

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

RI DEPARTMENT OF HUMAN SERVICES

v.

DOCKET No. 24-3227

██████████

**DECISION**

**I. INTRODUCTION**

A telephonic hearing on the above-entitled matter was conducted by an Administrative Disqualification Officer on June 25, 2024. The Department of Administration, Office of Internal Audit, Fraud Unit (“Agency”) on behalf of the RI Department of Human Services (“DHS”) initiated this matter to an Administrative Disqualification Hearing to examine the charge that ██████████ (“Respondent”) committed an Intentional Program Violation (“IPV”) of the Supplemental Nutrition Assistance Program (“SNAP”) regulations. The Agency argues that the Respondent did not report earned income. The Agency is seeking that the Respondent be charged with an IPV for the period March 11, 2019, through August 31, 2019, and be disqualified from SNAP for a period of twelve (12) months. For the reasons discussed in more detail below, the Administrative Disqualification Hearing has been decided in the Agency’s favor.

## **II. JURISDICTION**

The Executive Office of Health and Human Services (“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 DHS Programs. 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**

The issue is whether the Respondent committed a SNAP IPV by intentionally making a false statement, or by misrepresenting, concealing, or withholding facts to receive SNAP benefits she was not entitled to, in accordance with Federal and Departmental Policy as set forth below.

## **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.

## **V. PARTIES AND EXHIBITS**

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

- Exhibit #1: A copy of the Respondent’s Marriage license.
- Exhibit #2: A copy of [REDACTED] (“daughter”) Birth Certificate.
- Exhibit #3: A copy of [REDACTED] (“son”) Birth Certificate.

- Exhibit #4: Experian records generated “CLEAR,” an address verification database (“CLEAR”) states an address history for the Respondent, from February 18, 2017, through September 12, 2022.
- Exhibit #5: CLEAR states an address history for [REDACTED] (“spouse”) January 2017, with no end date.
- Exhibit #6: CLEAR states an address history for the Respondent’s son, from June 18, 2017, through December 19, 2020.
- Exhibit #7(A), #7(B) and #7(C): Facebook photo posts of both Respondent and spouse posing for pictures together.
- Exhibit #8: The Respondent’s spouse AP50B employment verification forms completed by [REDACTED], stating a hire date of September 12, 2016.
- Exhibit #9: The Respondent’s son AP50B employment verification form completed by [REDACTED], stating a hire date of November 21, 2016.
- Exhibit #10: The Respondent’s AP50B employment verification form completed by [REDACTED], stating a start date of employment in 2018.
- Exhibit #11: The Respondent’s spouse Earning statements from [REDACTED] [REDACTED] stating a hire date of May 14, 2018.
- Exhibit #12: An Employment and Income Report from The Work Number for the Respondent’s son states active employment at [REDACTED] since January 15, 2018.

- Exhibit #13: SNAP Six-Month Interim Report (“SNAP IR”) dated January 08, 2017.
- Exhibit #14: Case note from Eligibility Technician (“ET”) Lisa Carter dated February 27, 2017.
- Exhibit #15: Benefit Decision Notice (“BDN”) dated February 27, 2017.
- Exhibit #16: SNAP IR dated July 08, 2017.
- Exhibit #17: BDN dated September 10, 2017.
- Exhibit #18: SNAP Recertification (“SNAP Recert”) dated January 1, 2018.
- Exhibit #19: BDN dated March 1, 2018.
- Exhibit #20: SNAP IR dated July 08, 2018.
- Exhibit #21: Case note from ET Robert Paliotta dated July 31, 2018.
- Exhibit #22: BDN dated July 31, 2018.
- Exhibit #23: SNAP Recert dated January 1, 2019.
- Exhibit #24: Case note from ET Patricia Villeneuve dated January 25, 2019.
- Exhibit #25: BDN dated January 25, 2019.
- Exhibit #26: Application for Assistance (“DHS-2”) for the Respondent requesting SNAP benefits dated August 8, 2019.
- Exhibit #27: Case note from ET Kimberly Johnson dated August 8, 2019.
- Exhibit #28: BDN dated August 9, 2019.
- Exhibit #29: DHS-2 for the Respondent’s spouse requesting SNAP benefits for himself dated September 24, 2019.
- Exhibit #30: DHS-2 for the Respondent requesting SNAP benefits for herself and spouse dated September 24, 2019

