

Department of Human Services

V.

DOCKET No. 24-4609

████████████████████

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter was conducted by an Administrative Disqualification Hearing Officer on September 26, 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 (“DHS”), initiated this matter for an Administrative Disqualification Hearing and held to examine the charge that ██████████ (hereinafter the “Respondent”) had committed an Intentional Program Violation (“IPV”) of the Supplemental Nutrition Assistance Program (“SNAP”). The Agency’s position is that the Respondent committed an IPV by withholding information about his household’s composition and earned income, despite being under a duty to be forthcoming about that information, per the applications, interim reports, recertifications, and benefit decision notices sent to him by DHS. The Agency is seeking that the Respondent be charged with an IPV and be disqualified from SNAP for a period of twelve (12) months. The Respondent does not dispute that he failed to report the correct household composition to DHS, however his position is that he did not do so intentionally. 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 (hereinafter "EOHHS") is authorized and designated by RIGL § 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, RIGL § 42-35.1 et seq., and EOHHS regulation 210-RICR-10-05-2.

III. ISSUE

Did the Respondent commit a SNAP IPV by intentionally making a false statement, or by misrepresenting, concealing, or withholding facts to receive SNAP benefits that he was not entitled to?

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 Internal Audit Manager for the Fraud Detection and Prevention Unit, Brittany Badway (hereinafter "Auditor Badway"), who 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 evidence as exhibits at the hearing:

Exhibit #1 – Certificate of Live Birth for [REDACTED].

Exhibit #2 – Certificate of Live Birth for [REDACTED].

Exhibit #3 – Warranty Deed, Mortgage Deed, and Property Assessment for [REDACTED].

Exhibit #4 – RI Department of Motor Vehicles Record for [REDACTED].

Exhibit #5 – RI Department of Motor Vehicles Record for [REDACTED].

- Exhibit #6 – Clear Report for [REDACTED].
- Exhibit #7 – Clear Report for [REDACTED].
- Exhibit #8 – Equifax Employment Verification for [REDACTED]
[REDACTED]
- Exhibit #9 – [REDACTED] Employment and Wage Verification for [REDACTED],
[REDACTED].
- Exhibit #10 – SNAP Application, Submitted to DHS on February 18, 2021.
- Exhibit #11 – DHS Case Notes.
- Exhibit #12 – Benefit Decision Notice (“BDN”), Date: February 18, 2021.
- Exhibit #13 – Recertification, Date: December 30, 2021.
- Exhibit #14 – BDN, Date: January 13, 2022.
- Exhibit #15 – SNAP Interim Report, Date Received: July 21, 2022.
- Exhibit #16 – BDN, Date: August 10, 2022.
- Exhibit #17 – SNAP Recertification, Date: December 1, 2022.
- Exhibit #18 – BDN, Date: January 29, 2023.
- Exhibit #19 – SNAP Interim, Submitted to DHS on July 18, 2023.
- Exhibit #20 – SNAP Renewal Reminder, Date: January 12, 2024.
- Exhibit #21 – Electronic Disqualified Recipient System (eDRS) Printout Showing Search
Results of the Respondent.
- Exhibit #22 – Individual Household Summary, Case Number: [REDACTED]
- Exhibit #23 – Relevant SNAP Regulations.
- Exhibit #24 – IPV Notice, Date: July 12, 2024.

The Respondent attended the hearing and testified on his own behalf. The Respondent did not offer any exhibits as evidence.

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 CFR 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 IPV 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 (1st) violation. See (7 C.F.R. §273.16(b)(1)(i) & 218-RICR-20-00-1.9(A)(3)(c)(1)).

Certain individuals living with others or groups of individuals living together must be considered as customarily purchasing food and preparing meals together, even if they do not do so, and therefore must be included in the same household. This includes parents living together with their children who are under the age twenty-two (22). See (218-RICR-20-00-1.2.2(A) et seq.).

