

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

[REDACTED] 2024  
**SIGNATURE CONFIRMATION**

**CASE # [REDACTED]  
CLIENT ID # [REDACTED]  
REQUEST # [REDACTED]**

**NOTICE OF DECISION**

**PARTY**

[REDACTED]  
[REDACTED]  
[REDACTED]

**PROCEDURAL BACKGROUND**

On [REDACTED] 2020, the Department of Social Services (the "Department") issued a Notification of Overpayment and Recoupment to [REDACTED] (the "Appellant") notifying her she had been overpaid \$5,870.00 in Supplemental Nutritional Assistance Program ("SNAP") benefits for the period of [REDACTED] 2019, through [REDACTED] 2019.

On [REDACTED], 2024, the Appellant requested an administrative hearing to contest the Department's intercept of her [REDACTED] tax refund to cover the recoupment balance.

On [REDACTED] 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") issued a notice scheduling an administrative hearing to be held on [REDACTED] 2024, in-person at the Department's [REDACTED] regional office.

On [REDACTED], 2024, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189 inclusive of the Connecticut General Statutes, OLCRAH held an in-person administrative hearing with the participation of the following individuals:

[REDACTED], Appellant  
Carmen Ferrer, Department's Representative  
Joseph Alexander, Administrative Hearing Officer

**STATEMENT OF THE ISSUE**

The issues to be decided are whether the Department correctly determined the Appellant was overpaid \$5,870.00 in SNAP benefits and whether the Department's recoupment of the SNAP overpayment is correct.

**FINDINGS OF FACT**

1. On [REDACTED], 2019, the Department discovered an error in the recording of the Appellant's household's income dating back to J [REDACTED] 2019; the Appellant's earned income from employer [REDACTED] had been recorded under the Appellant's minor child in the ImpaCT system, thus the income was never counted. (Department Exhibit 2: Case Note dated [REDACTED], 2019)
2. On [REDACTED], 2019, the Department rectified their error by removing the [REDACTED] income from the minor child and adding it under the Appellant which resulted in the creation of SNAP overpayments for [REDACTED] 2019, through [REDACTED], 2019. (Department Exhibit 1: Notification of Overpayment and Recoupment, Department Exhibit 2: Case Note dated [REDACTED], 2019)
3. On [REDACTED] 2020, the Department's Claims Unit reviewed the overpayment and the Appellant's income for the overpayment period. The Claims Unit determined the Appellant's household's income exceeded the SNAP income limit for her household size for the period of [REDACTED] 2019, through [REDACTED] 2019, and that the Appellant was only eligible for \$458.00 for the month of [REDACTED] 2019. A manual overpayment totaling \$5,870.00 for the period of [REDACTED] 2019, through [REDACTED], 2019, was created. (Department Exhibit 2: Case Note dated [REDACTED] 2020)
4. On [REDACTED] 2020, a Notification of Overpayment and Recoupment was sent to the Appellant. The notice informed the client of the following: (1) The period of the overpayment, (2) the amount of the overpayment and (3) methods of recovery of the overpayment. (Department Exhibit 1: Notification of Overpayment and Recoupment)
5. The following table represents the SNAP overpayment information:

<b>Program</b>	<b>OP Start</b>	<b>OP End</b>	<b>OP Amt</b>	<b>OP Error</b>	
SNAP	[REDACTED]/2019	[REDACTED]/2019	\$5,870.00	Agency	
<b>Month</b>	<b>Received</b>	<b>Eligible</b>	<b>OP Amt</b>	<b>Adjustment</b>	<b>Total OP</b>
[REDACTED]	\$752.00	\$0.00	\$752.00	\$0.00	\$752.00
[REDACTED]	\$752.00	\$0.00	\$752.00	\$0.00	\$752.00
[REDACTED]	\$752.00	\$0.00	\$752.00	\$0.00	\$752.00
[REDACTED]	\$752.00	\$0.00	\$752.00	\$0.00	\$752.00

