

STATE OF RHODE ISLAND  
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES  
APPEALS OFFICE

Department of Human Services

V.

DOCKET No. 24-3102

██████████

**DECISION**

**I. INTRODUCTION**

A telephonic hearing on the above-entitled matter was conducted by an Administrative Disqualification Hearing Officer on June 20, 2024, at 9:00 AM. The Department of Administration, Office of Internal Audit, Fraud Unit (hereinafter the “Agency”), on behalf of the Department of Human Services (hereinafter “DHS”), initiated this matter for an Administrative Disqualification Hearing and held to examine the charge that the Respondent, ██████████ (hereinafter “Respondent”), committed an Intentional Program Violation (IPV) of the Supplemental Nutrition Assistance Program (SNAP). The Agency argues that the Respondent committed an IPV by misusing his SNAP benefits because he allowed several people to use his SNAP benefits, who were neither members of his SNAP household nor his authorized representatives, on six separate occasions occurring during the period of January 28, 2023, through April 7, 2023. The Agency is seeking that the Respondent be charged with an IPV and be disqualified from SNAP for a period of 12 months. For the reasons discussed in more detail below, the Administrative Disqualification Hearing has been decided in favor of the Agency.

**II. JURISDICTION**

The Executive Office of Health and Human Services (hereinafter “EOHHS”) is authorized and designated by R.I.G.L. § 42-7.2-6.1 and EOHHS regulation 210-RICR-10-05-2 to be the entity responsible for appeals and hearings related to human services. The Administrative Hearing was held in accordance with the Administrative Procedures Act, R.I.G.L. § 42-35.1 et seq., and EOHHS regulation 210-RICR-10-05-2.

**III. ISSUE**

Did the Respondent commit a SNAP IPV by intentionally misusing his SNAP benefits?

**IV. STANDARD OF PROOF**

The Administrative Disqualification Hearing Officer is required to carefully consider the evidence and determine by clear and convincing evidence if an IPV occurred. The Agency’s burden to support claims with clear and convincing evidence requires that they present clear, direct, and convincing facts that the Hearing Officer can accept as highly probable. See (7 C.F.R. §273.16(e)(6)).

**V. PARTIES AND EXHIBITS**

Present for the Agency was Fraud Internal Auditor, Timiothy Lackie (hereinafter “Auditor Lackie”). Auditor Lackie investigated the Respondent’s case and provided testimony based on the facts established in determining an IPV of the SNAP regulations. The Agency offered the following exhibits as evidence at the hearing:

Exhibit #1: EBT Transactions Details for EBT Card Ending in [REDACTED] Date: February 12, 2023.

Exhibit #1A: EBT Edge Telephone Balance Inquiry for EBT Card Ending in [REDACTED] Date: February 12, 2023.

Exhibit #1B: Telephone Detail Report for [REDACTED] (hereinafter “[REDACTED]”).

Exhibit #2: Film from Purchase at Market Basket, Date: February 12, 2023.

Exhibit #2A: Receipt from Market Basket, Date: February 12, 2023, and Three (3) Still Photos of [REDACTED] at Market Basket, Date: February 12, 2023.

Exhibit #2B: EBT Transaction Detail for EBT Card Ending in [REDACTED] Date: February 12, 2023.

Exhibit #2C: Rhode Island DMV License Photos for the Respondent, [REDACTED] [REDACTED] [REDACTED] (hereinafter ' [REDACTED] and [REDACTED] (hereinafter ' [REDACTED]

Exhibit #3: EBT Transaction Record for EBT Card Ending in [REDACTED] Date Range: January 1, 2023, to April 19, 2023.

Exhibit #3A: Telephone Detail Report for [REDACTED] and [REDACTED]

Exhibit #3B: Rhode Island Bridges Telephone Numbers for [REDACTED] and [REDACTED]

Exhibit #4: DHS-2 Application for [REDACTED], Signed by [REDACTED] on January 13, 2023.

Exhibit #5: Film from January 28, 2023, Transaction at Price Rite.

Exhibit #5A: Receipt from January 28, 2023, Transaction at Price Rite.

Exhibit #5B: EBT Transaction Detail for EBT Card Ending in [REDACTED] Date January 28, 2023.

