

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

[REDACTED] 2024
Signature confirmation

Case: [REDACTED]
Client: [REDACTED]
Request: 237563

SNAP ADMINISTRATIVE DISQUALIFICATION HEARING

NOTICE OF DECISION

PARTY

[REDACTED]
[REDACTED]
[REDACTED]

PROCEDURAL BACKGROUND

The Department of Social Services (the “Department”) petitioned the Office of Legal Counsel, Regulations, and Administrative Hearings (“OLCRAH”) to conduct an administrative disqualification hearing as to whether [REDACTED] (the “Defendant”) may be barred from participating in the Supplemental Nutritional Assistance Program (“SNAP”) for allegedly committing a first intentional Program violation.

On [REDACTED] 2024, the OLCRAH issued a *Notice of Administrative Hearing* with the Department’s summary and exhibits to the Defendant by certified mail/restricted delivery to her last known address. The *Notice* stated that an administrative disqualification hearing would be held on [REDACTED], 2024 at the Department’s [REDACTED] and a decision issued even should the Defendant not appear. On [REDACTED] 2024, the Defendant signed for receipt of the mailing.

On [REDACTED] 2024, the OLCRAH conducted an administrative disqualification hearing in accordance with Title 7, Section 273.16 of the Code of Federal Regulations (“C.F.R.”) and Section 17b-88 of the Connecticut General Statutes.

The Defendant did not appear and did not request a postponement of the proceedings for good cause. The following individuals participated:

Angela Malena, Department Representative
Eva Tar, Hearing Officer

The hearing record closed [REDACTED] 2024.

STATEMENT OF ISSUE

The issue is whether the Defendant committed an intentional Program violation, permitting the Department to disqualify the Defendant from participating in the SNAP for 12 months.

The Department also seeks affirmation of its intent to recover from the Defendant \$291.00 in SNAP benefits issued to her for the [REDACTED] 2024 service month.

FINDINGS OF FACT

1. The Defendant is neither elderly nor disabled. (Department Representative Testimony) (Dept. Exhibit 4)
2. On [REDACTED] 2023, the Department issued a *Notice of Action* granting the Defendant SNAP benefits effective [REDACTED] 2023 and certifying her eligibility from [REDACTED] 2023 through [REDACTED] 2024 as a SNAP household of one. (Dept. Exhibit 2)
3. The [REDACTED] 2023 *Notice of Action* advised the Defendant that if her household's total monthly gross income exceeded \$1,580.00, she must call the Department's Benefit Center at a toll-free number to report the change by the 10th day of the month following the change. (Dept. Exhibit 2)
4. On [REDACTED] 2023, [REDACTED] (the "new employer") hired the Defendant as a full-time assistant for \$19.00 per hour for between 35 hours and 40 hours per week. (Dept. Exhibit 5)
5. In [REDACTED] 2024, the Department issued the Defendant \$291.00 in SNAP benefits. (Dept. Exhibit 2)
6. On [REDACTED] 2024, the Defendant received her first paycheck from the new employer. (Dept. Exhibit 5)
7. In [REDACTED] 2024, the Defendant grossed \$1,644.86 in wages from her new employer. (Dept. Exhibit 5)
8. In [REDACTED] 2024, the Department issued the Defendant \$291.00 in SNAP benefits. (Dept. Exhibit 2)
9. In [REDACTED] 2024, the Defendant grossed \$3,012.16 in wages from her new employer. (Dept. Exhibit 5)