- Exhibit #31: Case note from ET Wilson Luther dated September 24, 2019.
- Exhibit #32: Second case note from ET Wilson Luther dated September 24, 2019.
- Exhibit #33: BDN dated September 24, 2019.
- Exhibit #34: Electronic Disqualified Recipient System (“eDRS”) stating no previous SNAP disqualifications for the Respondent.
- Exhibit #35: Individual Household verification printout.
- Exhibit #36: Cited excerpts from the RI Code of Regulations for SNAP 218 RICR 20-00-1 § 1.9.3, §1.9(C) and C.F.R § 273.16 (C).
- Exhibit #37: An Important SNAP Notice (“SNAP Packet”) dated March 29, 2024, was mailed to the Respondent at [REDACTED].

The Respondent, [REDACTED], attended the telephonic hearing and testified on her own behalf. The Respondent did not provide any documentary evidence.

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

7 C.F.R. §273.16, entitled “Disqualification for Intentional Program Violation (IPV)” (c), defines an IPV as intentionally making false or misleading statement, 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.” To determine whether an intentional program violation has occurred, 7 C.F.R. §273.16(e)(6), requires the State Agency to conduct an administrative disqualification hearing and to determine whether there is clear and convincing evidence that an IPV occurred.

Similarly, the Rhode Island regulation 218-RICR-20-00-1 §1.9, entitled “Intentional Program Violations” (A) provides that the Office of Internal Audit is responsible for

investigating any case of alleged intentional program violation and ensuring the appropriate cases are acted upon through an Administrative Disqualification Hearings whenever there is sufficient documentary evidence to substantiate that an individual has committed IPV. Like its federal counterpart, the R.I regulation §1.9(B) requires that “clear and convincing evidence” demonstrates that the household member(s) committed or intended to commit an IPV, as defined in §1.9(C).

Per Rhode Island regulation 218-RICR-20-00-1 §1.9(A)(3)(c)(1), and Federal Regulation 7 C.F.R. §273.16(b)(1)(i), if there is a finding that an IPV occurred, the disqualification penalty for the first violation is one (1) year.

## **VII. FINDINGS OF FACT**

1. Auditor Proulx testified that the Fraud Unit received a referral from DHS on January 25, 2019, claiming that the Respondent received SNAP benefits while not reporting her correct household composition and income. As a result, an investigation commenced into Respondent’s SNAP case. The Respondent’s SNAP case consists of herself, her daughter and son, a household of three (3). Auditor Proulx testified that her case should have reflected a household of four (4) consisting of herself, her spouse, and two (2) children in common based on their birth certificates. She cited SNAP regulation 218-RICR-20-00-1.2.1(A), which defines a general household as “A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.”

2. The AP50B verification form shows that the Respondent’s spouse was hired at [REDACTED] on September 12, 2016, and terminated as of December 7, 2017. The paper filed did not contain payroll information. His address is listed as [REDACTED].

3. The AP50B verification form shows that the Respondent’s son was hired at [REDACTED]

██████████ on November 21, 2016, and ended employment as of January 11, 2018. The paper filed did not contain payroll information. His address is listed as ██████████.

4. The AP50B verification form shows that the Respondent was hired at ██████████ in 2018, and termination date as of March 14, 2020. A comment on the verification form states they were unable to access her weekly earnings breakdown. As a result, the SWICA results was also submitted as Auditor Proulx was not able to retrieve the precise dates and income amounts. Her address is listed as ██████████.

5. The earnings statement form shows that the Respondent's spouse was hired at ██████████ on May 14, 2018, and ended employment as of November 27, 2019. He received his first weekly paycheck on May 31, 2018, and his last paycheck on November 27, 2019. His address is listed as ██████████.

6. The work number verification shows that the Respondent's son was hired at ██████████ on January 15, 2018, and is still currently employed. He received his first weekly paycheck on January 26, 2018. His address information was not provided on the report.

7. The Respondent's CLEAR report states her reported address of ██████████ from February 18, 2017, until September 12, 2022. The Respondent's spouse's CLEAR report states his reported address of ██████████ from January 2017, with no end date. The Respondent's son's CLEAR report also states his reported address of ██████████ from June 18, 2017, until December 19, 2020.