Exhibit #5C: Still Photo of [REDACTED] and [REDACTED] at Price Rite.

Exhibit #6: Film from January 29, 2023, Transaction at Stop & Shop.

Exhibit #6A: Receipt from January 29, 2023, February 11, 2023, Stop & Shop.

Exhibit #6B: EBT Transaction Detail for EBT Card Ending in [REDACTED] Date January 29, 2023.

Exhibit #6C: Still Photo of [REDACTED] at Stop & Shop.

Exhibit #7: Film from February 11, 2023, of [REDACTED] and [REDACTED] at BJ's.

Exhibit #7B: Receipt from February 11, 2023, Transaction at Price Rite.

Exhibit #7C: EBT Transaction Detail for EBT Card Ending in [REDACTED] Date February 11, 2023.

Exhibit #7D: Still Photo of [REDACTED] [REDACTED] and [REDACTED].

Exhibit #7E: DMV License Photo of [REDACTED].

Exhibit #8: Film from March 3, 2023, of Unknown Woman at Market Basket.

Exhibit #8A: Receipt from Market Basket from March 3, 2023, and a Still Photo of Unknown Woman at Market Basket on March 3, 2023.

Exhibit #8B: EBT Transaction Detail for EBT Card Ending in [REDACTED] Date March 3, 2023.

Exhibit #9: Film from April 7, 2023, Transaction at Stop & Shop.

Exhibit #9A: EBT Transaction Detail for EBT Card Ending in [REDACTED] Date April 7, 2023.

Exhibit #9B: Receipt from April 7, 2023, Transaction at Stop & Shop.

Exhibit #9C: Still Photo of [REDACTED] [REDACTED] and an Unknown Woman.

Exhibit #10: September 5, 2023, Voice Recording of [REDACTED] [REDACTED] and [REDACTED].

Exhibit #10A: Rhode Island General Laws: §11-35-21 et seq.

Exhibit #10B: IPV Search and Electronic Disqualified Recipient System (eDRS) Results for [REDACTED]

Exhibit #11: September 5, 2023, Voice Recording of the Respondent and [REDACTED] Speaking with Auditor Lackie.

Exhibit #11A: SNAP Packet, Date: March 29, 2024.

Exhibit #12: Benefit Decision Notice, Date: January 20, 2023.

Exhibit #13: 218-RICR-20-00-1.9(C). Definition of an Intentional Program Violation.

Exhibit #14: eDRS Results for the Respondent.

Exhibit #15: Rhode Island Bridges Individual Summary Screen for the Respondent.

Exhibit #16: Relevant Rhode Island Regulations.

The Respondent did not attend the hearing. In accordance with 7 C.F.R. §273.16(e)(4) and 218-RICR-20-00-1.22(K)(13), the hearing was conducted without the Respondent present or represented.

#### **VI. RELEVANT LAW/REGULATIONS**

An IPV is defined as intentionally making false or misleading statements, or misrepresenting, concealing, or withholding facts, or committing 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.” See (7 C.F.R. §273.16(c)). To determine whether an IPV has occurred, 7 C.F.R. §273.16(e)(6), requires the State agency to conduct an Administrative Disqualification Hearing to determine whether there is clear and convincing evidence that an IPV occurred.

Similarly, Rhode Island state counterpart, 218-RICR-20-00-1.9, provides that the “Fraud Unit is 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.” It further provides that “Administrative disqualification procedures or referral for prosecution action be initiated whenever there is sufficient documentary evidence to substantiate” that an IPV occurred.

If there is a finding that there was an IPV, the disqualification penalty for the violation is twelve (12) months for the first (1<sup>st</sup>) violation. See (7 C.F.R. §273.16(b)(1)(i)).

A household can consist of an individual living alone, an individual living with others but customarily purchasing food and preparing meals for home consumption separate and apart from others, or a group of individuals who live together and customarily purchase food and prepare meals together for home consumption. See (218-RICR-20-00-1.2.1(A) et seq.).

An authorized representative is a person designated by the head of the household or the spouse, or any other responsible member of the household to act on behalf of the household in applying for program benefits or using SNAP benefits. See (218-RICR-20-00-1.2.11(A)(a)).

