

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 # 239751

ADMINISTRATIVE DISQUALIFICATION HEARING
NOTICE OF DECISION

PARTY

■■■■
■■■■
■■ ■■
■■■■

REASON FOR HEARING

On ■■■■ 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) received a request for an Administrative Disqualification Hearing (“ADH”) seeking disqualification of ■■■■ ■■■■ (the “Defendant”) from participation in the Supplemental Nutrition Assistance Program (“SNAP”) for twelve (12) months from the Department of Social Services (“Department”) Investigations and Recoveries Division (“Investigations Unit”). The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) because the Defendant broke the rules under the SNAP by using someone else’s Electronic Benefits Transfer (“EBT”) card without permission. The Department also seeks to recover overpaid SNAP benefits of \$114.03.

On ■■■■ 2024, the OLCRAH mailed the Defendant a Notice of Administrative Hearing (“NoAH”) via United States Postal Service (“USPS”) certified mail informing the Defendant that the Department scheduled of an administrative disqualification hearing (“ADH”) for ■■■■ 2024. The NoAH included notification of the Defendant’s rights in these proceedings and the Department’s hearing summary and evidence supporting the Department’s case against the Defendant.

On ■■■■ 2024, the Defendant received the NoAH, notification of his rights, the hearing summary, and supporting evidence as documented by the signed USPS certified mail restricted delivery receipt received by the OLCRAH.

On ■■■ ■ 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).

The Defendant did not appear for the ADH on ■■■ ■ 2024 and has not shown any good cause for his failure to appear.

The following individuals were present at the hearing:

Amy Hayden, Investigations Supervisor and Department Representative
Lisa Nyren, Fair Hearing Officer

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 pursue a SNAP overpayment claim for transactions made on ■■■ ■ 2024 and ■■■ ■ 2024 in the amount of \$114.03 is correct.

FINDINGS OF FACT

1. The Defendant is a former recipient of benefits under the SNAP. The Defendant received SNAP benefits from ■■■ ■ 2017 through ■■■ ■ 2019 for a household of one, himself. The Defendant currently receives medical coverage under the Medicare Savings Plan (“MSP”) Qualified Medicare Beneficiary (“Q01”) plan as administered by the Department beginning ■■■ ■ 2015. The Defendant lists ■■■■■■■■■■ as an authorized representative on his behalf. (Exhibit 6: Case – Search/Summary and Department Representative Testimony)
2. The Defendant resides at ■■■■■■■■■■ (‘‘home address’’). The Defendant’s phone number is ■■■■■■■■■■ (‘‘phone number’’). (Exhibit 2: ■■■■■■■■■■ Email, Exhibit 6: Case – Search/Summary, and Exhibit 7: Renewal of Eligibility)
3. SNAP recipients must review and accept public assistance programs rights and responsibilities at time of application and renewal for benefits. The SNAP rights and responsibilities include the following statements:
 - If I intentionally misuse an Electronic Benefits Transfer (EBT) card, I may no longer get SNAP. I may also be fined up to \$250,000 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.

- If I break any of the rules on purpose I can be barred from SNAP from between one year and permanently, fined up to \$250,000, and/or imprisoned up to 20 years. I may also be subject to prosecution under any other applicable federal and state laws, and I may also be barred from SNAP for an additional 18 months if court ordered.
- If I break a SNAP rule on purpose or if I am found guilty of buying a product with SNAP that has a container with a return deposit with the intent of getting cash by dumping the product out and returning the container for cash I am ineligible to get SNAP. The first time I break a rule I will not be able to get SNAP for one year. The second time I will not be able to get SNAP for two years. The third time I will not be able to get SNAP ever again.