Household income means all income from whatever source excluding only the items specified in § 1.5.3 of this Part. All wages and salaries for services performed as an employee, including payments to individuals for providing attendant care services are considered earned income. See (218-RICR-20-00-1.5.2(A) et seq.). The gross or net income eligibility standards for the household size are used to determine the household's eligibility according to the characteristics of the household. See (218-RICR-20-

00-1.15(E)(1)). A household's monthly SNAP allotment is equal to the Maximum SNAP Allotment for the household's size reduced by thirty percent (30%) of the household's net monthly income. See (218-RICR-20-00-1.15.1(D) et seq.).

VII FINDINGS OF FACT

1. From February 18, 2021, to at least January 31, 2024, the Respondent was living with [REDACTED] [REDACTED] (hereinafter ' [REDACTED] and their child, [REDACTED] [REDACTED] (hereinafter ' [REDACTED] at [REDACTED] [REDACTED] .
2. As of February 18, 2021, [REDACTED] was regularly receiving earned income from [REDACTED] [REDACTED], and as of August 6, 2022, she was also regularly receiving earned income from [REDACTED] [REDACTED] .
3. The Respondent submitted a signed SNAP application to DHS on February 18, 2021, and the Respondent and [REDACTED] were parents of a child under the age of twenty-two (22) at that time. The Respondent failed to include [REDACTED] and [REDACTED] as household members and the Respondent also did not include [REDACTED] employment information with [REDACTED] [REDACTED] in his application. The Respondent's address on the application is [REDACTED] [REDACTED] . Page twenty-nine (29) of the application states that the Respondent has a responsibility to supply the Department with accurate information about his income, resources, and living arrangements. Pages thirty (30) and thirty-one (31) of the application contain the SNAP Penalty Warnings and state that the Respondent should not give false information or hide information to get or continue to get SNAP benefits. By signing the application on page thirty-two (32), the Respondent acknowledged that his answers were complete and true, and that if he failed to provide complete and true answers, he would be breaking the law and would be subject to penalty.
4. The Respondent completed a SNAP application interview on February 18, 2021. During the interview the Respondent withheld the fact that he was living with [REDACTED] and their child [REDACTED] and he did not mention [REDACTED] earned income from [REDACTED] [REDACTED] .

5. DHS sent the Respondent a BDN on February 18, 2021. The BDN informed the Respondent that his SNAP benefits were approved effective February 18, 2021. Page five (5) of the BDN states that the Respondent must notify DHS within ten (10) days if people move in or out of his home or if his household experiences a birth. Page eight (8) of the BDN states that the Respondent has a responsibility to supply accurate information about his income and living arrangements on his application.
6. The Respondent submitted a SNAP recertification to DHS on December 30, 2021. The Respondent failed to include [REDACTED] and [REDACTED] as household members in the recertification, nor did he include [REDACTED] earned income information from [REDACTED]. By signing the recertification on page thirty-four (34), the Respondent acknowledged that his answers were complete and true, and that if he failed to provide complete and true answers, he would be breaking the law and would be subject to penalty.
7. The Respondent completed a SNAP recertification interview on January 13, 2022. He failed to inform DHS that he was living with [REDACTED] and their child [REDACTED] and he did not mention [REDACTED] earned income from [REDACTED].
8. DHS sent the Respondent another BDN on January 13, 2022. The BDN informed the Respondent that his SNAP benefits were being renewed as of February 1, 2022. Page six (6) of the BDN states that the Respondent has a responsibility to supply accurate information about his income and living arrangements on his application. Pages seven (7) and eight (8) state the SNAP disqualification penalties for committing an IPV and instruct the Respondent to not lie or hide information to get SNAP benefits that your household should not get.
9. The Respondent submitted a six-month SNAP interim report to DHS on July 21, 2022. Page one (1) of the interim clearly instructs the Respondent to answer all questions on the form, to correct any uncorrected information, and to add new information. The Respondent neglected to include [REDACTED] [REDACTED] or his newly born child, [REDACTED] (hereinafter "[REDACTED]" on his SNAP interim form. The Respondent also failed to include [REDACTED] earned income information from [REDACTED].