8. On February 6, 2017, DHS received the Respondent's SNAP IR. Page 1 explains what is required to continue to receive SNAP benefits. Page 2, asks, about changes that have occurred to her household composition. There is a chart that lists current household members. The chart listed herself, her daughter and son. The Respondent checks off the box that says "yes,

changes reported below” and writes in that her son left the home on January 23, 2017. Page 3, the client is asked to complete the chart below to add any new household members. This chart is left blank, and she fails to report that her spouse is in the household. Pages 3 also asks about Job Income. Two (2) charts are provided one (1) asks, “Do these people still have the following job income?” and the other “Changes to Job Income: “You must tell us if a household member changed, started, or ended a job, and if it led to a change in income.” Both charts have lines drawn through them indicating this information is not applicable to her. Page 6 “PENALTIES FOR PERJURY” provides that “Under penalty of perjury, I attest that all of my answers on this form are correct and complete to the best of my knowledge. I understand I am breaking the law if I purposely give wrong information and can be punished under federal law, state law, or both.” The Respondent signed the SNAP IR on January 31, 2017.

9. Auditor Proulx testified that the Respondent did not include her spouse in her household on the SNAP IR. Additionally, she testified that the Respondent did not disclose any income for her spouse or her son income from [REDACTED].

10. ET Carter entered a case note on February 27, 2017, stating “a phone call was placed, Worker submitted SNAP for eligibility and the notice indicates that there is no shelter expense when in fact there is a monthly rental expense of \$700.00. The client submitted shelter increase on February 14, 2017, she will only see the possible increase for March 2017 going forward.”

11. A BDN dated February 27, 2017, was mailed to the Respondent stating her SNAP benefits are changing. Page 2 informs her of the SNAP benefit amount for her household of three (3), eligibility period, and SNAP certification period. Page 3 states, “Changes You Must Report for SNAP: You must tell us if your household's gross monthly income (before taxes) is more



than \$2184.00. You must tell us no later than 10 days after the end of the month when your income went up. You also need to fill out an interim report form. We will send you more information in July 2017.” Pages 6 through 8 explains her RIGHTS, RESPONSIBILITIES, and the SNAP PENALTY WARNINGS. Specifically, “You have a RESPONSIBILITY to supply accurate information about your income, resources and living arrangements on this application.” The SNAP PENALTY WARNINGS states in part, that any member of a household who intentionally breaks a SNAP rule will be barred from SNAP from one (1) year to permanently. Additionally, it states “DO NOT lie or hide information to continue to get or continue to get SNAP benefits that your household should not get.”

12. On July 31, 2017, DHS received the Respondent’s SNAP IR. Page 2, Current Household Members asks, “Are these people still living in your home?” The chart listed herself, her daughter and son, she confirms that there are no changes to the household composition. Page 3 provides a chart where new household members can be written in the chart is left blank. Page 3 also asks about Job Income, “Do these people still have the following job income?” The chart shows \$0.00, and no changes is checked off. Page 6 “PENALTIES FOR PERJURY” “Under penalty of perjury, I attest that all of my answers on this form are correct and complete to the best of my knowledge. I understand I am breaking the law if I purposely give wrong information and can be punished under federal law, state law, or both.” The Respondent signed the SNAP IR on July 25, 2017, under the PENALTIES FOR PERJURY, certifying that her answers were correct and complete to the best of her knowledge.

13. On September 10, 2017, a BDN was mailed to the Respondent stating her SNAP benefits have changed effective October 1, 2017. Pages 3 through 6 again explains her RIGHTS, RESPONSIBILITIES, and the SNAP PENALTY WARNINGS.

14. On February 21, 2018, DHS received the Respondent's SNAP Recertification. On page 3 list the Respondent, her daughter and son as household members who are recertifying for SNAP benefits. Page 5 asks about new household members and a chart is provided. The chart is left blank. Page 6 asks about income from work and a chart is provided. The entire page is left blank, and nothing is checked off. Page 10 the Respondent signs under penalty of perjury that her answers were complete and true, and that if she failed to provide complete and true answers, she would be breaking the law and would be subject to penalty by signing on the applicant or recipient line. The SNAP recertification form is signed February 16, 2018.

