

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

Case ID # ██████████
Client ID # ██████████
Request # 246897

ADMINISTRATIVE DISQUALIFICATION HEARING

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████, 2024, the Department of Social Services (the “Department”) requested an Administrative Disqualification Hearing (“ADH”) to seek disqualification of ██████████ (the “Defendant”) from participation in the Supplemental Nutrition Assistance Program (“SNAP”) for a period of 10 years. The Department alleges that the Defendant committed an Intentional Program Violation (“IPV”) by intentionally receiving concurrent benefits from Connecticut and another state. The Department also seeks to recover overpaid SNAP benefits of \$936.00 from the Defendant.

On ██████████, 2024, the Office of Legal Counsel, Regulations and Administrative Hearings (“OLCRAH”) notified the Defendant of the initiation of the ADH process via certified mail. The notification scheduled the administrative hearing for ██████████ 2024, and outlined the Defendant’s rights for these proceedings.

On ██████████ 2024, OLCRAH received a signed return receipt from the United States Postal Service (“USPS”) with an unreadable signature.

On ██████████ 2024, OLCRAH mailed the Defendant the entire packet again, including the hearing summary and proceedings notification, via first class mail. USPS did not return the packet and it is presumed to have been delivered to the Defendant.

On [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 (“C.F.R”), section 273.16, subsection (e).

The Defendant was not present at the hearing and did not show good cause for failing to appear. The following individuals were present at the hearing:

Megan Monroe, Department’s Investigator
Kristin Haggan, Fair Hearing Officer

STATEMENTS OF THE ISSUES

The first issue is whether the Defendant committed an IPV of the SNAP program.

The second issue is whether the Department can disqualify the Defendant from the SNAP program for a period of ten (10) years.

The third issue is whether the Department can recover the resulting SNAP overpayment of \$936.00 for the period of [REDACTED], 2023, through [REDACTED], 2023.

FINDINGS OF FACT

1. The Defendant is [REDACTED] years old (DOB: [REDACTED]) and is disabled. He currently receives a Connecticut SNAP benefit of \$23.00 per month. (*Hearing Record, Investigator’s Testimony, Exhibit 14: Eligibility Determination Results*)
2. The Defendant has no previous IPV’s. (*Investigator’s Testimony, Exhibit 13: EDRS penalty printout*)
3. On [REDACTED], 2023, the Defendant applied for SNAP benefits and completed a face-to-face interview with the Department. The Defendant reported to the Department that he had not received any benefits from another state in the last 90 days. (*Exhibit 4: W1EDD, Department Investigator’s Testimony, Exhibit 5: Case Notes*)
4. On [REDACTED] 2023, a Public Assistance Reporting Information System (“PARIS”) match was sent to the [REDACTED] Data Matching Unit. (*Exhibit 2: PARIS Interstate Form*)
5. On [REDACTED] 2024, the [REDACTED] Data Match Unit sent an email to Connecticut’s PARIS Match worker stating that the Defendant received SNAP benefits in [REDACTED] from [REDACTED] 2022 through [REDACTED] 2023. (*Exhibit 3: Email from [REDACTED]*)
6. On [REDACTED] 2024, the Department submitted a referral to the Investigations Unit stating that the Defendant was suspected of receiving concurrent SNAP benefits from [REDACTED] and Connecticut. (*Exhibit 1: Investigations Referral*)

7. The Defendant received SNAP benefits from both Connecticut and [REDACTED] for the months of [REDACTED] 2023 through [REDACTED] 2023. (*Investigator's Testimony, Exhibit 2, Exhibit 3, Exhibit 8: Benefit Issuance Search*)
8. The Defendant received the following SNAP benefits from Connecticut for the period of [REDACTED] 2023 through [REDACTED] 2023:

Month	Amount
[REDACTED]/23	\$93.00
[REDACTED]/23	\$281.00
[REDACTED]/23	\$281.00
[REDACTED]/23	\$281.00
Total	\$936.00

The Defendant received an extra \$40.00 SNAP benefit in the month of [REDACTED] 2023 which is not included on the chart above because it was a supplement due to Covid and is not subject for recoupment. (*Investigator's Testimony, Exhibit 9: Overpayment Details, Exhibit 8*)