## **VII. FINDINGS OF FACT**

1. The Agency began an investigation of [REDACTED] on November 17, 2022, after it received a report on the Agency's hotline claiming that he was trafficking SNAP EBT benefits. That investigation led to an investigation of the Respondent because the same person that was attempting to use [REDACTED] SNAP EBT benefits, also utilized the Respondent's SNAP EBT benefits.
2. [REDACTED] attempted to utilize [REDACTED] SNAP EBT benefits on February 12, 2023, at a Market Basket in Johnston, Rhode Island, but he was unsuccessful. [REDACTED] then utilized the Respondent's SNAP EBT Card to complete his transaction. Auditor Lackie used the EBT Transactions Details for EBT Card Ending in [REDACTED] the Date: February 12, 2023, the EBT Edge Telephone Balance Inquiry for EBT Card Ending in [REDACTED] the Date: February 12, 2023, the Telephone Detail Report for [REDACTED] the Film from Purchase at Market Basket, the Date: February 12, 2023, a Receipt from Market Basket, the Date: February 12, 2023, and Three (3) Still Photos of [REDACTED] at Market Basket, Date: February 12, 2023, the EBT Transaction Detail for EBT Card Ending in 0935, Date: February 12, 2023, and the Rhode Island DMV License Photos for the Respondent, [REDACTED], [REDACTED], and [REDACTED] as evidence to show that [REDACTED] improperly utilized \$150.00 of the Respondent's SNAP EBT benefits to purchase food, without the Respondent being present.
3. Auditor Lackie examined the Respondent's SNAP EBT account ending in [REDACTED] from January 1, 2023, to April 19, 2023. Auditor Lackie discovered that three telephone numbers were predominantly making balance inquiries into the Respondent's account. These telephone numbers were [REDACTED], [REDACTED], and [REDACTED]. Auditor Lackie utilized the

Telephone Detail Report for [REDACTED] and [REDACTED] and the Telephone Detail Report for [REDACTED] to show that [REDACTED] is associated with [REDACTED] [REDACTED] is associated with [REDACTED] and [REDACTED] is associated with [REDACTED]. Along with the Telephone Detail Reports, Auditor Lackie utilized the EBT Transaction Record for EBT Card Ending in [REDACTED] Date Range: January 1, 2023, to April 19, 2023, and the Rhode Island Bridges Telephone Numbers for [REDACTED] and [REDACTED] to show that [REDACTED] [REDACTED] and [REDACTED] were frequently checking the Respondent's SNAP EBT balance for his EBT Card Ending in [REDACTED] during the January 1, 2023, to April 19, 2023, period.

4. The Respondent's SNAP application, signed on January 13, 2023, shows that his SNAP household consists only of himself. Neither [REDACTED] [REDACTED] nor [REDACTED] are listed as either household members or authorized representatives in the Respondent's SNAP case. Page 31 and 32 of the SNAP Application signed by the Respondent contains the SNAP Penalty Warnings, instructing the Respondent not to trade or sell EBT cards or to use someone else's EBT card for his household. The SNAP Penalty Warnings also state that any member of the household who intentionally breaks a SNAP rule will be barred from the SNAP for a period of one (1) year for the first violation, for a period of two (2) years after the second violation, and permanently for the third occasion of any intentional program violation.
5. Auditor Lackie used the Film from January 28, 2023, Transaction at Price Rite, the Receipt from January 28, 2023, Transaction at Price Rite, the EBT Transaction Detail for EBT Card Ending in [REDACTED] Date January 28, 2023, and the Still Photo of [REDACTED] and [REDACTED] at Price Rite, as evidence to show that [REDACTED] and [REDACTED] spent \$240.75 of the Respondent's SNAP EBT benefits at a Price Rite in Providence, without the Respondent being present on January 28, 2023.
6. Auditor Lackie used the Film from January 29, 2023, Transaction at Stop & Shop, the Receipt from January 29, 2023, Transaction at Stop & Shop, the EBT Transaction Detail for EBT Card Ending in [REDACTED] Date January 29, 2022, and the Still Photo of [REDACTED] at Stop &