(Exhibit 8: Rights and Responsibilities and Department Representative Testimony)

4. ██████████ (the "deceased") died on ██████████ 2024. (Exhibit 3: Certificate of Death)
5. Evidence presented by the Department verified the deceased received food stamp benefits under the SNAP (start date ██████████ 2021, end date ██████████ 2024) and medical coverage under the MSP Q01 program (start date ██████████ 2021, end date ██████████ 2024) and Medically Needy for the Aged, Blind, and Disabled program (start date ██████████ 2022, end date ██████████ 2024) for a household of one, herself. Prior to her death, the deceased lived at the home address with the Defendant. The death certificate lists the deceased as divorced and does not include a spouse. (Exhibit 3: Certificate of Death, Exhibit 5: Case – Search Summary, Exhibit 14: Voice Mail, and Department Representative Testimony)
6. On ██████████ 2024, the Department opened an investigation to review the deceased SNAP EBT transaction history after learning of her death through a funeral home requesting burial assistance on behalf of the deceased. (Exhibit 1: Impact Update Referral and Department Representative Testimony)
7. The Department has no record of an authorized representative named by the deceased prior to her death. (Exhibit 5: Case – Search/Summary and Department Representative Testimony)

8. The Department reviewed the deceased SNAP EBT account beginning [REDACTED] [REDACTED] 2024 and determined the deceased SNAP EBT benefits were accessed after her death:

Transaction Date	Transaction Type	Transaction Amount	Store Name
[REDACTED]/[REDACTED]/24 5:37pm	Debit/card swiped	(\$10.95)	[REDACTED] [REDACTED]
[REDACTED]/[REDACTED]/24 3:57am	Deposit/Credit	\$129.00	
[REDACTED]/[REDACTED]/24 9:18am	Debit/card swiped	(\$14.50)	[REDACTED] [REDACTED]
[REDACTED]/[REDACTED]/24 1:09pm	Debit/card swiped	\$48.43	[REDACTED] [REDACTED] [REDACTED]
[REDACTED]/[REDACTED]/24 4:47pm	Debit/card swiped	\$50.00	[REDACTED]
[REDACTED]/[REDACTED]/24 5:03pm	Debit/card swiped	\$15.60	[REDACTED]
[REDACTED]/[REDACTED]/24 1:57pm	Balance Inquiry/Card swiped		[REDACTED] [REDACTED] [REDACTED]
[REDACTED]/[REDACTED]/24 12:24pm	Expungement	\$15.76	Department
[REDACTED]/[REDACTED]/24 3:22 pm	Card Swiped	(\$44.68)	[REDACTED] [REDACTED] [REDACTED]
[REDACTED]/[REDACTED]/27 9:30am	Card Swiped	(\$8.95)	[REDACTED]
Total Debit		\$114.03	

(Exhibit 4: Transaction Detail Report and Department Representative Testimony)

9. [REDACTED] issues loyalty cards to its customers. [REDACTED] collects information from customers with loyalty cards that includes name and address of loyalty card holder. (Exhibit 2: Email and Department Representative Testimony)
10. On [REDACTED] [REDACTED] 2024 at 4:48pm, the Defendant completed a purchase totaling \$111.02 at [REDACTED] using the deceased SNAP EBT card as partial payment for the purchase and his [REDACTED] loyalty card as supported by the [REDACTED] email linking the Defendant as the customer who made the purchase. (Exhibit 2: Email and Department Representative Testimony)
11. Between [REDACTED] [REDACTED] 2024 and [REDACTED] [REDACTED] 2024, the Department changed the deceased's SNAP EBT card status to lost/stolen effectively preventing any

further access to the deceased recipient's SNAP benefits but not before the card was accessed during the first week of █████ 2024. Refer to finding of Fact #8. (Exhibit 4: Transaction Detail Report and Department Representative Testimony)

