

STATE OF CONNECTICUT  
DEPARTMENT OF SOCIAL SERVICES  
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE  
HEARINGS  
55 FARMINGTON AVENUE  
HARTFORD, CT 06105-3730

██████████  
SIGNATURE CONFIRMATION

CLIENT ID # ██████████  
CASE # ██████████  
HEARING # 228164  
SNAP EDG: # ██████████

ADMINISTRATIVE DISQUALIFICATION HEARING

NOTICE OF DECISION

PARTY

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

PROCEDURAL BACKGROUND

On ██████████ ██████████ ██████████, 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 twelve (12) months. The Department alleges that the Defendant committed an Intentional Program Violation ("IPV") by failing to report household income. The Department also seeks to recover a SNAP overpayment of \$1,086.00.

On ██████████ ██████████, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") notified the Defendant of the initiation of the ADH process via United States Postal Service ("USPS") certified mail scheduling the ADH for ██████████, ██████████. The notification outlined the Defendant's rights in these proceedings.

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

On [REDACTED], the OLCRAH conducted the ADH in accordance with Sections § 17b-88 of the Connecticut General Statutes and Title 7, § 273.16 of the Code of Federal Regulations (“C.F.R.”).

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

The following individuals were present at the hearing:

Christopher Pinto, Social Services Investigator  
Sara Hart, Hearing Officer

The hearing record remained open through [REDACTED]. The Department provided additional evidence and the hearing record closed accordingly.

### **STATEMENT OF THE ISSUE**

The first issue is whether the Defendant committed an IPV of the SNAP program and is subject to a twelve (12) month disqualification penalty.

A secondary issue is whether the Department correctly proposed a SNAP recoupment of an overpayment equaling \$1,086.00.

### **FINDINGS OF FACT**

1. The Defendant was a recipient of SNAP benefits for a household comprised solely of the Defendant, age [REDACTED]<sup>1</sup> (DOB [REDACTED]). (*Hearing Record*)
2. On [REDACTED], the Department issued a Periodic Review Form (“PRF”) to the Defendant to complete, sign, and return by [REDACTED]. Instructions on the form state “You must complete this page in order to continue receiving benefits. Fill in the correct bubble below and sign.” The form provided the following two options: “I read this form and I made no changes.” and “I read this form and have reported changes.” The [REDACTED], PRF notes the Defendant’s earned income as follows: “There is no income for this case”. Under the earned income section, the PRF states “Examples of income include wages from a job or self-employment.” The PRF instructs the Defendant to: “Describe any changes in earned income below. If anyone in your household has new earned income, tell us what type, employer’s name and address, who is working, how often they are paid (weekly, monthly, bi-weekly, etc.), and the amount. Send proof in the envelope with this form.” The Defendant checked the option that states “I read this form and I made no

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<sup>1</sup> Defendant’s age on date of administrative hearing

changes.” The Defendant signed the PRF on [REDACTED], and returned the document timely to the Department. (*Exhibit 18: PRF, Hearing Record*)

3. On [REDACTED], the Defendant began employment with [REDACTED] and received the following gross wages:

Pay Date	Gross Wages
[REDACTED]	\$71.50
[REDACTED]	\$234.00
[REDACTED]	\$102.00
<b>Total [REDACTED]</b>	<b>\$407.50</b>
[REDACTED]	\$96.00
[REDACTED]	\$76.00
[REDACTED]	\$60.00
<b>Total [REDACTED]</b>	<b>\$232.00</b>
[REDACTED]	\$553.50
<b>Total [REDACTED]</b>	<b>\$553.50</b>
[REDACTED]	\$121.00
<b>Total [REDACTED]</b>	<b>\$121.00</b>

(*Exhibit 21: Updated Equifax Report*)

4. The Defendant did not report his earnings with [REDACTED] to the Department. (*Hearing Record*)
5. On [REDACTED], the Defendant began employment with [REDACTED] and received the following gross wages:

Pay Date	Gross Wages
[REDACTED]	\$600.00
[REDACTED]	\$600.00
[REDACTED]	\$600.00
<b>Total [REDACTED]</b>	<b>\$1800.00</b>
[REDACTED]	\$240.00
<b>Total [REDACTED]</b>	<b>\$240.00</b>

(*Exhibit 21*)

6. The Defendant did not report his earnings from [REDACTED] to the Department. (*Hearing Record*)
7. On [REDACTED], [REDACTED] hired the Defendant. (*Exhibit 14: Equifax*)
8. On [REDACTED], the Department processed the Defendant’s PRF signed on [REDACTED], and issued a NOA to the Defendant. The NOA stated, in relevant part: “Your SNAP period of eligibility is [REDACTED] to [REDACTED]..... You must call the Benefit Center to report the following changes to us during your SNAP period of eligibility: 1. If your household’s total monthly gross income is more than

\$1,307.00. Total monthly gross income is all wages from working and money you get from any other source before taxes and deductions.” (Exhibit 3: NOA [REDACTED], Exhibit 22: Case Notes)

9. On [REDACTED], [REDACTED] hired the Defendant. (Exhibit 14)
10. Beginning [REDACTED] of [REDACTED] through [REDACTED], the Defendant received the following gross wages:

Employer Name	Pay Date	Gross Wages
[REDACTED]	[REDACTED]	\$56.00
[REDACTED]	[REDACTED]	\$56.00
[REDACTED]	[REDACTED]	\$126.25
[REDACTED]	[REDACTED]	\$323.20
[REDACTED]	[REDACTED]	\$374.21
<b>Total [REDACTED]</b>		<b>\$935.66</b>
[REDACTED]	[REDACTED]	\$467.14
[REDACTED]	[REDACTED]	\$242.40
[REDACTED]	[REDACTED]	\$339.20
[REDACTED]	[REDACTED]	\$503.50
[REDACTED]	[REDACTED]	\$422.04
<b>Total [REDACTED]</b>		<b>\$1,974.28</b>
[REDACTED]	[REDACTED]	\$538.91
[REDACTED]	[REDACTED]	\$538.91
[REDACTED]	[REDACTED]	\$517.15
[REDACTED]	[REDACTED]	\$452.88
<b>Total [REDACTED]</b>		<b>\$2,047.85</b>
[REDACTED]	[REDACTED]	\$538.91
[REDACTED]	[REDACTED]	\$589.99
[REDACTED]	[REDACTED]	\$357.53
[REDACTED]	[REDACTED]	\$538.91
[REDACTED]	[REDACTED]	\$181.60
<b>Total [REDACTED]</b>		<b>\$2,206.94</b>

(Exhibit 14)

11. The Defendant did not report his earnings from [REDACTED] or [REDACTED] to the Department. (Hearing Record)
12. On [REDACTED] the Defendant completed an in-person SNAP application, reporting zero income. (Exhibit 4: W1EDD [REDACTED], Exhibit 22: Case Notes)
13. The hearing record lacks evidence of a Departmental NOA regarding the Defendant's [REDACTED], SNAP application. (Hearing Record)

14. In [REDACTED], the Defendant received the following gross wages:

Employer Name	Pay Date	Gross Wages
[REDACTED]	[REDACTED]	\$191.90
<b>Total</b> [REDACTED]		<b>\$191.00</b>

(Exhibit 21)

15. On [REDACTED] [REDACTED] hired the Defendant. (Exhibit 16: W35)

16. [REDACTED] employed the Defendant from [REDACTED] through [REDACTED].  
The table below reflects the total monthly wages paid to the Defendant by [REDACTED]:

Pay Date	Gross Wages
[REDACTED]	\$382.25
[REDACTED]	\$415.13
<b>Total</b> [REDACTED]	<b>\$797.38</b>
[REDACTED]	\$285.00
[REDACTED]	\$554.27
[REDACTED]	\$165.55
<b>Total</b> [REDACTED]	<b>\$1,004.82</b>
[REDACTED]	\$631.32
[REDACTED]	\$746.80
[REDACTED]	\$631.02
[REDACTED]	\$674.38
[REDACTED]	\$622.63
<b>Total</b> [REDACTED]	<b>\$3,306.15</b>
[REDACTED]	\$563.33
[REDACTED]	\$736.98
[REDACTED]	\$628.72
[REDACTED]	\$681.57
<b>Total</b> [REDACTED]	<b>\$2,610.60</b>
[REDACTED]	\$618.73
[REDACTED]	\$749.12
[REDACTED]	\$1,088.05
[REDACTED]	\$967.71
<b>Total</b> [REDACTED]	<b>\$3,423.61</b>
[REDACTED]	\$753.34
[REDACTED]	\$161.60
<b>Total</b> [REDACTED]	<b>\$914.94</b>

(Exhibit 16)

17. The Defendant did not report his employment wages from [REDACTED] to the Department. (Hearing Record)

18. On [REDACTED] the Department issued a PRF to the Defendant to complete, sign, and return by [REDACTED]. The [REDACTED] PRF notes the Defendant's earned income as follows: "There is no income for this case". Under the earned income section, the PRF states "Examples of income include wages from a job or self-employment." The PRF instructs the Defendant to: "Describe any changes in earned income below. If anyone in your household has new earned income, tell us what type, employer's name and address, who is working, how often they are paid (weekly, monthly, bi-weekly, etc.), and the amount. Send proof in the envelope with this form." The Defendant checked the option that states "I read this form and I made no changes." The Defendant signed the PRF on [REDACTED], and returned the document timely to the Department. (*Exhibit 5: PRF*)
19. The Defendant was actively employed on the date that he signed the PRF attesting to having no income. (*Hearing Record*)
20. On [REDACTED] the Department reviewed and processed the Defendant's PRF signed on [REDACTED]. (*Exhibit 22*)
21. On [REDACTED] the Defendant submitted an online renewal indicating zero household income. (*Exhibit 6: Online Renewal [REDACTED]*)
22. The hearing record lacks evidence of a Departmental response to the Defendant's [REDACTED] renewal. (*Hearing Record*)
23. In [REDACTED] the Defendant received the following gross wages:

Employer Name	Pay Date	Gross Wages
[REDACTED]	[REDACTED]	\$20.20
[REDACTED]	[REDACTED]	\$121.00
<b>Total [REDACTED]</b>		<b>\$141.20</b>

(*Exhibit 14*)

24. On [REDACTED] [REDACTED] hired the Defendant and paid the Defendant the following wages:

Pay Date	Gross Wages
[REDACTED]	\$856.50
[REDACTED]	\$786.00
[REDACTED]	\$1,116.00
<b>Total [REDACTED]</b>	<b>\$2,758.50</b>
[REDACTED]	\$1,011.00
[REDACTED]	\$831.00
<b>Total [REDACTED] -</b>	<b>\$1,842.00</b>
[REDACTED]	\$1,212.00
[REDACTED]	\$819.00
<b>Total [REDACTED]</b>	<b>\$2,031.00</b>



*(Exhibit 19: Benefit History)*

29. The Defendant received the following SNAP benefits:

<b>Payment Date</b>	<b>Amount</b>
██████████	\$192.00
██████████	\$192.00
██████████	\$192.00
██████████	\$192.00
██████████	\$192.00
██████████	\$192.00
██████████	\$192.00
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██████████	\$192.00
██████████	\$192.00
██████████	\$192.00
██████████	\$192.00
██████████	\$192.00
██████████	\$16.00
██████████	\$16.00
██████████	\$16.00
██████████	\$16.00
██████████	\$174.00

*(Exhibit 19)*

30. The Defendant received the following total gross income for the period during which the Department alleges a SNAP overpayment occurred:

<b>Month</b>	<b>Wages</b>	<b>SAGA Cash</b>	<b>Total</b>
██████████	\$2,206.94	\$219.00	<b>\$2,425.94</b>
██████████	\$797.38	\$219.00	<b>\$1,016.38</b>
██████████	\$1,004.82	\$219.00	<b>\$1,223.82</b>
██████████	\$3,306.15	\$219.00	<b>\$3,525.15</b>
██████████	\$2,610.60	\$219.00	<b>\$2,829.60</b>
██████████	\$3,423.61	\$219.00	<b>\$3,642.61</b>
██████████	\$914.94	\$219.00	<b>\$1,133.94</b>
██████████	\$141.20	\$219.00	<b>\$360.20</b>
██████████	\$2,758.50	\$219.00	<b>\$2,977.50</b>
██████████	\$1,842.00	\$219.00	<b>\$2,061.00</b>

*(Exhibit 14, Exhibit 19, Exhibit 21)*

<sup>2</sup> Issuance for benefit month ██████████

<sup>3</sup> Early issuance of SNAP for the benefit month ██████████ due to potential Federal Government shut-down



31. On [REDACTED] [REDACTED] [REDACTED] the Department issued form W1449 Waiver of Disqualification Hearing for SNAP to the Defendant. The notice stated that the Department believes the Defendant caused a SNAP IPV. The notice further stated that the Defendant had until [REDACTED] to sign and return the waiver form and that failure to do so would result in the Department considering administrative action. (*Hearing Summary, Exhibit 11: W1449*)
32. The Defendant did not contact the Department, nor did he sign or return the W1449 Waiver form. (*Department's Testimony*)
33. The Defendant's case has not been referred for civil or criminal prosecution in the court system. (*Department's Testimony, Hearing Record*)
34. The Defendant has no prior SNAP penalty. (*Department's Testimony, Exhibit 12: USDA EDRS Results*)
35. The Defendant was not present at the hearing and did not show good cause for failing to appear. (*Hearing Record*)
36. The issuance of this decision is timely under C.F.R. § 273.16(e)(2)(iv) which provides that within 90 days of the date the household member is notified in writing that a State or local hearing initiated by the State agency has been scheduled, the State agency shall conduct the hearing, arrive at a decision, and notify the household member and local agency of the decision. The Department notified the Defendant on [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] [REDACTED] and held the administrative hearing on [REDACTED]. The hearing record remained open for an additional two days; therefore, this decision is due no later than [REDACTED]

### **CONCLUSIONS OF LAW**

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

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

**The Department has the authority to administer the SNAP program and conduct Administrative Disqualification Hearings.**

2. 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.

**The Department properly notified the Defendant of the ADH hearing on [REDACTED] and [REDACTED]**

**The Defendant was not present at the hearing, nor did he show good cause for failing to appear.**

3. 7 C.F.R. § 273.16(a)(1) provides that 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 overissuance caused by a suspected act of intentional Program violation, the State agency shall take action to collect the overissuance 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 Defendant's case has not been referred for civil or criminal prosecution and the Department correctly initiated administrative disqualification proceedings.**

4. 7 C.F.R. § 273.16(a)(3) provides that 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 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.

**The Defendant failed to sign and return the disqualification consent agreement.**

5. 7 C.F.R. § 273.9 (a) provides that participation in the Program shall be limited to those households whose income incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households that contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Households, which do not contain an elderly or disabled member, shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households that are categorically eligible as defined in §273.2 (j) (2) or 273.2 (j) (4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the levels established in Section 673 (2) of the Community Services Block Grant Act (42 U.S.C. 9902 (2)).

7 C.F.R. § 273.2(j) (2) (ii) (A) provides the state agency, at its option, may extend categorically eligibility to the following households only if doing so will further the purposes of the Food Stamp Act. (A) Any household (except those listed in paragraph (j) (2) (vii) of this section) in which all members receive or are authorized to receive non-cash or in-kind services from a program that is less than 50 percent funded with state money counted for MOE purposes under Title IV-A or federal money under Title IV-A and that is designed to further purposes one and two of the TANF block grant, as set forth in Section 401 of P.L. 104-193. States must inform FNS of the TANF services under this paragraph that they are determined to confer categorical eligibility.