- ██████████. By signing the SNAP interim on page seven (7), the Respondent acknowledged that his answers were complete and true, and that if he failed to provide complete and true answers, he would be breaking the law and would be subject to penalty.
10. DHS sent the Respondent a BDN on August 10, 2022. The BDN states that the Respondent's SNAP benefits were approved as of August 1, 2022. Page six (6) of the BDN states that the Respondent has a responsibility to supply accurate information about his income and living arrangements on his application. Pages seven (7) and eight (8) state the SNAP disqualification penalties for committing an IPV and instruct the Respondent to not lie or hide information to get SNAP benefits that your household should not get.
 11. The Respondent submitted a SNAP recertification to DHS that he signed on December 19, 2022. Despite clear instructions to list all the members of his household, the Respondent did not include any information about ██████████ ██████████ or ██████████ in the recertification, nor did the Respondent include any of ██████████ earned income information from ██████████, or ██████████ ██████████. The Respondent also included a hand-written letter from ██████████, stating that the Respondent pays \$1,000 a month in rent, while the Warranty Deed, Mortgage Deed, and Property Assessment for ██████████, clearly shows that he and ██████████ owned the property at that time. By signing the SNAP recertification on page nine (9), the Respondent acknowledged that his answers were complete and true, and that if he failed to provide complete and true answers, he would be breaking the law and would be subject to penalty.
 12. The Respondent completed a SNAP recertification interview with a DHS staff member on January 29, 2023. The Respondent did not provide any information about ██████████ ██████████ or ██████████ nor did he provide information about ██████████ earned income from ██████████, or ██████████.
 13. DHS sent the Respondent a BDN on January 29, 2023. The BDN informed the Respondent that SNAP was approved as of February 1, 2023. Page six (6) of the BDN states that the Respondent

has a responsibility to supply accurate information about his income and living arrangements on his application. Pages seven (7) and eight (8) state the SNAP disqualification penalties for committing an IPV and instruct the Respondent to not lie or hide information to get SNAP benefits that your household should not get.

14. The Respondent submitted a SNAP interim report to DHS on July 18, 2023. The Respondent did not include any information about [REDACTED] [REDACTED] or [REDACTED] nor did the Respondent include any of [REDACTED] earned income information from [REDACTED] or [REDACTED]. Pages four (4) and five (5) state the SNAP disqualification penalties for committing an IPV and instruct the Respondent to not lie or hide information to get SNAP benefits that your household should not get. By signing the SNAP interim on page five (5), the Respondent acknowledged that his answers were complete and true, and that if he failed to provide complete and true answers, he would be breaking the law and would be subject to penalty.
15. The Respondent listed his address as [REDACTED], on every SNAP recertification and interim that he submitted to DHS.
16. The Respondent's SNAP case closed on January 31, 2024, when he failed to complete a SNAP recertification.
17. The Agency began an investigation of [REDACTED] and the Respondent on August 10, 2022, after the Agency received an anonymous allegation stating that [REDACTED] was receiving SNAP while not reporting the correct household composition and earned income for her household.
18. The Agency ran the Respondent through the Electronic Disqualified Recipient Systems (eDRS) and determined that there were no previous SNAP program violations for the Respondent, therefore, this would constitute the Respondent's first (1st) SNAP IPV.
19. The Agency mailed a SNAP packet to the Respondent to [REDACTED] [REDACTED], on July 12, 2024. The SNAP packet included an IPV notice stating that the Respondent had committed an IPV from February 18, 2021, to January 31, 2024, by failing to report the correct household composition and earned income for his household.

20. The Respondent does not dispute that he was living with [REDACTED] [REDACTED] or [REDACTED] while he was receiving SNAP benefits.

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. Parents living together with their children who are under the age twenty-two (22) must be considered as customarily purchasing food and preparing meals together, even if they do not do so, and therefore must be included in the same household.

