

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

RI DEPARTMENT OF HUMAN SERVICES

v.

DOCKET No. 25-0048

[REDACTED]

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter was conducted by an Administrative Disqualification Hearing Officer on March 11, 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 to an Administrative Disqualification Hearing. The Agency charges that [REDACTED] (Respondent) committed an Intentional Program Violation (IPV) of the Supplemental Nutrition Assistance Program (SNAP) regulations. The Agency charges that the Respondent fraudulently used and trafficked SNAP benefits from December 21, 2022, through October 18, 2024. The Agency is seeking that the Respondent be charged with an IPV for the period December 21, 2022, through October 18, 2024, and be disqualified from SNAP for twelve months. For the reasons discussed in more detail below, the Administrative Disqualification Hearing has been decided partially 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 an IPV for fraudulent use and trafficking SNAP by intentionally buying an Electronic Benefit Transfer (EBT) card and using the SNAP benefits for her own household.

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, Fraud Internal Auditor Timothy Lackie (Auditor) who investigated the case, and provided testimony based on the facts established in determining an IPV of the SNAP regulations. The Agency offered the following evidence as full exhibits at the hearing:

- Exhibit #1: Death Certificate for [REDACTED] (Decedent) and obituary, EBT Transaction Summary from the decedent's EBT card ending in 2403 from January 18, 2023, through October 16, 2024, Client Transaction Search details from the decedent's EBT card from December 21, 2022, through October 16, 2024.
- Exhibit #2: Phone Detail Report and RI Bridges Case Search showing the same telephone number for the Respondent.

- Exhibit #3: 19 Videos with the corresponding EBT transaction details, purchase receipts and 30 photos taken from videos from Stop & Shop, Butcher Brothers, Price Rite, Market Basket, Lil General, and Walmart from May 11, 2024, through September 22, 2024, and DMV photos of the Respondent, [REDACTED] (Individual #1), and the decedent.
- Exhibit #4: A recorded telephone call between the Respondent and the Auditor on October 18, 2024.
- Exhibit #5: Cited excerpt from the Code of Federal Regulations for SNAP at 7 C.F.R. §271.2 – Definitions, specifically Trafficking.
- Exhibit #6: Six-Month Interim Report form dated November 8, 2022.
- Exhibit #7: Benefits Decision Notice (BDN) dated July 25, 2022.
- Exhibit #8: The Respondent's original 20-page Notice of Expiration/Renewal Form - Recertification/Renewal Notice (SNAP Renewal) dated May 1, 2024, and subsequent SNAP Renewal pages 2 - 9 signed on June 1, 2024.
- Exhibit #9: Cited excerpt from the Rhode Island Code of Regulations for SNAP at 218-RICR-20-00-1 specifically §1.9 Intentional Program Violations.
- Exhibit #10: Electronic Disqualified Recipient System (eDRS) verification of the Respondent's previous SNAP disqualifications dated December 10, 2024.
- Exhibit #11: The Respondent's RI Bridges Individual Summary verification printout.
- Exhibit #12: An Important SNAP Notice (SNAP Packet) dated December 14, 2024.

The Respondent did not attend the telephonic hearing. In accordance with 7 C.F.R. §273.16(e)(4) and 218-RICR-20-00-1, §1.23(K)(13), the hearing was conducted without the Respondent present or represented.

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 that appropriate cases are acted upon through an Administrative Disqualification Hearing 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 twelve months.

VII. FINDINGS OF FACT

1. The Agency received a fraud referral from DHS on June 11, 2024. The referral identified deceased SNAP beneficiaries whose cases remained open, but their SNAP benefits

were actively being used. As a result of the referral, an investigation commenced by the Auditor.

2. The decedent was a SNAP beneficiary whose name was listed on the DHS decedents report from Data Analytics. The Certificate of Death shows the decedents date of death as December 20, 2022, but his SNAP benefits remained active after his death through October 18, 2024.

3. The EBT Summary and Transaction Search shows the decedents name, EBT card ending in 2403, monthly SNAP deposits, and numerous food purchases made from on or about December 21, 2022, through October 16, 2024, totaling \$6,527.16. This confirms someone had access and used the decedents EBT card.

4. The Auditor cited 218-RICR-20-00-1 §1.9(C) and 7 C.F.R. §273.16(c) which defines an IPV. In part, an IPV consists of having intentionally made a false or misleading statement, or misrepresented, concealed, or withheld facts; or committed an 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.

5. The Respondent has an active SNAP case. Her household of two consists of herself and her daughter. The RI Bridges Case Summary shows her address as [REDACTED] and her telephone number as [REDACTED].

6. On July 25, 2022, a BDN was mailed to the Respondent stating her SNAP benefits are being renewed effective July 1, 2022. On pages 3 through 7 the BDN informed the Respondent of her RIGHTS, RESPONSIBILITIES and the SNAP PENALTY WARNINGS. Specifically, the SNAP PENALTY WARNINGS state in part, that any member of a household who intentionally breaks a SNAP rule will be barred from the SNAP from one year to permanently. Provides the definition of "Trafficking" in part, pursuant to 7 CFR 271.2, as "The

buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone.” Lastly includes the statement, “DO NOT trade or sell (or attempt to trade or sell) EBT cards or use someone else’s EBT card for your household.”