- Shop, to show that [REDACTED] used \$72.24 of the Respondent's SNAP EBT benefits at a Stop & Shop in Cranston, without the Respondent being present on January 29, 2023.
7. Auditor Lackie used the Receipt from February 11, 2023, Transaction at Price Rite, the EBT Transaction Detail for EBT Card Ending in [REDACTED] Date February 11, 2023, and the Still Photo of [REDACTED] [REDACTED] and [REDACTED], as evidence to show that [REDACTED] and [REDACTED] used \$226.13 of the Respondent's SNAP EBT benefits at a Price Rite in Providence, without the Respondent being present on February 11, 2023.
  8. Auditor Lackie used the Film from March 3, 2023, of Unknown Woman at Market Basket, the Receipt from Market Basket from March 3, 2023, a Still Photo of Unknown Woman at Market Basket on March 3, 2023, and the EBT Transaction Detail for EBT Card Ending in [REDACTED] Date March 3, 2023, to show that an unknown woman used \$244.47 of the Respondent's SNAP EBT benefits at a Market Basket in Warwick, without the Respondent being present, on March 3, 2023.
  9. Auditor Lackie used the Film from April 7, 2023, Transaction at Stop & Shop, the EBT Transaction Detail for EBT Card Ending in [REDACTED] Date April 7, 2023, the Receipt from April 7, 2023, Transaction at Stop & Shop, and the Still Photo of [REDACTED] [REDACTED] and an Unknown Woman, to show that the [REDACTED] [REDACTED] and an unknown woman, used \$199.94 of the Respondent's SNAP EBT benefits at a Market Basket in Attleboro, Massachusetts, without the Respondent being present, on April 7, 2023.
  10. From January 1, 2023, to April 7, 2023, \$1133.53 of the Respondent's SNAP EBT benefits were utilized by several people that were neither members in the Respondent's SNAP household nor his authorized representatives.
  11. On September 5, 2023, Auditor Lackie and two other auditors spoke with [REDACTED] [REDACTED] and [REDACTED] at the Internal Audits Conference Room. The September 5, 2023, Voice Recording of [REDACTED] [REDACTED] and [REDACTED], shows that during the conversation, [REDACTED] stated that her friends would give her their SNAP EBT cards and PIN numbers so



that she could go to stores and use their SNAP EBT cards to purchase food. [REDACTED] further stated that the Respondent gave her his SNAP EBT card to use. [REDACTED] stated that anyone who let her use their SNAP EBT card had an open invitation to come by her house to eat food.

12. Auditor Lackie utilized the IPV Search and Electronic Disqualified Recipient System (eDRS) Results for [REDACTED] to show that she was permanently disqualified from participating in the SNAP program as of 1991, after committing three intentional program violations (IPVs) between 1984 and 1991.
13. DHS sent the Respondent the Benefit Decision Notice, Date: January 20, 2023, stating that his SNAP benefits were approved as of December 27, 2022. Page seven (7) and eight (8) of the Benefit Decision Notice contained the SNAP disqualification penalties and instructed the Respondent not to trade or sell EBT cards or to use someone else's EBT card for his household.
14. The Agency issued a SNAP packet containing a cover letter, Waiver of Right to ADH, and Waiver Agreement to the Respondent at his last-listed mailing address of [REDACTED], on or about March 27, 2024. That notice stated that the Respondent's case would be referred to the claims, collection, and recovery unit at DHS.
15. Auditor Lackie spoke with the Respondent on April 3, 2024. Auditor Lackie utilized the September 5, 2023, Voice Recording of the Respondent and [REDACTED] Speaking with Auditor Lackie, to show that the Respondent stated that he stayed at [REDACTED] home a couple of times, he gave his SNAP EBT card to [REDACTED] and he would ask her to cook for him. The Respondent also stated that he eventually lost track of his SNAP EBT card. The Respondent stated that he gave [REDACTED] permission to use his SNAP EBT card twice.
16. Auditor Lackie scheduled an in-person meeting with the Respondent for April 10, 2024, but the Respondent did not appear for that meeting.
17. The Respondent did not return a signed Waiver of Right to ADH Agreement to the Agency.

