representative for obtaining benefits in case of illness or other circumstances which might result in an inability to obtain benefits. The name of the authorized representative must be recorded in the household's case record. The authorized representative for obtaining benefits may or may not be the same individual designated as an authorized representative for the application process or for meeting reporting requirements during the certification period.” 7 C.F.R. § 273.2(n)(2)

**The Defendant was not listed as an authorized representative on the decedent's assistance unit.**

9. “The following are responsible for paying a claim: each person who was an adult member of the household when the overpayment or trafficking occurred.” 7 C.F.R. § 273.18(a)(4)(i)

**The Department is correct to seek recoupment from the Defendant of [REDACTED] due to trafficking violations.**

10. “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).

“A recipient claim is an amount owed because of benefits that are trafficked. Trafficking is defined in 7 CFR 271.2.” 7 CFR § 273.18(a)(1)(ii) Refer to COL #3.

“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)

“Claims arising from trafficking-related offenses will be the value of the trafficked benefits as determined by:

(i) **The individual's admission;**

(ii) Adjudication; or

(iii) The documentation that forms the basis for the trafficking

determination.

7 C.F.R. § 273.18(c)(2)

Date of Transaction	Time of Transaction	Amount of Transaction
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Date of Transaction	Time of Transaction	Amount of Transaction
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

The Defendant admitted to using the decedent’s EBT card after his death on [REDACTED]

The Department correctly established an overpayment claim under the SNAP for which the Defendant is responsible for paying due to the trafficking offense resulting in an IPV.

The Department correctly calculated the value of the overpayment claim as [REDACTED], the transactions completed between [REDACTED] and [REDACTED], this is the period the Department identified as trafficking.

11. *Disqualification Penalties.* Even though only the individual is disqualified, the household, as defined in § 273.1, is responsible for making restitution for the amount of any overpayment. All intentional Program violation claims must be established and collected in accordance with the procedures set forth in § 273.18. 7 C.F.R. § 273.16(b)(12)

12. 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; **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 correctly determined the Defendant subject to a 12-month disqualification penalty under the SNAP because she committed trafficking violations under the SNAP.**

**The Department met its burden to establish by clear and convincing evidence that the Defendant committed an intentional program violation pertaining to SNAP.**

**The Department established with clear and convincing evidence that the Defendant violated the Right and Responsibilities listed on the W-0016RR which confirms acknowledgment that improper EBT card usage leads to disqualification.**

### **Discussion**

The Department correctly calculated the amount in SNAP benefits unlawfully used by the Defendant between [REDACTED], and [REDACTED]. EBT card [REDACTED] belonging to the decedent was used to purchase [REDACTED] worth of food items during this period.

### **DECISION**

1. The Defendant is **GUILTY** of committing a first intentional program violation in the SNAP program subject to a twelve-month disqualification penalty.
2. With regards to the Department's request to recover the overpayment of [REDACTED], due to an IPV, the request is **GRANTED.**

*Shawn P. Hardy*

Shawn P. Hardy  
Hearing Officer

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

Angelica Branfalt, DSS Operation Manager, Manchester, CT, Resource Center

Nawaz Shaikh, FH Supervisor, Manchester, CT, Resource Center

Shannon Hales-Eaton, Investigator, Manchester, CT, Resource Center

**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.