15. A BDN dated March 1, 2018, was mailed to the Respondent stating her SNAP benefits are being renewed. Page 2 informs her of the SNAP benefit amount for her household of three (3), eligibility period, and SNAP certification period. Page 2 also states, "Changes You Must Report for SNAP: You must tell us if your household's gross monthly income (before taxes) is more than \$2213. You must tell us no later than 10 days after the end of the month when your income went up. You also need to fill out an interim report form. We will send you more information in July of 2018. Pages 4 through 7 explains her RIGHTS, RESPONSIBILITIES, and the SNAP PENALTY WARNINGS.

16. On July 31, 2018, DHS received the Respondent's SNAP IR. Page 2 list the Respondent, her daughter and her son and asks are these people still living in your home. She checks the box confirming all members as still in the home.

17. ET Paliotta entered a case note on July 31, 2018, stating SNAP IR was completed and no changes were reported.

18. On July 31, 2018, a BDN was mailed to the Respondent stating her SNAP benefits will be continuing as of September 1, 2018. Pages 5 and 6 explains her RIGHTS,

RESPONSIBILITIES and SNAP PENALTY WARNINGS.

19. On January 22, 2019, DHS received the Respondent's SNAP Recertification On page 3 list the Respondent, her daughter and son as household members who are recertifying for SNAP benefits. Page 5 asks about new household members and a chart is provided. The chart is left blank. Page 6 asks about income from work and a chart is provided. The entire page is left blank, and nothing is checked off. Page 10 the Respondent signs under penalty of perjury that her answers were complete and true, and that if she failed to provide complete and true answers, she would be breaking the law and would be subject to penalty by signing on the applicant or recipient line. The SNAP recertification form is signed December 29, 2018.

20. ET Villeneuve entered a case note on January 25, 2019, stating "During recert client stated neither of her children were working or going to school. Per the work number, [REDACTED] has been working at [REDACTED] since January of 2018. Added all month's income over payment should be from January 20, 2018. System only counting from December 2018".

21. On January 25, 2019, a BDN was mailed to the Respondent stating her SNAP benefits will be ending as of February 28, 2019, because the household is not eligible as the income exceeds the limit for the program.

22. DHS received the Respondents SNAP application on August 8, 2019, requesting benefits for herself. Page 1 states her name, address, and phone number. She signed and dated the form as required. She continued to complete the application with all the pertinent information required at the time. Page 26 states "I HAVE READ OR HAD EXPLAINED TO ME MY RIGHTS AND RESPONSIBILITIES AND UNDERSTAND THAT I MAY KEEP A COPY OF THE RIGHTS AND RESPONSIBILITIES (LISTED ON PAGES 28-32)." The Respondent checked "YES". Pages 31 through 32 explain the SNAP PENALTY WARNINGS and the

consequences for intentionally breaking a SNAP rule, including being barred from SNAP for one year to permanently. The Respondent signed the SNAP Application under the Penalty Warning that states in part, she understands the questions on the application and the penalty for giving false information. She also attests that her answers on the application are correct and complete to the best of her knowledge

23. ET Johnson entered a case note on August 8, 2019, that “the Respondent’s SNAP intake was completed in a DHS office. At that time, the Respondent’s employer was updated to reflect one employer as multiple were listed, receives Social Security income said she is out of work which was not verified at the time and that her last pay would be August 13, 2019. She will be applying for TDI once she has necessary documents. She self-declared her housing expense and utilities. Removed son from MAGI case as he is no longer in the household. SNAP is pending wages and last day of work letter”.

24. August 9, 2019, a BDN was mailed to the Respondent stating that her SNAP application has been approved. Pages 6 through 7 explains her RIGHTS, RESPONSIBILITIES and SNAP PENALTY WARNINGS.

25. DHS received a SNAP application for the Respondent’s spouse on September 24, 2019, requesting benefits for himself. On Page 1 states his address is [REDACTED] [REDACTED] I which is the same address as the Respondent. He signed the SNAP Application under the Penalty Warnings that states in part, he understands the questions on the application and the penalty for giving false information. He also attests that his answers on the application are correct and complete to the best of his knowledge.

26. DHS received another SNAP application on September 24, 2019, from the Respondent. This application was received after the ET who was conducting the interview with

the Respondent's spouse informed the ET that he and the Respondent are living together.

27. ET Luther entered a case note on September 24, 2019, stating "client intentionally did not include her husband on her application, discovered when spouse came in to apply for himself. When she joined her spouse during his SNAP interview she blatantly lied claiming he doesn't live with me after spouse had already declared that he did, with same address on application. The Respondent's spouse replied, I already told them we live together. ET submitting case to fraud unit, both Respondent and spouse made aware."