18. The Agency ran the Respondent through the eDRS and determined that there were no previous SNAP program violations on the respondent's record. As such this would constitute the Respondent's first SNAP IPV.
19. On May 14, 2024, an Advance Notice of Administrative Disqualification Hearing ("RIFS-121C") was sent by first class mail to the Respondent's address of record to inform him of the hearing scheduled to be heard telephonically on June 20, 2024, at 9:00 AM. The Advance Notice of Administrative Disqualification Hearing stated the alleged SNAP violation and the disqualification penalty.

### **VIII. DISCUSSION**

An IPV is defined as intentionally making false or misleading statements, or misrepresenting, concealing, or withholding facts, or committing 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.

Auditor Lackie testified that the Respondent intentionally violated a SNAP program rule, when he transferred his EBT card to other individuals that were not part of his SNAP household. The Respondent gave up physical control of his SNAP EBT card and shared his PIN number with individuals that were neither part of his SNAP household, nor his authorized representatives. These individuals utilized the Respondent's SNAP EBT benefits for themselves, which is a violation of a SNAP program rule. It is the Agency's position that the Respondent misused his SNAP EBT benefits and therefore he should be found to have committed an IPV and he should be disqualified from the SNAP for a period of one (1) year.

The application for SNAP that was signed by the Respondent on January 13, 2023, and the Benefit Decision Notice, Date: January 20, 2023, clearly stated the SNAP Penalty Warnings and explained the penalties for an IPV. These two documents also clearly stated that using someone else's EBT card was not permitted. The evidence is clear and convincing that the Respondent was informed of

his rights and responsibilities, which included the duty to use his SNAP EBT benefits only for his own nutritional needs and to not transfer his SNAP EBT benefits to someone else.

In the September 5, 2023, Voice Recording of the Respondent and [REDACTED], when the Respondent spoke with Auditor Lackie he admitted that he gave his SNAP EBT card to [REDACTED] so that she could use it to purchase food. The Respondent stated that he gave her permission to do this on at least two occasions and that he later lost track of his SNAP EBT card. The Respondent did not make any attempt to retrieve his SNAP EBT card, nor did he report his missing SNAP EBT Card to DHS so that it could be deactivated and replaced. [REDACTED] admitted to Auditor Lackie that her friends would give her their SNAP EBT cards and their PIN numbers so that she could go to the store and buy food. [REDACTED] also admitted that the Respondent gave her his SNAP EBT card so that she could buy food with it. [REDACTED] statement to Auditor Lackie that anyone who let her use their SNAP EBT card had an open invitation to come by her house to eat food is not credible as she is permanently barred from participating in the SNAP due to committing three IPV's. The evidence provided by Auditor Lackie is clear and convincing that the Respondent allowed other people to use his SNAP EBT card that were neither part of his SNAP household nor his authorized representatives, these people used his SNAP EBT card on six separate occasions between January 28, 2023; and April 7, 2024, and this was an intentional violation of a SNAP rule.

#### **IX. CONCLUSION OF LAW**

After careful review of the testimony and evidence present at the administrative hearing, this Appeals Officer concludes that:

1. The Respondent intentionally gave his SNAP EBT card to someone outside of his SNAP household who was not his authorized representative.
2. The Respondent was clearly informed that it was a SNAP violation for someone to use someone else's EBT card.
3. The Respondent's actions constitute an IPV.

4. This is the Respondent's first violation of the SNAP.

**X. DECISION**

Based on the foregoing findings of fact, conclusions of law, evidence, and testimony it is found that a final order of an IPV against the Respondent be issued and that a one (1) year bar be implemented.

**THE AGENCY'S INTENTIONAL PROGRAM VIOLATION CHARGE IS GRANTED.**

*/s/ Jack Peloquin*

Jack Peloquin

Administrative Disqualification Hearing Officer

**NOTICE OF APPELLATE RIGHTS**

This final order constitutes a final order of the Department of Human Services pursuant to RI General Laws §42-35-12. Pursuant to RI General Laws §42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such an appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.

**CERTIFICATION**

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to  
[REDACTED]; copies were sent, via email, to Timothy  
Lackie, Kimberly Seebeck, Brittny Badway, Denise Tatro, Bethany Caputo, and Iwona Ramian, Esq., on  
this 27 day of June, 2024.

Ethan Lopes