

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

DEPARTMENT OF HUMAN SERVICES (DHS)	DOCKET NO: 25-0016
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V.

██████████ (Respondent)

DECISION

I. JURISDICTION

The Executive Office of Health and Human Services (“EOHHS”) is designated by R.I. Gen. Laws § 42-7.2-6.1(2) to be the entity responsible for legal service functions, including appeals and hearings, law interpretation and related duties of itself and four agencies: one of which is DHS. Hearings are held in accordance with the Administrative Procedures Act (R.I. Gen. Laws § 42-35.1 et. seq.).

II. INTRODUCTION

The Department of Administration, Office of Internal Audits on behalf of DHS initiated this matter on January 10, 2025, for an Administrative Disqualification (“ADH”). They held to examine the facts to prove that the Respondent committed an Intentional Program Violation (“IPV”) of the Supplemental Nutrition Assistance Program (“SNAP”) rules. The Agency claimed that the Respondent intentionally violated program rules by violating the State statue of Forgery on December 28, 2023. The Agency sought that the Respondent be charged with an IPV and be disqualified from SNAP for a period of one year.

An ADH was held February 18, 2025, on the matter via Microsoft Teams, the Respondent declined the video option. For the reasons discussed in this decision, this ADH has been decided against the Agency.

III. ISSUES

The issue before this ADH Officer was whether or not the Respondent intentionally violated program rules by violating the State statute of Forgery on December 28, 2023.

IV. STANDARD OF PROOF

The Agency has the burden of proof in an ADH to support all IPV claims with clear, direct and convincing facts that the ADH Officer can accept as highly probable.

V. PARTIES AND EXHIBITS

The Agency was represented by Internal Audit Manager, Brittney Badway ("Auditor Badway or the Fraud Unit"). The following documents were submitted, accepted and marked as Agency Exhibits:

- Exhibit 1 – Social Security Administration Verification of [REDACTED] date of death.
- Exhibit 2 – Obituary for [REDACTED].
- Exhibit 3 –SNAP six-month interim report ("IR") received by DHS December 22, 2023.
- Exhibit 4 – SNAP six-month IR received by DHS January 1, 2024.
- Exhibit 5 – DHS internal case note.
- Exhibit 6 –Respondent's SNAP application received by DHS January 25, 2024.
- Exhibit 7 –Respondent's SNAP six-month IR received by DHS July 29, 2024.
- Exhibit 8 – Print out of [REDACTED] EBT card inquiries.
- Exhibit 10 – RI General Laws §11-31-21 regarding wire transfers.
- Exhibit 11 – Text message sent from the Agency to the Respondent.

- Exhibit 12 – Query Results for the Respondent from the Electronic Disqualified Recipient System (“eDRS”).
- Exhibit 13 – RI Bridges printout of the Individual Household screen.
- Exhibit 14 – SNAP policy excerpts.
- Exhibit 15 – A letter sent to the Respondent informing of the IPV claim and the waiver agreement.
- Exhibit 16 – RI General Law §11-17-1 regarding forgery and Counterfeiting.
- Exhibit 17 – An email from the Agency to the Respondent.
- Exhibit 18 – An audio file of a phone conversation between the Agency and the Respondent.
- Exhibit 19 – A brief submitted by Auditor Badway that detailed why the Respondent is considered a responsible household member.
- Exhibit 20 – Federal and RI SNAP regulation excerpts.

The Respondent attended the hearing and testified on his own behalf.

The Administrative record also contained the ADH hearing request from Auditor Badway to the EHO and notices to the Respondent from the EHO that informed of the date and time of the hearing.

VI. RELEVANT LAW/REGULATIONS

Per the Code of Federal Regulations (“CFR”), Title 7, Chapter 2, Part 273, the State is responsible for investigating any case of alleged IPV and ensuring that appropriate cases are acted upon either thru an ADH or referral to a court of appropriate jurisdiction. (7 CFR 273.16(a)(1)).

An IPV is defined as making a 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. (7 CFR 273-16(c)). The State agency shall inform the household in writing of the disqualification penalties for an IPV each time it applies for Program benefits. The penalties shall be in clear, prominent, and boldface lettering on the application form. (7 CFR 273.16(d)). Administrative disqualification procedures are initiated whenever there is sufficient documentary evidence to substantiate that an individual has intentionally made one or more acts of an IPV.

Individuals who have signed a waiver of the right to an ADH or are found to have committed an IPV by an ADH Officer shall be ineligible to participate in the program: (i) For a period of 12 months for the first IPV; (ii) A period of 24 months upon the second occasion of any IPV; and (iii) Permanently for the third occasion. The same act of an IPV repeated over a period must not be separated so that separate penalties can be imposed. (7 CFR 273.16(b)).