████	\$752.00	\$0.00	\$752.00	\$0.00	\$752.00
██████	\$636.00	\$0.00	\$636.00	\$0.00	\$636.00
████████	\$636.00	\$0.00	\$636.00	\$0.00	\$636.00
██████	\$648.00	\$0.00	\$648.00	\$0.00	\$648.00
████████	\$648.00	\$458.00	\$190.00	\$0.00	\$190.00

(Department Exhibit 1: Notification of Overpayment and Recoupment)

6. The Notification of Overpayment and Recoupment letter lists the options for repayment of the overpaid SNAP benefits and requests the Appellant notify the Department regarding her repayment choice by ██████████ 2020. The notice specifies that the Department may take action to recover both Federal and/or State tax refunds if a repayment method is not chosen or no payments are made. (Department Exhibit 1: Notification of Overpayment and Recoupment)
7. No Notice of Action was generated or sent to the Appellant. (Department Representative Testimony)
8. Recovery of the overpayment was suspended for ██████ days due to the COVID-19 pandemic. (Department Exhibit 2: Case Notes dated ██████████, 2020, and ██████████ 2020)
9. On ██████████ 2024, the Appellant contacted the Department's Benefit Center regarding the Department recovering her ██████ tax refund to cover the overpayment recoupment balance. (Department Exhibit 2: Case Note dated ██████████, 2024, Appellant Testimony)
10. The \$5,870.00 SNAP overpayment was recovered in full on ██████████, 2024. (Department Exhibit 3: Overpayment Activity History Report)
11. The issuance of this decision is timely under Connecticut General Statutes 17b-61(a), which requires that a hearing be held, and a decision be issued within █ days of the request for an administrative hearing. The hearing request was received on ██████████, 2024, making this decision due no later than ██████████ 2024.

## CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes provides that the Department of Social Services is designated as the state agency for the administration of (7) the supplemental nutritional assistance program pursuant to the Food and Nutrition Act of 2008.

### **The Department has the authority to review and determine eligibility for the SNAP.**

2. Section 17b-88 of the Connecticut General Statutes (“C.F.R.”) provides for Overpayment, Recoupment, and Administrative disqualification hearings and states, “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 an 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.”
3. 7 C.F.R. § 273.18(a)(1)(i) provides a recipient claim is an amount owed because of benefits that are overpaid.

7 C.F.R. § 273.18(a)(2) provides this claim is a Federal debt subject to this and other regulations governing Federal debts. The State agency must establish and collect and claim by following these regulations.

7 C.F.R. § 273.18(a)(3) provides as a State agency, you must develop a plan for establishing and collecting claims that provides orderly claims processing and results in claims collections similar to recent national rates of collection. If you do not meet these standards, you must take corrective action to correct any deficiencies in the plan.

7 C.F.R. § 273.18(a)(4) provides the following are responsible for paying a claim: (i) each person who was an adult member of the household when the overpayment or trafficking occurred; (ii) a person connected to the household, such as an authorized representative, who actually trafficked or otherwise causes an overpayment or trafficking.

**The Department has the authority to initiate recoupment action on overpaid SNAP benefits.**

**The Department correctly determined the Appellant was the head of the household for the SNAP and is responsible for repayment of the overpayment claim.**

4. 7 C.F.R. § 273.18(b) provides for types of claims and states there are three types of claims: (1) 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. (2) Inadvertent household error (IHE) claim is any claim for overpayment resulting from a misunderstanding or unintended error on the part of the household. (3) Agency error (AE) claim is any claim for overpayment caused by an action or failure to take action by the State agency.

**The Department correctly determined the SNAP overpayment claim is classified as agency error (AE).**

5. 7 C.F.R. § 273.18(e)(3) provides for notification of claim and states (1) each State agency must develop and mail or otherwise deliver to the household written notification to begin collection action on any claim. (ii) The claim will be considered established for tracking purposes as of the date of the initial demand letter or written notification. (iii) If the claim or the amount of the claim was not established at a fair hearing, the State agency must provide the household with a one-time notice of adverse action. The notice of adverse action may either be sent separately or as part of the demand letter.