12. On █████ █████ 2024, the Department expunged the remaining balance of SNAP benefits, \$15.76, from the deceased recipient's EBT account upon closure. (Exhibit 4: Transaction Detailed Report)
13. On █████ █████ 2024, the Department completed their investigation of suspected IPV of the Defendant. The Department's investigation revealed the Defendant accessed the deceased recipient's EBT account after her death effectively without her permission resulting in an IPV under the SNAP. The Defendant made purchases totaling \$114.03 and paid for these purchases using the deceased recipient's SNAP EBT card. The Defendant is subject to an IPV penalty under the SNAP resulting in a one year disqualification from benefits. The Defendant has no prior penalties under the SNAP. Due to the IPV, the Department concluded the Defendant overpaid \$114.03 in █████ 2024. Refer to Finding of Facts # 4, 8, & 10. (Exhibit 10: Notice of Prehearing Interview W-1448, Exhibit 11: Waiver of Disqualification Hearing SNAP Program, Exhibit 13: IPV Report, Exhibit 9: e-DRS, and Department Representative Testimony)
14. On █████ █████ 2024, the Department issued the Defendant a W-1448 Notice of Prehearing Interview Food Stamp Program ("W-1448") letter informing him the Department believes he broke the rules of the Food Stamp program and charged him with an overpayment of \$114.03 for the reason "you used The SNAP/EBT card issued to [the deceased] after her death." The Department scheduled an appointment for █████ █████ 2024 at the local Regional Office to discuss the charges. The letter informed him of the right to an administrative disqualification hearing, disqualification penalties, possible legal action, and his right to remain silent about the charges. (Exhibit 10: Notice of Prehearing Interview W-1448)
15. On █████ █████ 2024, the Department issued the Defendant a W-1449 Waiver of Disqualification Hearing SNAP Program ("W-1449") letter informing him the Department is charging him with an intentional program violation (IPV) of the SNAP. The Defendant is given three options to sign the waiver: I knowingly and voluntarily admit to the facts as presented, I do not admit to the facts as presented but knowingly and voluntarily sign this waiver and understand that a disqualification penalty will result, or I have read this notice and wish to exercise my right to have an administrative hearing. (Exhibit 11: Waiver of Disqualification Hearing SNAP Program W-1449)

16. The Defendant did not appear for the prehearing Interview scheduled for [REDACTED] [REDACTED] 2024. (Hearing Summary and Department Representative Testimony)
17. The Department charges the Defendant with an IPV under the SNAP because the Defendant made unauthorized grocery purchases with the deceased recipient's EBT card after the deceased recipient's death. The Defendant did not have authorization from the deceased recipient for such purchases after her death. Refer to Finding of Facts #8. (Hearing Record)
18. On [REDACTED] [REDACTED] 2024, the OLCRAH received a request for an ADH from the Investigations Unit at the Department. Included in this request were the hearing summary, supporting evidence, a notice listing legal services available in the state, and the ADH and rights information sheet. (Hearing Record)
19. On [REDACTED] [REDACTED] 2024 at 9:47 am, the Department received a voice mail message from the Defendant. The Defendant refers to the deceased as his wife on the voice mail message and an exclusive couple of [REDACTED] years. The Defendant reports he shopped for the deceased regularly using her EBT card and paid for medical marijuana to treat the deceased medical condition and ease her pain. (Exhibit 14: Voice Mail)
20. On [REDACTED] [REDACTED] 2024, OLCRAH conducted the administrative disqualification hearing to determine whether or not an IPV occurred and a fair hearing to determine the amount of the claim at the same time. (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 a decision be issued within 90 days of the Department's request for an administrative disqualification hearing. The Department requested an administrative disqualification hearing on [REDACTED] [REDACTED] 2024. Therefore, this decision is due not later than [REDACTED] [REDACTED] 2024.

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(e) 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.

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)

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

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 outlines 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 (“IPV”) 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.

7 C.F.R. § 273.16(a)(3)

“Intentional Program violations (“IPV”) shall consist of having: 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.” 7 C.F.R. § 273.16(c)

Under federal regulation 7 C.F.R. § 271.2 the definition of trafficking includes stealing and/or effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers, and personal identification numbers (PINS) in collusion with others or acting alone.

“The hearing authority shall base the determination of intentional program violation on clear and convincing evidence that 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)

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] 2024.