Once a disqualification penalty has been imposed against a currently participating household member, the period of disqualification shall continue uninterrupted until completed regardless of the eligibility of the disqualified member's household. However, the disqualified member's household shall continue to be responsible for the repayment of the over issuance which resulted from the disqualified member's IPV regardless of its eligibility for Program benefits. (7 CFR 273.16(e)(8)).

Per RI Gen. Laws §11-17-1 every person who shall falsely make, alter, forge, or counterfeit, or procure to be falsely made, altered, forged, or counterfeited, any public record, or any writ, process, or proceeding in any court of justice in this state, any certificate or attestation

of any judge, justice of the peace, warden, notary public, clerk of any court, town clerk, city clerk or other public officer, in any matter in which the certificate or attestation may be received as legal proof, any charter, deed, will, testament, bond, or writing obligatory, letter of attorney, policy of insurance, bill of exchange, bill of lading, railroad ticket, promissory note, order, acquittance, discharge for or upon the payment of money or delivery of goods, or any acceptance of a bill of exchange or any indorsement, assignment, or guaranty of any bill of exchange or promissory note, or any certificate, or accountable receipt for money, goods, or any other thing, or any warrant, order, or request for the payment of money or delivery of goods, or for the delivery of any note, bill, or other security for money or goods, or any lottery ticket, or part or share of any lottery ticket in any lottery authorized by the laws of any state, territory, or country, or any writing whatsoever purporting to contain evidence of any debt, contract, or promise, or of the discharge, payment of satisfaction of any debt, contract, or promise, with intent to defraud, or who shall utter and publish as true or shall procure to be uttered and published as true any such false, forged, altered, or counterfeited record, deed, or other writing as provided in this section, knowing it to be false, forged, altered, or counterfeited, with intent to defraud, shall be punished by imprisonment for not more than ten (10) years, or by a fine of not more than one thousand dollars (\$1,000), or both.

VII. FINDINGS OF FACTS

1. [REDACTED] was Head of Household receiving SNAP benefits for herself, her adult son, the Respondent and her adult daughter. They all lived at [REDACTED].
2. [REDACTED] passed away on November 5, 2023.
3. On January 11, 2024, a DHS worker noted:

- i. Due to a Federal Death Match alert and the obituary, DHS confirmed the SNAP Head of Household was deceased.
 - ii. A completed IR was submitted with no reported changes and [REDACTED] name appeared on the signature line.
 - iii. The IR was signed on December 28, 2023
 - iv. DHS closed [REDACTED] SNAP case, and the matter was referred to the Office of Internal Audits for potential fraud.
4. The Respondent submitted his own SNAP application on January 25, 2024, and was approved for benefits.
5. During their yearlong investigation, the Agency reviewed the signatures on [REDACTED] IR, the Respondent's SNAP application and on the Respondent's, IR signed on July 29, 2024. They determined the signature on [REDACTED] IR and the signature on the Respondent's IR was the same handwriting.
6. In a recorded conversation with the Respondent on December 13, 2024, after the Agency texted him pictures of the signatures from both IR's, he confirmed both signatures were his girlfriends.
7. On December 20, 2024, the Agency notified the Respondent that he was being charged with an IPV due to forgery.
8. At the hearing, the Respondent testified that:
 - i. He moved out of [REDACTED] when his mother passed. His girlfriend, who was his neighbor still lived there and helped him with his paperwork and to check the mail.

ii. The girlfriend told the Respondent he had mail from DHS, the Respondent who is illiterate, asked her to complete it and she did.

iii. The Respondent did ask his girlfriend to sign his mothers name.

9. Per the eDRS the Respondent does not have any IPV history.

10. At the hearing the record was held open for the Agency to provide SNAP regulations specific to the rights and responsibility of members of the household, other than the Head of Household. The Fraud Unit had until February 21, 2025; the Respondent then had until February 28, 2025, to respond to them.

11. On February 21, 2025, the Agency submitted federal regulations 7 CFR 273.12(a)(1)(ii), which states in part regarding reporting instructions “all changes in household composition, such as the addition or loss of a household member” which they believe upholds the position that all household members are equally responsible parties bound by SNAP reporting requirements.

12. Without any objection from the Respondent regarding the additional evidence submitted, the record of hearing was closed on March 11, 2025.