28. On September 24, 2019, a BDN was mailed to the Respondent stating that her SNAP benefits were ending on October 31, 2019, due to failure to report a mandatory household member.

29. Auditor Proulx cited 218-RICR-20-00-1 1.9(C) that states in part, "Intentional Program Violation shall consist of having intentionally as defined in 7 C.F.R. 273.16(C): (1) Made a false or misleading statement, or misrepresented, concealed, or withheld facts; or..."

30. Auditor Proulx testified that the Respondent did not inform DHS of her correct household composition and her household income when she was required to do so. Accordingly, the respondent committed an IPV and received SNAP benefits she was not entitled to.

31. A SNAP Packet dated March 29, 2024, was mailed to the Respondent at [REDACTED]. The SNAP Packet included the alleged fraudulent activity, time frame it occurred, the opportunity to dispute the charge and/or directions to sign and return the waiver by April 8, 2024. The SNAP Packet also included the Waiver of Right to Administrative Disqualification Hearing, the proposed penalty period, and the Waiver Agreement. The SNAP Packet states the Respondent is being charged with committing an IPV on January 31, 2017, through October 31, 2019, as a result of fraudulent activity specifically

“Other-Specify.”

32. Auditor Proulx testified a telephone call was placed to the Respondent on April 9, 2024. After the IPV and Waiver of ADH was explained to the Respondent, the Respondent stated she would prefer to attend the Administrative Disqualification Hearing so that she may provide insight into her case.

33. On May 14, 2024, Auditor Proulx logged into eDRS to determine the Respondent’s SNAP disqualification period which showed that the Respondent had no previous SNAP disqualifications; therefore, this is the Respondent’s first violation, and the Agency is pursuing a twelve (12) month disqualification from SNAP pursuant to 218-RICR-20-00-1-.1.9(A)(3).

34. On May 23, 2024, an Advance Notice of Administrative Disqualification Hearing (“RIFS-121C”) was sent by first class mail to the Respondent’s address of record, [REDACTED] [REDACTED] for a scheduled hearing on June 25, 2024, at 9:00 AM. The Advance Notice of Administrative Disqualification Hearing again states the violation period, reason, and disqualification penalty. Also included with the notice is the Waiver of Right to Administrative Disqualification Hearing and Waiver Agreement. In accordance with 7 C.F.R. § 273.16(e)(3) and 218-RICR-20-00-1 § 1.22(K)(6), EOHHS provided at least thirty (30) days advance notice, in writing of the scheduling of the disqualification hearing, and the hearing was held accordingly.

### **VIII. DISCUSSION**

The Agency maintains the Respondent failed to report her correct household composition and household income to DHS as required per the Simplified Reporter rules, despite being informed of her responsibility to do so. The Agency also maintains that the Respondent intentionally failed to report her correct household composition and household income on

multiple SNAP applications, SNAP IRs, and SNAP Recerts despite knowing the penalties of perjury. The BDNs clearly informed her of the income reporting requirements, her Rights, Responsibilities, and the SNAP Penalty Warnings. The Agency argues the Respondent provided false information, concealed information, and otherwise failed to report her household income. Therefore, it is the Agency's position that it is clear the Respondent committed an IPV from January 31, 2017, through October 31, 2019. Thereby, she should be disqualified from SNAP for a period of twelve (12) months.

The record consists of the evidence and testimony from the Agency. The first issue is the household composition charge. The Agency argues that the Respondent did not report her correct household composition. The Agency provided Rhode Island marriage license, birth certificates for their two children, AP50B's, The work number verification and earning statements, and CLEAR reports showing common address. The Agency presented evidence showing the Respondent's spouse was residing with the Respondent. Therefore, there is sufficient evidence to establish an IPV based on household composition.

The second issue is the unreported income charge. DHS received the Respondent's completed SNAP IR on February 6, 2017. Although, the Respondent reported her son had left the household he was not removed, and the Respondent continued to receive benefits for a household of three (3). The SNAP IR clearly states that proof of income from the last thirty (30) days must be included. The Respondent signed the IR attesting under penalty of perjury that her answers on the IR were correct and complete to the best of her knowledge.