10. By [REDACTED] 2024, the Defendant failed to report to the Department that her increase in gross monthly income from all sources exceeded \$1,580.00. (Department Representative Testimony)
11. On [REDACTED] 2024, the Department mailed a *Periodic Report Form* to the Defendant to complete, sign, and return by [REDACTED] 2024 or the Defendant's SNAP benefits would terminate on [REDACTED] 2024. The mailing advised the Defendant that the form could also be completed online. (Dept. Exhibit 12)
12. Under the Earned Income section of both the paper and online versions of the *Periodic Report Form(s)*, pre-filled entries listed the Defendant's monthly income as \$350.00 per month as a childcare provider. (Dept. Exhibit 12)
13. The paper version of the *Periodic Report Form* states "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." (Dept. Exhibit 12)
14. The paper version of the *Periodic Report Form* states "By signing, I agree that: I have read this entire form including the section about rights and responsibilities, or have had it read to me in a language that I understand, and that I must comply with these rules; The information I am giving is true and complete to the best of my knowledge; I could go to prison or be required to pay fines if I knowingly give wrong or incomplete information; and DSS [the Department] and other federal, state, and local officials may verify (check) any information I give." (Dept. Exhibit 12)
15. The online version of the *Periodic Report Form* has a section titled **Responsibilities, Rights, and Penalties** that must be viewed prior to electronically signing, saving, and submitting the completed *Periodic Report Form* to the Department. (Dept. Exhibit 12)
16. In [REDACTED] 2024, the Department issued the Defendant \$291.00 in SNAP benefits. (Dept. Exhibit 9)
17. From [REDACTED] 2024 through [REDACTED] 2024, the Defendant grossed \$3,039.50 in wages from her new employer. (Dept. Exhibit 5)
18. On [REDACTED] 2024, the Defendant completed an online *Periodic Report Form*. (Dept. Exhibit 4)
19. On the [REDACTED], 2024 online *Periodic Report Form*, the Defendant affirmed that she was employed as a childcare provider for \$350.00 per month, and that her gross monthly earned income had not increased or decreased by more than \$100.00.

20. The Defendant did not report her new employment or wages from that new employment on the online *Periodic Report Form*. (Dept. Exhibit 4) (Department Representative Testimony)
21. On or before [REDACTED] 2024, the Department discovered the Defendant's new employment. (Dept. Exhibit 5)
22. The Department verified the Defendant's hire date and wages from her new employer through a match with Equifax/The Work Number using the Defendant's name and Social Security number. (Dept. Exhibit 5)
23. The Department recalculated the Defendant's SNAP benefits in [REDACTED] 2024 as equaling zero after updating its calculation to incorporate the Defendant's unreported gross wages from her new employer into its SNAP calculation. The Department did not include in its calculation the \$350.00 per month in childcare income affirmed on the online *Periodic Report Form*. (Department Representative Testimony) (Dept. Exhibit 8)
24. The Department seeks recovery of \$291.00 in SNAP benefits issued to the Defendant for [REDACTED] 2024. (Administrative Disqualification Hearing Summary)
25. The Defendant has not previously received a disqualification for an intentional Program violation of the SNAP. (Dept. Exhibit 11)
26. The Defendant is active on SNAP. (Department's Representative Testimony)
27. Title 7, Section 273.16 (e)(2)(iv) of the Code of Federal Regulations ("C.F.R.") provides: "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...."

On [REDACTED] 2024, the Defendant received notification in writing of OLCRAH's scheduling of an administrative disqualification hearing. Therefore, this final decision would become due by [REDACTED], 2024. This decision is timely.

CONCLUSIONS OF LAW

1. Section 17b-2 of the Connecticut General Statutes designates the Department as the state agency for the administration of the supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008.

"If a beneficiary of assistance under the ... , 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) ... , 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” Conn. Gen. Stat. § 17b-88.

Title 7, Section 273.16 (a)(1) of the Code of Federal Regulations (“C.F.R.”) addresses Program disqualification for intentional Program violations with respect to the SNAP and provides in part: “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 [7 C.F.R. § 273.16 (c)]....”

Title 7, Section 273.18 of the Code of Federal Regulations addresses claims against households and the recovery of overissued or trafficked SNAP benefits.

State statute and Federal regulation permit the Department to initiate a SNAP administrative disqualification hearing.

State statute and Federal regulation permit the Department to pursue recovery of overissued SNAP benefits.

2. *“Definition of income.* Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section. (1) Earned income shall include: (i) All wages and salaries of an employee.” 7 C.F.R. § 273.9 (b)(1)(i).

For the purposes of the SNAP, the Defendant’s unreported wages from the new employer are earned income.

3. “Households that do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for the SNAP....” 7 C.F.R. § 273.9 (a).

As a condition of SNAP eligibility, the Defendant’s income could not exceed the Program’s gross income eligibility standards and the net income eligibility standards as her household does not contain an elderly or disabled member.

4. Title 7, Section 273.9 (a)(1)(i) of the Code of Federal Regulations provides that the gross 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.”

The monthly gross and net income eligibility standards for all areas are prescribed in tables posted on the Food and Nutrition Service website, at www.fns.usda.gov/snap.¹ 7 C.F.R. § 273.9 (a)(4).

