

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA**

S [REDACTED] C [REDACTED],  
Petitioner,

v.

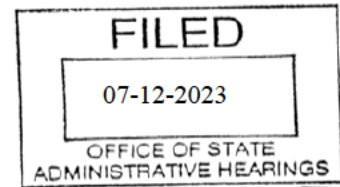
**DHS, DIVISION OF FAMILY AND  
CHILDREN SERVICES,  
Respondent.**

**Docket No.:** [REDACTED]  
[REDACTED]-OSAH-DFCS-FSP-60-Teate

**Agency Reference No.:** [REDACTED]

**FINAL DECISION**

**I. Introduction**



Petitioner disputes Respondent’s proposed recoupment of his Supplemental Nutrition Assistance Program (SNAP) benefits per notice issued March 30, 2023. The evidentiary hearing in this matter was conducted before the undersigned administrative law judge on June 21, 2023. Candice Priest, Esq. represented Petitioner. Lytia Brown, Esq. represented Respondent. After considering the parties’ evidence presented at the hearing, Respondent’s action is **AFFIRMED**.

**II. Findings of Fact**

1. The Court takes official notice of the case of Dep’t of Human Servs. v. C [REDACTED], Docket No. 2308021-OIG-EBTFSF-60-Woodard (hereinafter “administrative disqualification proceeding”).<sup>1</sup>
2. Petitioner was determined to be an intentional program violator on January 11, 2023, based on trafficked benefits that occurred between November 2016 and October 2017.<sup>2</sup> Per corrected

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<sup>1</sup> By order of the Superior Court of Fulton County, the administrative disqualification proceeding was remanded to the Office of State Administrative Hearings “to have a key witness for [the Department of Human Services] be present to authenticate evidence such that the ALJ may rely on that evidence in rendering a final decision.” Order, C [REDACTED] v. Broce, Civil Action File No. 2023CV375979 (June 20, 2023). The Superior Court did not vacate the Corrected Final Decision issued in that case. Moreover, in the present matter, the parties agreed that the disposition reached in the administrative disqualification proceeding was final. Accordingly, the undersigned considers the Corrected Final Decision to be a final disposition for purposes of the present proceeding.

<sup>2</sup> The fair hearing and the administrative disqualification were combined for the purposes of settling the amount

order on January 13, 2023, the repayment claim amount was reduced to \$727.57. Petitioner has not elected to enter a repayment agreement or otherwise pay the claim. (Testimony of Petitioner).

3. Petitioner acknowledges that he is disqualified from SNAP but remains the head of household, or “assistance unit” (AU), consisting of himself and two minor children. He acquired permanent guardianship of the children effective March 30, 2022, and neither of the children resided with him at the time benefits were trafficked. (Testimony of Petitioner; Petitioner Exhibit 2).

4. Petitioner has no earned income. He receives a \$1,460.00 per month subsidy as guardian of the two minors. One of the children receives a \$228.00 per month disability payment from Social Security. Total household income is \$1,688.00 per month. (Testimony of Petitioner).

5. Per notice of decision issued on March 30, 2023, Respondent approved a SNAP allotment of \$67.00 per month for the two minor children, terminated Petitioner’s participation, and initiated a recoupment of \$38.00 per month that reduced the \$67.00 per month food stamp benefit to \$29.00 per month for the two minor children. (Petitioner Exhibit 4).

6. Petitioner contends that the overpayment cannot be recouped from the two remaining eligible members of his household, citing 7 C.F.R. § 273.18(a)(4)(i).

### **III. Conclusions of Law**

1. SNAP is governed by the Food and Nutrition Act of 2008. 7 U.S.C. § 2011 et seq.; 7 C.F.R. § 271.1 et seq. Respondent, the state agency responsible for administering SNAP in

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of the claim and determining whether or not an intentional program violation occurred. Therefore, the household lost its right to a subsequent fair hearing on the amount of the claim. 7 C.F.R. § 273.16(e)(1).

Georgia, is responsible for developing a plan for establishing and collecting claims. See 7 C.F.R. § 273.18(a)(3).<sup>3</sup>

2. An overpayment of food stamp benefits constitutes a debt to the federal government even though the program is administered by the State. 7 C.F.R. § 273.18(a)(2). A recipient claim is created for benefits that are trafficked as well as for those overpaid. 7 C.F.R. § 273.18(a)(1). Although a claim may not be considered delinquent while pending a fair hearing decision, upon a determination of intentional violation, the household is re-notified of the claim and it becomes delinquent if not paid by the due date. 7 C.F.R. § 273.18(a)(1), (e)(6)(i)-(ii). Once a claim is delinquent, various modes of collection are authorized as acceptable forms of payment including reducing benefits prior to or after issuance. 7 C.F.R. § 273.18(f)(1)-(2). Allotment reduction for intentional violation recipient claims is reduced to the greater of \$20 per month or 20 percent of the household's monthly allotment or entitlement. 7 C.F.R. § 273.18(g)(1)(ii). Once a disqualification penalty has been imposed, the period of disqualification shall continue uninterrupted until completed, regardless of the eligibility of the disqualified member's household. 7 C.F.R. § 273.16(e)(8)(iii). The household shall continue to be responsible for repayment of the overissuance that resulted from the disqualified member's violation, regardless of its eligibility for Program benefits. Id. Thus, Respondent is authorized to recover the overpayment through recoupment of the household's SNAP benefits. 7 U.S.C. § 2022(b)(1)(A).

3. The provision cited by Petitioner does not support an alternative outcome. It is true that SNAP regulations limit responsibility for payment of a claim to "[e]ach person who was an adult member of the household when the overpayment or trafficking occurred." 7 C.F.R.

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<sup>3</sup> To this end, it has issued the Benefit Recovery Manual, which contains guidelines for establishing and correcting food stamp benefit overpayments. Dep't of Human Servs., Benefit Recovery Manual Volume IV (MAN3450) [hereinafter Benefit Recovery Manual].

§ 273.18(a)(4)(i). This provision is intended to shield household members who were not involved in the conduct leading to the overpayment from joint and several liability. See 7 U.S.C. § 2022(a)(4). However, it does not prevent the agency from recovering the overpayment from the household. Thus, while the minor children have no personal responsibility for paying the claim, the household remains subject to allotment reduction if the claim has not been paid by the due date and a satisfactory payment arrangement has not been made.

#### **IV. Decision**

Based on the foregoing findings of fact and conclusions of law, Respondent's March 30, 2023 decision to impose an allotment reduction to recoup Petitioner's delinquent debt is **AFFIRMED**.

**SO ORDERED**, this 12th day of July, 2023.

  
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**Steven W. Teate**  
**Administrative Law Judge**

