

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

DEPARTMENT OF HUMAN SERVICES

v.

DOCKET NO. 25-0029

[REDACTED]

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter was held via video initially on April 1, 2025, and concluded on July 15, 2025. The Department of Administration, Office of Internal Audit, Fraud Unit (Agency) on behalf of the RI Department of Human Services (DHS) initiated this matter for an Administrative Disqualification Hearing to examine the charge that [REDACTED] (Respondent) committed an Intentional Program Violation (IPV) of the Supplemental Nutrition Assistance Program (SNAP). The Agency argues that the Respondent did not report the household income. The Agency is seeking that the Respondent be charged with an IPV for the period of December 11, 2020, through June 30, 2021, 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 Tam Bernard (Auditor Bernard) who investigated the Respondent's SNAP case, and provided testimony based on the facts established in determining an IPV of the SNAP regulations. Also, in attendance was DHS's Legal Counsel, Iwona Ramian (Attorney Ramian). The Agency offered the following evidence as exhibits at the hearing:

- Exhibit #1: State Wage Information Collection Agency (SWICA) results.
- Exhibit #2: Employer verification form AP50B.

- Exhibit #3: SNAP Recertification (SNAP Recert) signed December 26, 2019.
- Exhibit #4: Benefit Decision Notice (BDN) dated May 7, 2020.
- Exhibit #5: SNAP Recertification signed June 10, 2021.
- Exhibit #6: Case notes from Eligibility Technician Greg MastroAngelo (ET) dated June 15, 2021, and case notes from Eligibility Technician Joy Costa on June 28, 2021.
- Exhibit #7: Paystubs from [REDACTED] for Respondent.
- Exhibit #8: Electronic Disqualified Recipient system (eDRS) stating no previous SNAP disqualification for the Respondent.
- Exhibit #9: RIBridges Individual Household verification printout showing the Respondent's household size of three.
- Exhibit #10: Cited excerpts from the RI Code of Regulations for SNAP 218-RICR-20-00-1.9(C).
- Exhibit #11: An Important SNAP Notice (SNAP Packet) dated December 13, 2024, mailed to [REDACTED] [REDACTED] [REDACTED]

The Respondent along with her Attorney Lidia Sanchez, Esq., attended the telephonic hearing and did not testify or submit any documentary evidence.

VI. MOTIONS

A hearing initially commenced on April 1, 2025, however, DHS's Legal Counsel, Attorney Ramian, motioned for a reconvene as she was concerned that the interpreter assigned to the hearing at that time was not correctly translating the Department's testimony. That motion was granted, and a hearing was reconvened on July 15, 2025, with a new interpreter. The delay

in reconvening and concluding the hearing was at the Petitioner's Attorney's request because of conflicts with proposed hearing dates and her court schedule.

VII. 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 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." 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 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 IPV and ensuring the appropriate cases are acted upon through an Administrative Disqualification Hearing whenever there is sufficient documentary evidence to substantiate that an individual 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).

SNAP regulation 218-RICR-20-00-1 § 1.5.2(A) states in pertinent part, household income means all income from whatever source which includes earned income.

SNAP Regulation 218-RICR-20-00-1 § 1.13.1 (A)(2) states in part a Simplified Reporter (SR) must report changes in income which bring the household's gross income in excess of the gross income eligibility standard for that size household.

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.

VIII. FINDINGS OF FACT

1. Auditor Bernard testified that the Fraud Unit received an anonymous allegation on September 17, 2022, that the Respondent received SNAP benefits while incorrectly reporting her household income. As a result, an investigation commenced into the Respondent's SNAP case. Auditor Bernard testified the Respondent's SNAP case consists of herself, her domestic partner, and 3 minor children, a household of five, and noted she is a Simplified Reporter pursuant to 218-RICR-20-00-1.8(A).

2. The AP50B verification form shows that the Respondent was hired at [REDACTED] on October 19, 2020, and received weekly paychecks from October 30, 2020, through June 25, 2021.

3. On December 27, 2019, DHS received the Respondent's SNAP Recertification. Page three lists the Respondent's three children as household members who are recertifying for SNAP benefits. Page six seeks information about income, but that section is left blank. On page 12 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 26, 2019.

4. A BDN dated May 7, 2020, was mailed to the Respondent stating her SNAP benefits were approved effective April 1, 2020. Page four informs her that the SNAP benefit amount will

be \$495 for her household as the three children are the only eligible household members, the eligibility period, and the SNAP certification period. Page five states, "Changes You Must Report for SNAP: You must tell us if your household's gross monthly income (before taxes) is more than \$2,311.00. You must tell us no later than 10 days after the end of the month when your income went up." Pages 10 through 12 explains her RIGHTS, RESPONSIBILITIES, and the SNAP PENALTY WARNINGS. Specifically, "you have the responsibility to supply accurate information about your income, resources and living arrangements on this application. In the month of November 2020, according to the AP50B employment verification form the Respondent's gross income from [REDACTED] was \$2,894.06. The Appellant was required to report this income to DHS by December 10, 2020, which she did not.

5. Auditor Bernard testified that the Respondent failed to inform DHS of her changes to her household income on two occasions. First, as a Simplified Reporter she was required to report her income within 10 days of the change, and again she was required to report the change in income on her SNAP Recertification. She did neither. Accordingly, the Respondent committed an IPV and received SNAP benefits she was not entitled to.