¹ The 2023 Federal Poverty Standards are published in the Federal Register at 88 FR 3424-3425 (January 12, 2023). The Federal poverty guidelines for a household of one living in Connecticut in 2023 equaled \$14,580 per year.

The Defendant's gross wages of \$1,644.86 in [REDACTED] 2024 exceeded \$1,580.00, or 130 percent of the Federal Poverty Standard for an individual living in Connecticut in 2023.

The Defendant's gross income from her new employment rendered her ineligible to receive SNAP benefits.

5. ***"Reporting when gross income exceeds 130 percent of poverty.*** A household subject to simplified reporting in accordance with paragraph (a)(5)(i) of this section, whether or not 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." 7 C.F.R. § 273.12 (a)(5)(v).

The Department correctly advised the Defendant on [REDACTED] 2023 of the Defendant's obligation to report changes in total gross monthly income once it exceeded \$1,580.00, i.e., 130 percent of the Federal Poverty Level for an individual at the time of the Defendant's most recent SNAP grant or certification.

The Defendant was required to report her new employment and wages to the Department by [REDACTED] 2024, 10 days following the month ([REDACTED] 2024) when her income exceeded \$1,580.00.

6. "Certified change reporting households are required to report the following changes in circumstances: ... (B) A change in the source of income, including starting or stopping a job or changing jobs, if the change in employment is accompanied by a change in income." 7 C.F.R. § 273.12 (a)(1)(i)(B).

The Defendant was required to accurately disclose her new employment and wages on her [REDACTED] 2024 online *Periodic Report Form*.

7. ***"Definition of intentional Program violation.*** Intentional Program violations 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 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).

The Defendant misrepresented facts when she indicated to the Department on her [REDACTED], 2024 online *Periodic Report Form* that her sole source of income was as a childcare provider; the Defendant had been gainfully employed by her new employer since [REDACTED], 2023.

The Defendant committed an intentional Program violation of the SNAP.

8. Title 7, Section 273.16 (b)(1) of the Code of Federal Regulations provides:
- 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:
- (i) 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;
 - (ii) For a period of twenty-four months upon the second occasion of any intentional Program violation, except as provided in paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section; and
 - (iii) Permanently for the third occasion of any intentional Program violation.
- 7 C.F.R. § 273.16 (b)(1).

“The individual must be notified in writing once it is determined that he/she is to be disqualified. The disqualification period shall begin no later than the second month which follows the date the individual receives written notice of the disqualification. The disqualification period must continue uninterrupted until completed regardless of the eligibility of the disqualified individual's household.” 7 C.F.R. § 273.16 (b)(13).

The Department may disqualify the Defendant from participating in the SNAP for 12 months for this first intentional Program violation.

9. “If the State agency discovers that the household failed to report a change as required by paragraph (a) of this section and, as a result, received benefits to which it was not entitled, the State agency shall file a claim against the household in accordance with § 273.18. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if the household's benefits are reduced. A household shall not be held liable for a claim because of a change in household circumstances which it is not required to report in accordance with § 273.12(a)(1). Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the disqualification procedures specified in § 273.16.” 7 C.F.R. § 273.12 (d).

“A recipient claim is an amount owed because of: (i) Benefits that are overpaid....” 7 C.F.R. § 273.18 (a)(1).

“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....” 7 C.F.R. § 273.18 (a)(4)(i).

Title 7, Code of Federal Regulations, Section 273.18 (c)(1)(ii) provides the methodology for the actual steps for calculating a claim that is unrelated to trafficking.

The Defendant received \$291.00 in SNAP benefits for which she was not eligible for the [REDACTED] 2024 service month.

DISCUSSION

The Department established by clear and convincing evidence that the Defendant had committed a first intentional program violation of the SNAP by failing to report her new employment and wages to the Department. The Department may disqualify the Defendant from participating in the SNAP for 12 months and seek recovery of overissued SNAP benefits.

DECISION

The Department's request to disqualify the Defendant from participating in the SNAP for 12 months is GRANTED.

The Department's intention to recover \$291.00 in SNAP benefits for the [REDACTED] 2024 service month is affirmed.

Eva Tar-electronic signature
Eva Tar
Hearing Officer

Cc: Angela Malena, DSS-Fraud Unit
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, 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 his 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.