9. On [REDACTED] 2024, the Investigator mailed the Defendant a W-1448 Notice of Prehearing Interview and scheduled a phone interview for [REDACTED] 2024, at 11:00 AM. The Department's Investigator also sent the Defendant a W-1449 Waiver of Disqualification Hearing form along with the ADH Process and Rights Information Sheet. (*Department Investigator's Testimony, Exhibit 10: W1448 Notice of Prehearing Interview, Exhibit 11: W1449 Waiver of Disqualification Hearing Form, Exhibit 12: ADH Process and Rights Information Sheet*)
10. On [REDACTED] 2024, the Defendant did not call the Investigator for the scheduled prehearing interview. (*Investigator's Testimony*)
11. On [REDACTED] 2024, the Investigator called the Defendant and completed the prehearing interview. The Defendant reported a new address. The Defendant stated that he understood that he should have closed his SNAP benefits in [REDACTED] before receiving benefits in Connecticut. The Defendant stated that he would sign the W1449 Waiver of Disqualification Hearing form and mail it back to the Investigator. (*Investigator's Testimony*)
12. On [REDACTED] 2024, the Investigator called the Defendant to inquire as to why he had not returned the signed Waiver of Disqualification Hearing form. The Defendant stated that he did not want to have a hearing and that he would be mailing the Investigator the signed waiver form. (*Investigator's Testimony*)
13. As of the date of the hearing, the Investigator had not received a signed Waiver of Disqualification Hearing form from the Defendant. (*Investigator's Testimony*)

14. The issuance of this decision is timely under Title 7 Section 273.16(e)(20(iv) of the Code of Federal Regulations (“C.F.R.”) which requires that the agency issue a decision within 90 days of the notice of the initiation of the ADH process. On [REDACTED] 2024, OLCRAH mailed the Defendant notification of the initiation of the ADH process. This decision is due no later than [REDACTED] 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.

Section 17b-88(2) of the Connecticut General Statutes provides 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 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.

7 C.F.R. § 273.16(e) provides that the State agency shall conduct administrative disqualification hearings for individuals accused of an Intentional Program Violation.

The Department has the authority under state statute and federal regulation to initiate and hold Administrative Disqualification Hearings.

2. 7 C.F.R. § 273.16 (a) provides for administrative responsibility. (1)The State agency shall be responsible for investigating any cases of alleged Intentional Program Violation and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or a 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 to prosecution a case involving an over issuance caused by a suspected act of Intentional Program Violation, the State agency shall take action to collect over issuance by establishing an inadvertent household error claim against the household

in accordance with 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 formerly 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 or 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 of the current eligibility of the individual.

The Department did not refer the Defendant's case for civil or criminal prosecution.

3. 7 C.F.R. § 273.16 (e)(3) provides for the advance notice of the hearing.

(i) The State agency shall provide written notice to the individual suspected of committing an intentional Program violation at least 30 days in advance of the date a disqualification hearing initiated by the State agency has been scheduled. If mailed, the notice shall be sent either first class mail or certified mail return receipt requested. The notice may also be provided by any other reliable method. If the notice is sent using first-class mail and is returned as undeliverable, the hearing may still be held.

(ii) If no proof of receipt is obtained, a timely (as defined in paragraph (e)(4) of this section) showing of nonreceipt by the individual due to circumstances specified by the State agency shall be considered good cause for not appearing at the hearing. Each State agency shall establish the circumstances in which non-receipt constitutes good cause for failure to appear. Such circumstances shall be consistent throughout the State agency.

(iii) The notice shall contain at a minimum: (A) The date, time, and place of the hearing; (B) The charge(s) against the individual; (C) A summary of the evidence, and how and where the evidence can be examined; (D) A warning that the decision will be based solely on the information provided by the State agency if the individual fails to appear at the hearing.

7 C.F.R. §273.16 (e) (4) provides for the scheduling of the hearing. The time and place of the hearing shall be arranged so that the hearing is accessible to the household member suspected of intentional Program violation. If the household member or its representative cannot be located or fails to appear at a hearing initiated by the State agency without good cause, the hearing shall be conducted without the household member being represented. Even though the household member is not represented, the hearing officer is required to carefully consider the evidence and determine if an intentional Program violation was committed based on clear and convincing evidence. If the household member is found to have committed an intentional Program violation

but a hearing official later determines that the household member or representative had good cause for not appearing, the previous decision shall no longer remain valid, and the State agency shall conduct a new hearing. The hearing officer who originally ruled on the case may conduct the new hearing. In instances where good cause for failure to appear is based upon a showing of nonreceipt of the hearing notice as specified in paragraph (e)(3)(ii) of this section, the household member has 30 days after the date of the written notice of the hearing decision to claim good cause for failure to appear. In all other instances, the household member has 10 days from the date of the scheduled hearing to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

On [REDACTED] 2024, OLCRAH mailed the Defendant notification of the initiation of the ADH process via certified mail. On [REDACTED] 2024, OLCRAH received the signed return receipt from the USPS, however, the signature was unreadable. On [REDACTED] 2024, OLCRAH mailed the Defendant the notification again, this time via first class mail. The packet was not returned to OLCRAH by the USPS. The packets that were mailed to the Defendant contained the following information: the date, time, and place of the hearing; a summary of the Department's charges against the Defendant; a summary of the evidence, and how and where the Defendant can examine the evidence; a warning that the decision will be based solely on the information provided by the State agency if the Defendant fails to appear at the hearing.