**The Defendant was subject to a gross income test.**

6. 7 C.F.R. § 273.9(a)(1)(i) provides for income eligibility standards and states the gross income eligibility standard for SNAP shall be as follows: the income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

7 C.F.R. § 273.9(a)(4) states the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap).

7 C.F.R. § 273.12(a)(5) provides in relevant part the State agency may establish a simplified reporting system in lieu of the change reporting requirements specified under paragraph (a)(1) of this section. The following requirements are applicable to simplified reporting systems: (i) Included households. The State agency may include any household certified for at least 4 months within a simplified reporting system. (ii) Notification of simplified reporting requirement. At the initial certification, recertification and when the State agency transfers the households to simplified reporting, the State agency shall provide the household with the following: (A) A written and oral explanation of how simplified reporting works; (B) For households required to submit a periodic report, a written and oral explanation of the reporting requirements including: (1) The additional changes that must be addressed in the periodic report and verified.

7 C.F.R. § 273.12(a)(5)(iii)(B) provides for submission by non-exempt households of the Periodic report.

7 C.F.R. § 273.12(a)(5)(iii)(C) provides the periodic report form must request from the household information on any changes in circumstances in accordance with [paragraphs \(a\)\(1\)\(i\)](#) through [\(a\)\(1\)\(vii\)](#) of this section and conform to the requirements of [paragraph \(b\)\(2\)](#) of this section.

**The Defendant's household was subject to simplified reporting requirements. The Department correctly required the PRF and correctly requested information regarding changes in the Defendant's circumstances.**

7. 7 C.F.R. § 273.9(a)(1)(i) provides for income eligibility standards and states the gross income eligibility standard for SNAP shall be as follows: the income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be 130 percent of the Federal income poverty levels for the 48 contiguous States and the District of Columbia.

7 C.F.R. § 273.9(a)(4) states the monthly gross and net income eligibility standards for all areas will be prescribed in tables posted on the FNS web site, at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap).

7 C.F.R. § 273.12(a)(5)(v) provides for reporting when gross income exceeds 130 percent of the poverty level. A household subject to simplified reporting in accordance with paragraph (a)(5)(i) of this section, whether it is required to submit a periodic report, must report when its monthly gross income exceeds the monthly gross income limit for its household size, as defined at §273.9(a)(1). The household shall use the monthly gross income limit for the household size that existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.

Month	Defendant's Gross Income	130 % FPL
██████████	\$2,425.94	\$1,307.00
██████████	\$1,016.38	\$1,307.00
██████████	\$1,123.82	\$1,307.00
██████████	\$3,525.15	\$1,307.00
██████████	\$2,829.60	\$1,307.00
██████████	\$3,642.61	\$1,307.00
██████████	\$1,133.94	\$1,307.00
██████████	\$360.20	\$1,307.00
██████████	\$2,977.50	\$1,307.00
██████████	\$2,061.00	\$1,307.00

7 C.F.R. § 273.12(a)(2) provides Certified households must report changes within 10 days of the date the change becomes known to the household, or at the State agency's option, the household must report changes within 10 days of the end of the month in which the change occurred. For reportable changes of income, the State agency shall require that change to be reported within 10 days of the date that the household receives the first payment attributable to the change. For households subject to simplified reporting, the household must report changes no later than 10 days from the end of the calendar month in which the change occurred, provided that the household receives the payment with at least 10 days remaining in the month. If there are not 10 days remaining in the month, the household must report within 10 days from receipt of the payment.

**The Defendant failed to comply with federal regulation when he omitted his earned income on his completed PRF and completed Online Renewal and failed to report when his household's income exceeded 130 percent of the FPL.**

8. 7 C.F.R. § 273.9(b)(1) provides the definition of earned income shall include: (i) All wages and salaries of an employee.