Subsequently, a February 27, 2017, BDN was mailed to the Respondent clearly stating her SNAP benefits were changing effective March 1, 2017. The BDN informed the Respondent that as a Simplified Reporter, she must report to DHS if her gross monthly income exceeds

\$2,184.00 no later than 10 days after the end of the month when the income went up pursuant to 218-RICR-20-00-1 1.13.1(A)(2)(a). The AP50B verification from [REDACTED] verified that the Respondent's son started employment November 21, 2016, and was being paid weekly at the time of IR through January 11, 2018. The AP50B verification shows the Respondent's son's income of \$2,253.32 for the month of March was clearly over the income limit of \$2,184.00.

The evidence further establishes that DHS also received multiple completed SNAP IRs and SNAP Recerts from the Respondent. They all clearly asks for Job Income and Changes to job income, but the Respondent again failed to report her son's income. The AP50B and The Work Number again verifies the Respondent's son's employment with [REDACTED] and his subsequent income from [REDACTED]. She signed both the SNAP IRs and SNAP Recerts, under the Penalties of Perjury statement attesting that her answers were correct and complete to the best of her knowledge.

Based on the above, the Respondent was required to report her household earned income in January 2017, pursuant to 218-RICR-20-00-1 section 1.5.2(A) and as an SR who is required to report changes in income pursuant to 218-RICR-20-00-1 section 1.13.1(A)(2)(a). The Respondent was informed of the Penalties for Perjury, her Rights, Responsibilities, and the SNAP Penalty Warnings as required, but she failed to report her household income. Therefore, the Respondent intentionally provided false information, concealed information, and otherwise failed to report her son's income. Accordingly, there is clear and convincing evidence that the Respondent committed an IPV on January 31, 2017, through October 31, 2019. For imposing a disqualification penalty, 7 C.F. R section 273.16(e)(8), states in part: "The same act of intentional program violation repeated over a period of time must not be separated so that



separate penalties can be imposed.” The Respondent violated SNAP Regulations 218-RICR-20-00-1 section 1.9(C)(1) and 7 C.F.R. section 273.16(c)(1), that defines an IPV.

## **IX. CONCLUSIONS OF LAW**

After careful review of the testimony and evidence presented at the Administrative Disqualification Hearing, it is clear:

1. The Respondent was aware of the Simplified Reporting requirements, her Rights, Responsibilities, and the SNAP Penalty Warnings upon receipt of the February 27, 2017, September 10, 2017, March 1, 2018, and July 31, 2018, BDNs, but still failed to report her household’s earned income from [REDACTED] and [REDACTED], as required.

2. The Respondent failed to report her household’s earned income to DHS on her July 8, 2017, January 8, 2017, and July 8, 2018, SNAP IR. Again, she failed to report her son’s income on the January 1, 2018, and January 1, 2019, SNAP Recerts. The Respondent signed under the Penalties for Perjury statement attesting that her answers on the forms were correct and complete to the best of her knowledge.

3. The Agency has demonstrated by clear and convincing evidence that the Respondent knowingly failed to report her household earned income. Therefore, the Respondent intentionally misrepresented, concealed, or withheld facts pertinent to her SNAP case.

4. The Agency has demonstrated by clear and convincing evidence that the Respondent committed an IPV of the SNAP Regulations from October 11, 2013 through April 30, 2024, based on unreported income.

5. Consequently, the Respondent, as head of household, will not be able to participate in SNAP for twelve (12) months per 7 C.F.R. §273.16(b)(1)(i) and 218-RICR-20-00-

1, §1.9(A)(3)(c)(1), which states in pertinent part: Individuals found to have committed an IPV through an Administrative Disqualification Hearing shall be ineligible to participate in the program for a period of twelve (12) months as this is the first IPV.

**IX. DECISION**

Based on the foregoing Findings of Fact and Conclusions of Law, it is found that a final order be entered that the Agency's request for an IPV against the Respondent for twelve (12) months is granted.

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

*/s/ Vermont Richardson*

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 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 term.**

**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 Stephanie

Proulx, Brittany Badway, Kimberly Seebeck, DHS Representatives Denise Tatro, Kimberly

Rauch, Jenna Simeone, Iwona Ramian Esq., and [DHS.PolicyQuestions@dhs.ri.gov](mailto:DHS.PolicyQuestions@dhs.ri.gov) on this

19<sup>TH</sup> day of SEPTEMBER, 2024.

*Ethan Lopez* \_\_\_\_\_