**On [REDACTED] 2020, the Department correctly issued a Notification of Overpayment and Recoupment to the Appellant informing her of the overpayment claim.**

6. 7 C.F.R. § 273.18(e)(3) provides for calculating the claim amount for claims not related to trafficking and states 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 IPV claims, 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)(ii) provides that the actual steps for calculating a claim are you (A) determine the correct amount of benefits for each month that a household received and overpayment, (B) do not apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim unless the claim is an AE claim then apply he earned income deduction, (C) subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment unless the answer is zero or negative, then dispose of the claim referral, (D) reduce the overpayment amount by any EBT benefits expunged for 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.

**The Department correctly determined the Appellant received \$5,870.00 in overpaid SNAP benefits (\$752.00 per month ██████████ 2019-██████████ 2019 = \$3,760.00 + \$636.00 for ██████████ 2019 and ██████████ 2019 = \$1,272.00 + \$648.00 for ██████████ 2019 + \$190.00 for ██████████ 2019)**

**The Department correctly determined that the SNAP benefits in the amount of \$5,870.00 for the period of ██████████ 2019, through ██████████, 2019, issued to the Appellant were incorrectly paid due to agency error.**

7. 7 C.F.R. § 273.18(f) provides for acceptable forms of repayment as follows. (1) Reducing benefits prior to issuance. This includes allotment reduction and offsets to restore benefits. (2) Reducing benefits after issuance. These are benefits from electronic benefit transfer (EBT) accounts. (3) Accepting cash or any of its generally accepted equivalents. These equivalents include check, money order, and credit cards. (4) Conducting your own offsets and intercepts. This includes but is not limited to wage garnishments and intercepts of various State payments. These collections are considered "cash" for FNS claim accounting and reporting purposes. (5) Requiring the household to perform public service. (6) Participating in the Treasury collection programs.

7 C.F.R. § 273.18(g)(8) provides for other collection methods and states you may employ any other collection actions to collect claims. These actions include, but are not limited to, referrals to collection and/or other similar private and public sector agencies, state tax refund or lottery offsets, wage banishments, property liens and small claims court.


**The Department has the authority to intercept Federal and/or State tax refunds as a means of overpayment recoupment.**

### **DISCUSSION**

**Due to the Department's error (agency error) regarding the recording of the Appellant's income, the Appellant was issued SNAP benefits for which the household was not eligible for. While the incorrect issuance of these SNAP benefits to the Appellant was found to be an agency error, the Appellant was not eligible for the SNAP she received for the period discussed in this decision. Therefore, the Appellant is responsible for repayment of the SNAP benefit overpayment as specified in Conclusion of Law # 3. The Department has the authority to intercept Federal and/or State tax refunds to recoup the overpayment amount (Conclusion of Law # 7).**

### **DECISION**

The Appellant's appeal is **DENIED**.

  
**Joseph Alexander**  
**Administrative Hearing Officer**

CC: Shahar Thadal, Operations Manager, DSS, Stamford Regional Office  
Carmen Ferrer, Administrative Hearing Liaison, DSS, Stamford Regional Office

### **RIGHT TO REQUEST RECONSIDERATION**

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, what new evidence has been discovered or what other good cause exists. If the request for reconsideration is granted, the appellant will be notified with **25** days of the request date. No response within **25** days means the request for reconsideration has been denied. The right to request a reconsideration is based on § 4-181a (a) of the Connecticut General Statutes. Reconsideration requests should include specific grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists. Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue Hartford, CT 06105.

### **RIGHT TO APPEAL**

The appellant has the right to appeal this decision to Superior Court within **45** days of the mailing of this decision, or **45** days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. 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. 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 date of the decision. Good cause circumstances are evaluated by the Commissioner or the Commissioner's 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 appellant resides.