5. Federal regulation provides as follows:

Program benefits may be used only by the household, or other persons the household selects, to purchase eligible food for the household, which includes, for certain households, the purchase of prepared meals, and for other households residing in certain designated areas of Alaska, the purchase of hunting and fishing equipment with benefits.

7 C.F.R. § 274.7(a)

6. "Representatives may be authorized to act on behalf of a household in the application process, in obtaining SNAP benefits, and in using SNAP benefits." 7 C.F.R. § 273.2(n)

Federal regulation provides as follows:

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)

Federal regulation provides as follows:

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)

Federal regulation provides as follows:

The State agency must establish procedures to ensure that all appropriate household members and authorized representatives (including individuals permitted by the household to purchase food or meals on their behalf, as provided for in 7 CFR 273.2(n)(3) and § 274.7(a)), can access SNAP benefits for the household regardless of who is pictured on the card or if there is no picture. States shall not require households to notify or provide the State information regarding individuals making purchases permitted by the household on an ad-hoc basis.

7 C.F.R. § 274.8(f)(9)

On ██████ 2024, the Defendant admitted he shopped for the deceased using her EBT card regularly prior to her death. Although the deceased failed to notify the Department of the Defendant's status as an authorized shopper or representative as outlined under 7 CFR § 273.2(n)(2), federal regulation 7 CFR § 273.2(n)(3) permits a SNAP recipient to allow a household member or nonmember to use their EBT card to purchase food or meals for the household.

Although the deceased may have permitted the Defendant to purchase groceries on her behalf before her death, the Department correctly determined the Defendant did not have the deceased recipient's authorization or permission upon her death to access her SNAP benefits from her account after ██████ 2024. A total of eight transactions were made without the deceased recipient's permission after her death. Such transactions are considered misuse of an EBT card. Refer to finding of Facts # 8. A total of three transactions were successful - two on ██████ 2024 and one on ██████ 2024 totaling \$114.03.

The Department correctly determined the Defendant committed trafficking violations under SNAP regulations by accessing the deceased recipient's SNAP EBT benefits without the deceased recipient's permission after her death on ██████ 2024 resulting in an IPV under the SNAP. Federal entitlement for benefits, including SNAP benefits, ceases upon death. SNAP benefits are not assets that can be distributed to a deceased individual's heirs and therefore access to benefits upon a recipient's death is considered stealing.

7. Federal regulation provides as follows:

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:

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 is subject to a 12-month disqualification penalty under the SNAP because he committed trafficking violations under the SNAP when he accessed the deceased recipient's SNAP benefits after her death, effectively without her permission.

8. "A recipient claim is an amount owed because of: Benefits that are trafficked. Trafficking is defined in 7 CFR 271.2." 7 C.F.R. § 273.18(a)(1)(ii)

"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)

"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)

"Claims arising from trafficking-related offenses will be the value of the trafficked benefits as determined by the documentation that forms the basis for the trafficking determination." 7 C.F.R. § 273.18(c)(2)(iii)

“The following are responsible for paying a claim: A person connected to the household, such as an authorized representative, who actually trafficks or otherwise causes an overpayment or trafficking.” 7 C.F.R. § 273.18(a)(4)(i)

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 determined the claim amount as \$114.03 for the three transactions completed on [REDACTED] 2024 and [REDACTED] 2024 as noted below.

- [REDACTED] 2024 \$48.43 [REDACTED]
- [REDACTED] 2024 \$50.00 [REDACTED]
- [REDACTED] 2024 \$15.60 [REDACTED]

DECISION

The Defendant is found guilty of committing an IPV under the SNAP and subject to a 12-month SNAP disqualification penalty.

The Defendant is subject to an overpayment claim of \$114.03 for which he is liable for repayment.

Lisa A. Nyren
Lisa A. Nyren
Fair Hearing Officer

CC: Amy Hayden, DSS #52
OLCRAH.QA.DSS@ct.gov

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.