The Agency's position is that the Respondent intentionally violated a SNAP program rule because he failed to report the correct household composition and earned income during the February 18, 2021, to January 31, 2024, period. The Respondent submitted a SNAP application, multiple recertifications, and multiple interims, and none of these forms listed the correct household composition or earned income information for the Respondent's household. The Agency asserts that because the Respondent withheld information about his household's composition and earned income, he received SNAP benefits that he was not entitled to. The Agency further maintains that the Respondent was aware of his responsibility to supply DHS with accurate information and that he was aware of the SNAP penalties for committing an IPV. Therefore, the Agency's position is that the Respondent should be found to have committed an IPV and he should be disqualified from the SNAP for a period of twelve (12) months.

As stated above, the Respondent does not dispute that he failed to report the correct household composition to DHS while he was receiving SNAP. The Respondent testified that his failure to report the correct household composition and earned income was unintentional because he simply signed the DHS forms without fully understanding all the statements contained in them. However, the Respondent

completed three (3) separate SNAP interviews with DHS staff members while participating in the SNAP, and none of the DHS Case Notes show that the Respondent attempted to clarify his household's composition or earned income during any of the interviews. Per the DHS Case Notes, when the Respondent completed his SNAP application interview on February 18, 2021, the DHS staff member described the Respondent's living arrangement as a "single man, renting a room from a friend" but the record clearly shows that he was living with [REDACTED] and their child [REDACTED] at that time. Furthermore, in the SNAP recertification he signed on December 19, 2022, the Respondent included a hand-written letter from [REDACTED], stating that the Respondent pays \$1,000 a month in rent, while the Warranty Deed, Mortgage Deed, and Property Assessment for [REDACTED], clearly shows that he co-owned the property with [REDACTED] at that time. Because the record shows that the Respondent misled DHS as to his household's expenses and composition, the Respondent's testimony regarding his intentions to mislead DHS is not credible.

The Respondent was sent several BDNs which included the Respondent's responsibilities and SNAP Penalty Warnings, and they all clearly stated that the Respondent must not lie or hide information to get or continue to get SNAP benefits that his household should not receive. The penalties for perjury were clearly stated on the SNAP application, recertifications, and interim forms signed by the Respondent. The SNAP application and recertifications provided clear instructions as to how to answer all the questions on the form regarding household composition and earned income and the Respondent chose not to disclose the correct household composition or earned income on any of these forms. Furthermore, the Respondent had three (3) separate interviews with DHS staff members and Respondent offered no evidence or testimony to suggest that he attempted to get further clarification as to how to properly report his household's composition or earned income during the interviews. During the period from February 18, 2021, to January 31, 2024, the Respondent was living with [REDACTED] and they were parents of children under the age of twenty-two (22). Therefore, [REDACTED] the children, and [REDACTED] earned income should have been reported to DHS by the Respondent. Because the Respondent's actual

household composition and [REDACTED] earned income information was withheld from DHS, DHS was unable to properly determine the Respondent's eligibility for SNAP and to correctly calculate his SNAP benefit allotment. Because of the SNAP application, recertifications, interims, and BDNs sent to the Respondent, the evidence is clear and convincing that the Respondent was aware of his responsibility to supply DHS with accurate information about his household's composition and earned income and he was also aware of the SNAP penalties for failing to do so. Because the Respondent received SNAP benefits that he was not entitled to, due to his failure to report the correct household composition and earned income on his SNAP application, recertifications, recertification interviews, and interim reports, the Respondent's withholding of information about his household's composition and earned income constitutes an IPV.

IX. CONCLUSION OF LAW

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

1. From February 18, 2021, to January 31, 2024, the Respondent purposely withheld information about his household's composition and earned income from DHS so that he could obtain SNAP benefits that he was not entitled to.
2. The Respondent's withholding of information about his household's composition and earned income constitutes an IPV.
3. This is the Respondent's first violation of the SNAP program.

X. DECISION

Based on the foregoing findings of fact, conclusions of law, evidence, and testimony it is found that a final order be entered that the Respondent committed an IPV and hereby is barred from participating in the SNAP for twelve (12) months.

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 Brittany Badway, Kimberly Seebeck, Denise Tatro, Kimberly Rauch, Jenna Simeone, and Iwona Ramian, Esq. on this 7th day of October, 2024.

[Handwritten Signature]