6. At the time of the alleged IPV the Respondent had two employers, i.e. [REDACTED] and [REDACTED].

7. On June 8, 2021, DHS received the Respondent's SNAP recert. Page 5 has a section entitled "current household members" the section asks if the people below are still living in your home. The Respondent selected "no" and marked her domestic partner as leaving the household on September 18, 2020. Pages 6 through 7 has a section entitled "income from work" the section states below is the information we have about the people in your household who have income from work. The section asks if this information is correct in which the Respondent answered

“no.” The section asked to provide correct information in the rows provided if incorrect. The Respondent marked an x next to the domestic partner’s name. She also updated [REDACTED] [REDACTED] address and confirmed her rate of pay and hours worked per week. However, the Respondent failed to include her employment and income with [REDACTED]. Page 10 the Respondent reported an increase to her rental expense. The SNAP recertification form is signed June 1, 2021.

8. On June 15, 2021, ET Mastrangelo entered a case note that a request for additional documentation (RDOC) for the Respondent’s earned income was made. He also noted that the Respondent is in a household of three with a monthly rental expense of \$1,000, \$77.87 in gas expenses and \$35.49 for electric expenses. Finally, the June 15, 2021, case note indicated that the case was set to pending to verify newly reported income for [REDACTED].

9. On June 28, 2021, ET Costa entered a case note stating a request for additional information was previously sent for verification of income. The case note indicated that the Respondent provided weekly paystubs confirming her employment with [REDACTED]. Based on the verified income the case was approved.

10. On December 11, 2024, Auditor Bernard logged into eDRS to determine the Respondent’s SNAP disqualification period. The query indicated the Respondent had no previous disqualifications. Therefore, this is the Respondent’s first violation, and the Agency is pursuing a twelve (12) month disqualification from SNAP.

11. A SNAP Packet dated December 13, 2024, was mailed to the Respondent at [REDACTED] [REDACTED] [REDACTED]. The SNAP Packet states that the Respondent is being charged with committing an IPV for the period of December 11, 2020, through June 30,

2021, because of “Unreported Earned Income”.

12. On February 25, 2025, an Advanced Notice of Administrative Disqualification Hearing (RIFS-121C) was sent by first class mail to the Respondent’s last known address. The notice stated that the hearing was scheduled for April 1, 2025, at 9:00AM. EOHHS provided at least thirty (30) days advance notice, in writing of the scheduling of the disqualification hearing, and the hearing was held accordingly.

IX. DISCUSSION

The Agency maintains that the Respondent failed to accurately report her household income by December 10, 2020, as required under 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 income on her SNAP recert submitted on June 8, 2021, despite knowing the penalties of perjury. The BDN 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 December 11, 2020, through June 30, 2021, which is the last month the Respondent received her check from [REDACTED]. Thereby, she should be disqualified for SNAP for a period of 12 months.

The record consists of the evidence and testimony from the Agency. The evidence establishes that the BDN dated May 7, 2020, informed the Respondent that she must report if her household’s gross monthly income exceeded \$2,311, no later than ten (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 [REDACTED] payroll verified that the Respondent started employment on October 19, 2020, and

was being paid weekly at the time of recert through June 25, 2021. The [REDACTED] payroll verification shows the Respondent's income of \$2,894.06 for the month of November was clearly over the income limit of \$2,311.

DHS received the Respondent's completed SNAP recert on June 8, 2021. The only changes she reported on the SNAP recert was a change to a household member and an update to her most recent employment. The SNAP recert clearly asks for the Respondent to provide correct information in the rows provided if incorrect, she did not provide her income for [REDACTED]. The Respondent signed the recert attesting under penalty of perjury that her answers on the recert were correct and complete to the best of her knowledge.

Based on the above, the Respondent was required to report her household earned income on December 10, 2020, pursuant to 218-RICR-20-00-1 § 1.5.2(A) and as a SR who is required to report changes in income pursuant to 218-RICR-20-00-1 § 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 intentionally failed to report her income from [REDACTED]. Accordingly, there is clear and convincing evidence that the Respondent committed an IPV intentionally on December 11, 2020, and continued through June 30, 2021.

X. 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 May 7, 2020, BDN, but

still failed to report her household's earned income from [REDACTED] by December 10, 2020, as required.

2. The Respondent signed under the Penalties of Perjury statement attesting that her answers on the SNAP Recertification forms were correct and complete to the best of her knowledge. The Respondent, however, failed to accurately report all her household's earned income to DHS on her June 8, 2021, SNAP recertification.

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

4. The Agency has demonstrated by clear and convincing evidence that the respondent committed an IPV of the SNAP regulations from December 11, 2020, through June 30, 2021, 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), as this is the Respondent's first IPV.

XI. DECISION

Based on the foregoing findings of facts 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/ *Velmont 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 terms.

CERTIFICATION

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to Lidia M Sanchez, Esq. at 127 Dorrance Street 4th Floor Providence, RI 02903; copies were sent, via email to Lidia M Sanchez, Esq. at sanchezlaw929@gmail.com and to DHS Representatives Iwona Ramian, Esq., Tam Bernard, Brittney Badway, and Kimberly Seebeck on this 21st day of AUGUST, 2025.