7 C.F.R. § 273.9(b)(2)(i) provides Unearned income shall include, but not be limited to: Assistance payments from Federal or federally aided public assistance programs, such as supplemental security income (SSI) or Temporary Assistance for Needy Families (TANF); general assistance (GA) programs (as defined in [§ 271.2](#)); or other assistance programs based on need.

7 C.F.R. § 273.10(c)(1)(i) provides for determining anticipated income. For the purpose of determining the household's eligibility and level of benefits, the State agency shall take into account the income already received by the household during the certification period and any anticipated income the household and the State agency are reasonably certain will be received during the remainder of the certification period. If the amount of income that will be received, or when it will be received, is uncertain, that portion of the household's income that is uncertain shall

not be counted by the State agency. For example, a household anticipating income from a new source, such as a new job or recently applied for public assistance benefits, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the State agency unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. If the exact amount of the income is not known, that portion of it which can be anticipated with reasonable certainty shall be considered as income. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to income average. Households shall be advised to report all changes in gross monthly income as required by § 273.12.

**The Department correctly determined the Defendant's wages as earned income in the calculation of SNAP benefits.**

**The Department failed to consider the Defendant's SAGA cash award as unearned income in the calculation of SNAP benefits with consideration to SNAP overpayment amounts.**

9. 7 C.F.R. § 273.16(c) defines an IPV as follows: For purposes of determining through administrative disqualification hearings whether or not 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, or (2) committed any act that constitutes a violation of the Food Stamp Act, the Food Stamp Program Regulations, or any State statute relating to the use, presentation, transfer, acquisition, receipt, or possession of Food Stamp coupons, authorization cards or reusable documents used as part of an automated benefit delivery system (access device).

**The Defendant intentionally made a false statement and concealed facts. The Department correctly determined that the Defendant committed an IPV when he failed to report his earnings on his [REDACTED] PRF and his [REDACTED], Online Renewal.**

10. 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.

**The hearing record clearly and convincingly establishes that the Defendant made a false or misleading statement and misrepresented, concealed, or withheld facts.**

11. 7 C.F.R. § 273.16(e)(8)(i) provides that 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 procedure in paragraph (b) of this section. The same act of intention Program violation

repeated over a period must not be separated so that separate penalties can be imposed.

7 C.F.R. § 273.16(b)(1)(i) provides that 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.

**The Department correctly seeks to disqualify the Defendant's participation in the SNAP for twelve months.**

12.7 C.F.R. § 273.16(b)(12) provides that even though 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(a) provides claims against households. (a) *General.* (1) A recipient claim is an amount owed because of: (i) Benefits that are overpaid or (ii) Benefits that are trafficked. Trafficking is defined in 7 CFR 271.2. (2) 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. (3) 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. (4) 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 trafficks or otherwise causes an overpayment or trafficking.

7 C.F.R. § 273.18(c)(1) provides for calculating the claim amount for claims not related to trafficking and states (A) determine the correct amount of benefits for each month that a household received an 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; (C) subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment; (D) reduce the overpayment amount by any EBT benefits expunged from the household's EBT benefit account in accordance with your own procedures. The difference is the amount of the claim.

**The Department correctly determined that the Defendant committed an IPV and incurred a SNAP overpayment because he failed to report his earned income. While the Department is correct to seek recoupment of SNAP benefits from the Defendant as a result of the IPV, the Department's**

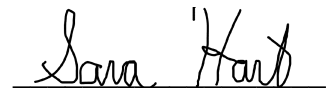


calculation of the Defendant's gross income omitted the Defendant's unearned income, therefore, the Department's determination of the SNAP recoupment amount is incorrect.

**DECISION**

The Defendant is **GUILTY** of committing an IPV of the SNAP. The Department may disqualify the Defendant from participating in the SNAP for a period of twelve months.

Regarding the Department's request to seek recoupment of overpaid SNAP benefits as a result of the IPV, the issue is **REMANDED** back to the Department for correction of the proposed SNAP recoupment amount.

A handwritten signature in black ink that reads "Sara Hart". The signature is written in a cursive style and is positioned above a horizontal line.

Sara Hart  
Hearing Officer

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