

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

**DHS, OFFICE OF INSPECTOR  
GENERAL,**

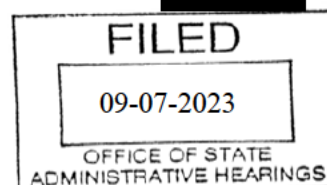
**Petitioner,**

v.

**S [REDACTED] W [REDACTED],<sup>1</sup>  
Respondent.**

**Docket No.:** [REDACTED]  
[REDACTED]-OSAH-OIG-FSF-101-Woodard

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



**FINAL DECISION**

This matter was heard on August 16, 2023, and adjourned to August 30, 2023, for presentation of additional evidence. Respondent represented herself. Petitioner was represented by Angenetta Drake, Investigator, Office of Inspector General, Atlanta. For the reasons set forth below, Respondent's request that the repayment amount found in the Waiver of Disqualification Hearing agreement be reduced is denied, as the Respondent does not have further right to an administrative appeal once she has executed a waiver.

**I. FINDINGS OF FACT**

1. Respondent was charged with an intentional violation of Food Stamp Program rules and regulations by Petitioner. On May 15, 2023, Respondent signed a Waiver of Disqualification Hearing agreement (WDH) in which she is to repay an overpayment claim of \$14,504.00 over a 60-month period. Her monthly payments were set at \$241.73, and if Respondent's household was ineligible for Food Stamps, she was responsible for making payments directly to Petitioner. Respondent also agreed to be disqualified from Food Stamp eligibility for 12 months. (Testimony of Investigator Drake).
2. Respondent's household is currently not receiving Food Stamp benefits because her income exceeds the gross income ceiling. Under the terms of the WDH, Respondent was to begin making monthly payments. Instead, she filed a hearing request in which she sought a reduction in the monthly payment. (Testimony of Drake; Hearing Request, attached to OSAH Form 1).
3. Respondent asserts that she cannot afford to repay the overpayment claim. Based on her hourly wage of \$14.37 and a 40-hour work week, Respondent can be expected to earn gross monthly pay of \$2,490.00. Her monthly rent and a car payment are approximately \$1,750. (Testimony of Respondent).
4. Respondent testified at the first hearing that she was in the process of divorce, and that her child's father would be paying support. She did not know the amount the local Superior Court would order, and the hearing was adjourned so she could provide that

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<sup>1</sup> Although this case is styled as an administrative disqualification hearing, it is actually a Fair Hearing as Respondent has requested an adjustment to the amount of collection following her settlement of a previous intentional program violation matter.

information to the administrative law judge. During the adjourned hearing, Respondent stated that the Superior Court has ordered the father to pay \$1,100.00 per month. (Testimony of Respondent).


## II. CONCLUSIONS OF LAW

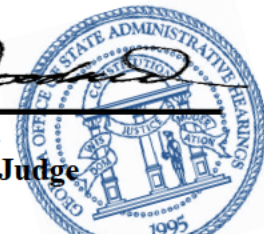
1. The Supplemental Nutrition Assistance Program, or “SNAP,” is also known by its former name, the Food Stamp Program. SNAP is fully federally funded, and the law governing the program is found at 7 U.S. Code 2011 et seq., and 7 Code of Federal Regulations 271 et seq. In Georgia, the daily administration of the program is handled by the Department of Human Services’ Division of Family and Children Services, which has issued unpublished rules for its case managers and administrators to implement.
2. Claims for an overpayment of benefits based on the intentional violation of SNAP regulations are found generally at 7 CFR Part 273.16. Once the head of a household is notified by Petitioner of an allegation of an intentional program violation, the head of household may enter into an agreement to waive a hearing on Petitioner’s proposed disqualification from the program and the household’s liability to repay the overpayment claim. 7 CFR Part 273.16(f). Once the head of household signs the waiver agreement, however, in Georgia there is no further right to an administrative hearing before an administrative law judge.<sup>2</sup> The only remedy available to a party contesting the terms of the WDH is in Superior Court, which is the sole court of competent jurisdiction in Georgia for matters of equity and modification of contracts. See O.C.G.A. 23-1-1.
3. Even if the administrative court had jurisdiction to review and possibly modify the WDH, the facts in this case do not support a downward adjustment in the repayment amount. Respondent’s monthly wages are approximately \$2500, and her monthly child support will be \$1100. She has sufficient income to meet her repayment to Petitioner of \$241.73 per month.

## III. DECISION

As the Respondent does not have further appeal rights after agreeing to waive her right to a disqualification hearing, and as the administrative court does not have equity jurisdiction to modify the terms of the Waiver of Disqualification Hearing agreement, Respondent’s hearing request is **DISMISSED**.

**SO ORDERED, this 7th day of September 2023.**

  
**M. Patrick Woodard**  
**Administrative Law Judge**



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<sup>2</sup> **7 CFR Part 273.16(f)(2) (ii)**: No further administrative appeal procedure exists after an individual waives his/her right to an administrative disqualification hearing and a disqualification penalty has been imposed. The disqualification penalty cannot be changed by a subsequent fair hearing decision. The household member, however is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay by a court of appropriate jurisdiction or other injunctive remedy.