

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

██████████, 2024  
Signature Confirmation

██████████  
██████████  
██████████

**NOTICE OF DECISION**

**PARTY**

██████████  
██████████  
██████████

**PROCEDURAL BACKGROUND**

On ██████████ 2024, the Department of Social Services (the “Department”) sent ██████████ ██████████ (the “Appellant”) a Notice of Action (“NOA”) denying the replacement of electronic benefits under the Supplemental Nutritional Assistance Program (“SNAP”).

On ██████████ 2024, the Appellant requested an administrative hearing to contest the Department’s decision to deny the replacement of purported stolen SNAP benefits from her Electronic Benefit Transfer (“EBT”) account.

On ██████████ 2024, the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) issued a notice scheduling the administrative hearing for ██████████ 2024.

On ██████████, 2024, in accordance with sections 17b-60, 17-61 and 4-176e to 4-184 inclusive, of the Connecticut General Statutes, OLCRAH held a telephonic administrative hearing.

The following individuals participated in the hearing:

██████████, Appellant  
Javier Rivera, Department’s Representative  
Amy MacDonough, Hearing Officer

## STATEMENT OF THE ISSUE

The issue is whether the Department correctly denied the Appellant's request for replacement of alleged stolen SNAP benefits.

## FINDINGS OF FACT

1. On [REDACTED] 2022, the Department issued the Appellant an EBT card ending in [REDACTED] (*Exhibit 4: EPPIC Card Management*)
2. On [REDACTED] 2024, the Department deposited SNAP benefits of \$973.00 on the Appellant's EBT card ending in [REDACTED], for the [REDACTED] 2024 benefit. The Appellant receives SNAP for a household of four (4), herself and three (3) children. (*Appellant's Testimony; Exhibit 5: Transaction History*)
3. On [REDACTED] 2024, the Appellant used her EBT card ending in [REDACTED] at [REDACTED] in [REDACTED] at approximately [REDACTED]. (*Appellant's Testimony; Exhibit 2: Request for Replacement of Stolen SNAP Benefits, W-3037*)
4. On [REDACTED] 2024, at [REDACTED] the Appellant's EBT card ending in [REDACTED] was used for a \$687.74 transaction at the [REDACTED] at [REDACTED] in [REDACTED]. The Appellant indicated that she did not make this purchase. The Appellant did not have an authorized representative and did not share her EBT card or personal identification number ("PIN") with anyone. (*Appellant's Testimony; Exhibit 2; Exhibit 5*)
5. On [REDACTED] 2024, the Appellant reported her EBT card ending in [REDACTED] as stolen. The Appellant no longer had possession of the card and states the card was lost. The Appellant completed the W-3037 Request for Replacement of Stolen SNAP Benefits form reporting SNAP stolen benefits of \$687.74 and the date of discovery as [REDACTED] 2024. The Appellant did not file a police report regarding the loss of her SNAP benefits. (*Appellant's Testimony; Exhibit 2; Exhibit 4; Exhibit 5; Exhibit 6: Card Replacement*)
6. On [REDACTED] 2024, the Department deactivated the EBT card ending in [REDACTED] and issued the Appellant a new card ending in [REDACTED]. No transactions occurred after the Appellant reported the EBT card as stolen. (*Exhibit 4; Exhibit 5; Exhibit 6*)
7. On [REDACTED] 2024, the Department reviewed and denied the Appellants request for replacement of stolen benefits for one transaction that occurred on [REDACTED] 2024, for \$687.74. The notice stated the Appellant is ineligible for the replacement of SNAP benefits because it found that the SNAP benefits were not stolen due to card skimming, card cloning, or other similar fraudulent methods, and the transaction at [REDACTED] at [REDACTED] on [REDACTED]/2024, [REDACTED] is not fraud, card cloning or out of state. (*Exhibit 1: Case Notes; Exhibit 3: NOA*)

8. The issuance of this decision is timely under Title 7 of the Code of Federal Regulations (“C.F.R.”) section 273.15(c)(1) which provides that the agency shall issue a decision within 60 days of receipt of a request for an administrative hearing. The Appellant requested an administrative hearing on ██████████, 2024; therefore, this decision is due no later than ██████████, 2024.

### **CONCLUSIONS OF LAW**

1. Section 17b-2(7) of the Connecticut General Statutes provides that 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.

#### **The Department has the authority to administer the SNAP in Connecticut.**

2. 7 C.F.R. § 274.1(a) provides for basic issuance requirements and states state agencies shall establish issuance and accountability systems which ensure that only certified eligible households receive benefits; that Program benefits are timely distributed in the correct amounts; and that benefit issuance and reconciliation activities are properly conducted and accurately reported to FNS. (b) provides for system classification and states state agencies may issue benefits to household through any of the following systems: (1) An on-line Electronic Benefit Transfer (EBT) system in which Program benefits are stored in a central computer database and electronically accessed by households at the point of sale via reusable plastic cards. (2) An off-line EBT system in which benefit allotments can be stored on a card or in a card access devise and used to purchase authorized items at a point-of-sale (POS) terminal without real-time authorization from a central processor.