The Defendant did not have good cause for failing to appear for the ADH scheduled at the DSS [REDACTED] Field Office.

4. 7 C.F.R. § 273.16 (f) provides for waived hearings. Each State agency shall have the option of establishing procedures to allow accused individuals to waive their rights to an administrative disqualification hearing. For State agencies which choose the option of allowing individuals to waive their rights to an administrative disqualification hearing, the procedures shall conform with the requirements outlined in this section.

The Department correctly notified the Defendant of his right to waive the ADH. The Defendant did not return the signed waiver to the Department.

5. 7 C.F.R. § 273.3 (a) provides for residency. A household shall live in the State in which it files an application for participation. The State agency may also require a household to file an application for participation in a specified project area (as defined in § 271.2 of this chapter) or office within the State. No individual may participate as a member of more than one household or in more than one project area, in any month, unless an individual is a resident of a shelter for battered women and children as defined in § 271.2 and was a member of a household containing the person who had abused him or her.

On [REDACTED] 2023, the Defendant applied for SNAP benefits in Connecticut and failed to report that he was actively receiving SNAP benefits from [REDACTED]

For the months of [REDACTED] 2023 through [REDACTED] 2023, the Defendant received SNAP benefits concurrently from both Connecticut and [REDACTED]

6. 7 C.F.R. § 273.16 (c) provides for the definition of Intentional Program Violation as follows: For purposes of determining through administrative disqualification hearings whether a person has committed an IPV, IPV's shall consist of having intentionally:

- (1) made a false or misleading statement, or misrepresented, concealed, or withheld facts.

7 C.F.R. § 273.16 (e) (6) provides that 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, an Intentional Program Violation.

On [REDACTED] 2023, the Defendant submitted a signed W1EDD application for SNAP benefits and failed to report on his application that he was actively receiving SNAP benefits from another state.

On [REDACTED] 2023, the Defendant completed an in-person interview with the Department and failed to report that he was actively receiving SNAP benefits from another state.

The Department correctly determined that the Defendant's failure to report that he was receiving SNAP benefits from [REDACTED] at the time of his application for SNAP benefits in Connecticut is an IPV of the SNAP program.

Based on the above conclusions of law, the Department presented clear and convincing evidence to support its position that the Defendant committed an IPV of the SNAP program.

7. 7 C.F.R. § 273.16(a)(3) provides 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(e)(8)(i) provides for imposition of disqualification penalties. 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(b)(1)(i) provides for 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 the 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)(5)** provides that except as provided under paragraph (b)(1)(iii) of this section, an individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple SNAP benefits simultaneously shall be ineligible to participate in the Program for a period of 10 years.

This is the Defendants first IPV.

The Department is seeking to disqualify the Defendant from participating in the SNAP program for a period of ten (10) years because he withheld information regarding his receipt of concurrent SNAP benefits from another state for the period of [REDACTED] 2023 through [REDACTED] 2023.

8. 7 C.F.R. § 273.16(b)(12) provides for the claims and the repayment process and specifies that 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. § 273.18(b)(1) provides that an IPV claim is any claim for an overpayment or trafficking resulting from an individual committing an IPV.

The Department correctly established that the Defendant committed an IPV of the SNAP program and is subject to recoupment of SNAP benefits received from Connecticut while the Defendant was also receiving concurrent SNAP benefits from [REDACTED].

The Department correctly established that the Defendant is subject to recoupment of SNAP benefits totaling \$936.00 for the period of [REDACTED], 2023, through [REDACTED], 2021 [REDACTED] \$93 + [REDACTED]/23 \$281 + [REDACTED] 23 \$281 + [REDACTED] 23 \$281 = \$936).

DECISION

The Department's request to establish that the Defendant committed an IPV of the SNAP program is **GRANTED.**

The Department's request to disqualify the Defendant from the SNAP program for a period of ten (10) years is **GRANTED.** The Department must discontinue the Defendant's SNAP benefit effective immediately.

The Department's request to recover the overpayment claim of \$936.00 for the period of [REDACTED] 2023, through [REDACTED] 2023, is **GRANTED.**

Kristin Haggan

Kristin Haggan
Fair Hearing Officer

CC: OLCRAH.QA.DSS@CT.gov
Megan Monroe, Investigator

RIGHT TO APPEAL

The defendant has the right to appeal this decision to the 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 to 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 following §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.