VIII. DISCUSSION

The Fraud Unit’s position was that the Respondent as a household member receiving SNAP benefits in his mother’s SNAP case, assumed the responsibility for reporting the correct household information when his mother passed and by asking his girlfriend to complete the IR for his mother, committed forgery. They cited RI Gen. Law. 11-17-1 which describes forgery as any person who procures to be falsely made, altered, forged or counterfeited any public record or document in return for goods or services, knowing it to be false, forged, with intent to defraud is forgery and is subject to prosecution. After investigation the Fraud Unit concluded the

Respondent procured his girlfriend to commit forgery and therefore violated a state statute, in addition to withholding the fact that his mother was no longer a household member, they concluded that the Respondent committed an IPV.

The Agency presented a recorded conversation that Auditor Badway had with the Respondent on December 13, 2024. The Auditor presented themselves as calling from the State of Rhode Island about SNAP benefits, and that they were calling about a “flag” that came up regarding his mother’s IR that was signed and submitted after she passed. It was not until the end of the conversation they identified themselves as an Auditor from the Fraud Unit. The Respondent told the Auditor that after his mother passed, he never returned to the residence. During the conversation they texted him pictures of the signatures on his mother’s IR, his SNAP application and his IR. They questioned why the signature on his SNAP application was different from the signatures on his IR and his mother’s IR which they believed were the same handwriting. He confirmed the signature on the SNAP application was his own; he then confirmed signatures on both IR’s were his girlfriends. The Agency testified that he admitted to them in that conversation that he asked his girlfriend to sign his mother’s name to the form, but that was not clear to this ADH Officer from the recording. Although he does say that his girlfriend was with him that day and he asked her to sign it, he does not specify if he was referring to his IR or his mother’s, as the girlfriend completed both. The Auditor did attempt a line of follow up questions, but asked three compounded questions, before the Respondent had a chance to answer and there was no clear answer to any of the questions asked. Therefore, the evidence of the recorded conversation did not weigh heavily in this decision.

The Respondent provided emotional but direct testimony at the hearing and this ADH Officer finds his testimony was credible. He adamantly denies that he asked his girlfriend to

sign his mother's name. The Respondent admitted that when his girlfriend got the mail, he did ask her to fill out the form that was received by DHS, but no further details were discussed by either party as to what was to be written on the form, his girlfriend just took care of it for him. He disclosed he is illiterate, he was in special education in school and can barely sign his own name, his mother previously did everything for him and he is now lost without her. He continued to use the SNAP benefits on the card, because he had to eat and as the benefits were issued for him, he thought he could. The Agency believed he only applied for his own SNAP case because DHS closed his mother's SNAP benefits. He although stated, was homeless after his mother passed, had no transportation, when he was able to go the DHS office, on January 25, 2024, he then applied for his own SNAP benefits.

In review, the Agency did prove that [REDACTED] IR form was submitted to DHS on January 5, 2024, after she passed, her name was signed on the form and there were no household changes reported; if this was the end of the inquiry, then it would be determined that an IPV occurred; however, it is not. This proceeding is to determine if the Respondent, not only committed, but intended to commit an IPV. The record was void of evidence of any regulatory warnings that the Respondent was ever informed of the SNAP penalty warnings, the disqualification penalties of an IPV or proof of his signature acknowledging that he was aware of the penalties of perjury prior to this alleged IPV on December 28, 2023. The Respondent denied that he asked his girlfriend to forge his mother's name on the form, nor was there any evidence that he discussed with his girlfriend the contents of the document that was being submitted or that he told his girlfriend what to write on the form. Although these acts are alleged IPV's by the Fraud Unit it cannot be determined that they were committed with the intent to violate SNAP rules by this tribunal.

IX. CONCLUSION OF LAW

After review of the Administrative record, this ADH Officer concludes:

The Fraud Unit did not meet its burden of proof. There is insufficient evidence to find that the Respondent intentionally violated SNAP regulations as per 7 CFR 273.16(c).

The evidence presented by the Fraud Unit, was not clear or direct and this ADH Officer did not find the facts they presented as highly probable.

X. DECISION

Based on the Findings of Facts, Conclusion of Law, evidence and testimony, it is found by this ADH Officer that a final order shall be entered against the Agency's request for an IPV, there charge is denied.

/s/Holly Young | ADH Officer | Executive Office of Health and Human Services

NOTICE OF APPELLANT RIGHTS

This Final Order constitutes a final order of the Departments of Human Services pursuant to the RI General Laws §42-15-12. Pursuant to RI General Laws §43.35.15, 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 terms.

CERTIFICATION

I hereby certify that I emailed a copy of the foregoing to [REDACTED], at

[REDACTED]; copies were sent electronically to Agency representatives of the DHS policy unit, Kirsten Cornford, Kimberly Seebeck, Brittney Badway, Iwona Ramian, Esq., Denise Tatro, Kimberly Rauch, and Jenna Simeone.

On this 27th day of March, 2025.