7 C.F.R. § 274.2(f) provides for EBT cards and Personal Identification Number (PINs). (1) State agencies which issue EBT cards by mail shall, at a minimum, use first class mail and sturdy non forwarding envelopes or packages to send EBT cards to households. (2) The State agency shall permit SNAP households to select their PIN. (i) PIN assignment procedures shall be permitted in accordance with industry standards as long as PIN selection is available to clients if they so desire and clients are informed of this option. (ii) If assigning a PIN by main In conjunction with card issuance, State agencies shall mail the PIN separate from the card one business day after the card is mailed.

#### **The Department correctly determined the Appellant’s SNAP benefits as paid and accessed by means of a state issued EBT card.**

3. 7 C.F.R. § 273.17(a)(1) provides that the State agency shall restore to households benefits which were lost whenever the loss was cause by an error by the State agency or by an administrative disqualification for intentional Program violation which was subsequently reversed as specified in paragraph (e) of this section, or if there is a

statement elsewhere in the regulations specifically stating that the household is entitled to restoration of lost benefits. Furthermore, unless there is a statement elsewhere in the regulations that a household is entitled to lost benefits for a longer period, benefits shall be restored for not more than twelve months prior to whichever of the following occurred first: (i) The date the State agency receives a request for restoration from a household; or (ii) The date the State agency is notified or otherwise discovers that a loss to a household has occurred.

7 C.F.R. § 274.2(g)(2) provides a State agency shall make adjustments to an account to correct an auditable, out-of-balance settlement condition that occurs during the redemption process as a result of a system error. A system error is defined as an error resulting from a malfunction at any point in the redemption process: from the system host computer, to the switch, to the third party processors, to a store's host computer or POS device. These adjustments may occur after the availability date and may result in either a debit or credit to the household.

**The Department determined the Appellant's SNAP benefits were correctly deposited into her EBT account and were not lost because of Departmental error or malfunction of the EBT system.**

4. 7 C.F.R. § 274.6(b)(2) provides that an immediate hold shall be placed on accounts at the time notice is received from a household regarding the need for card or PIN replacement. The State agency shall implement a reporting system which is continually operative. Once a household reports that their EBT card has been lost or stolen, the State agency shall assume liability for benefits subsequently drawn from the account and replace any lost or stolen benefits to the household. The State agency or its agent shall maintain a record showing the date and time of all reports by households that their card is lost or stolen.

**The Department correctly placed an immediate hold on the Appellant's EBT card ending in [REDACTED] on [REDACTED] 2024; the following business day after the Appellant reported the fraudulent transaction.**

**There were no other unauthorized transactions after the Appellant requested a new card.**

5. Title IV, Section 501 of the Consolidated Appropriations Act, 2023, provides for the State Plan for the Replacement of Stolen EBT Benefits, 2023 and states in relevant part for validation criteria and states for both current and retroactive claims, the *Request for Replacement of Stolen Benefits* form serves as a self-attestation that a household's SNAP benefits have been stolen through card skimming, cloning, or similar fraudulent methods. In conjunction with the attestation, DSS staff will review each individual application and compare transaction detail to the SNAP benefit transaction history in the EPPIC system to validate the amount being claimed for replacement.

**As the administrator of the SNAP in Connecticut, the Department had the authority and responsibility to submit a State Plan to the FNS to comply with Title IV, Section 501 of the Consolidated Appropriations Act, 2023.**

**On June 5, 2023, the Department implemented through the Program Oversight and Grant Administration a pilot process for replacement of stolen SNAP benefits because of card skimming, cloning or similar fraudulent methods.**

6. Title IV, Section 501 of the Consolidated Appropriations Act, 2023, provides for the State Plan for the Replacement of Stolen EBT Benefits, 2023 provides for validation, denial of claims and states claims will be denied for any of the following reasons:
- The household already received replacement benefits two times in the respective federal fiscal year.
  - The household did not report their stolen benefits to DSS within thirty (30) calendar days of discovering the theft.
  - The household did not provide the signed *Request for Replacement of Stolen SNAP Benefits* form within the required ten (10) calendar days.
  - The state was unable to validate the claim that the benefits were stolen as a result of card skimming, cloning, or similar fraudulent methods.
  - The state determined the benefits were stolen outside of the allowable timeframe, 10/1/2022 – 9/30/2024.

**The Department correctly determined that the transaction at the [REDACTED] [REDACTED] on [REDACTED] 2024, was not a result of card skimming, cloning or similar fraudulent methods as the state was unable to validate the claim that the Appellant's SNAP benefits were stolen.**

**The Department correctly denied the Appellant's request for replacement of alleged stolen SNAP benefits.**

### DECISION

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

  
Amy MacDonough  
Fair Hearing Officer

CC: Angelica Branfalt, Operations Manager, DSS, Manchester Regional Office  
Nawaz Shaikh, Hearing Supervisor, DSS, Manchester Regional Office  
Javier Rivera, Hearing Liaison, DSS, Manchester 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, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within **25** days of the request date. No response within 25 days means that 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 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.