7. A SNAP Renewal dated May 1, 2024, was mailed to the Respondent at her address of record. The Respondent completed the renewal on June 1, 2024, and DHS received it on June 12, 2024. On Pages 14 through 20, the SNAP renewal again informed the Respondent of her RIGHTS, RESPONSIBILITIES, and the SNAP PENALTY WARNINGS which includes the penalty for breaking a SNAP rule, the definition of “Trafficking”, and the statement “DO NOT trade or sell (or attempt to trade or sell) EBT cards or use someone else’s EBT card for your household.”

8. DMV photos of the Respondent, the Decedent, and Individual #1 were obtained during the SNAP investigation to be used for identity purposes.

9. In May 2024, the EBT summary shows three purchases were made using the decedent’s EBT card, twice at Stop and Shop and once at Aldi. The Stop and Shop store videos and photos from both dates were somewhat blurry and taken from above. Specifically, on May 11, 2024, the Stop and Shop video show an individual in a scooter but on May 25, 2024, the video shows an individual not using a scooter. On both occasions, there is a resemblance to the Respondent using the EBT card based on the DMV photo.

10. In July 2024, the EBT summary shows two purchases were made using the decedent’s EBT card, one at The Butcher Brothers and one at Price Rite. On July 2, 2024, The

Butcher Brothers store photos clearly show the Respondent using the decedent's EBT card for the purchase. On July 3, 2024, a purchase was also made at Price Rite and the store video and photos also clearly identify the Respondent using the decedent's EBT card and leaving the store.

11. In August 2024, the EBT summary shows three purchases were made using the decedent's EBT card one at Cumberland Farms, one at Market Basket and one at Aldi. On August 6, 2024, Market Basket store videos and photos are blurry and do not clearly identify the individual who used the EBT card, but the photo leaving the store resembles the Respondent after the purchase was made.

12. In September 2024, the EBT summary shows numerous purchases at different stores from September 1, 2024, through September 29, 2024, using the decedent's EBT card. On September 1, 2024, Stop and Shop store videos and photos although blurry at times, clearly identify the Respondent using the EBT card. On September 6, 2024, Lil General store videos and photos clearly identify the Respondent outside and inside the store. The store videos and photos also clearly show the Respondent using the EBT card. On September 6, 2024, and September 16, 2024, purchases were made at Price Rite. The store videos, and photos, clearly identify the Respondent using the EBT card on both occasions. Lastly on September 22, 2024, Walmart store videos and photos do not clearly identify the Respondent making the purchase at the register but do clearly identify her leaving the store after the time of the purchase.

13. After the investigation, the Auditor called the Respondent at [REDACTED] to ask her about using the decedent's EBT card. The Respondent stated she did not know the decedent and was unsure if she knew his family members. She admitted she has been buying the EBT card because of a bad situation and needed the SNAP benefits. She paid \$150.00 a month for the EBT card from a person who she would not identify. She confirmed her address as [REDACTED]

██████████ and her telephone number. The Auditor told the Respondent that the decedent's SNAP case was closed by DHS on October 18, 2024. The telephone call was recorded on October 18, 2024, pursuant to R.I.G.L. §11-35-21.

14. The Auditor cited 7 C.F.R. §271.2 which defines "Trafficking". The definition states in part, the buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via EBT cards for cash or consideration other than eligible food either directly, indirectly, in complicity or collusion with others or acting alone.

15. On December 10, 2024, the Agency logged into eDRS to determine the Respondent's SNAP disqualification period. The query shows the Respondent had no previous disqualifications, so this would be considered her first violation. The Agency is pursuing a twelve-month disqualification from SNAP pursuant to 218-RICR-20-00-1 §1.9(A)(3)(c)(1).

16. A SNAP Packet dated December 14, 2024, was mailed to the Respondent at ██████████. The SNAP packet included the alleged fraudulent activity, time frame it occurred, provided the opportunity to dispute the charge, and/or sign and return the waiver by December 24, 2024. The SNAP Packet also included the Waiver of Right to an Administrative Disqualification Hearing, the proposed penalty period, and the Waiver Agreement. The SNAP Packet states the Respondent is being charged with committing an IPV due to Fraudulent use of SNAP benefits and Trafficking for the period of December 21, 2022, to October 18, 2024. The Respondent did not respond to the SNAP Packet, so an Administrative Disqualification Hearing was requested on January 30, 2025.

17. An Advance Notice of Administrative Disqualification Hearing dated January 30, 2025, was sent by first class mail to the Respondent's address of record, ██████████. The notice stated that the hearing was scheduled on March 11, 2025, at

9:00 AM. The notice again states the violation period, reason, disqualification period, 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 §1.23(K)(6), EOHHS provided at least thirty (30) days advance notice, in writing of the scheduling of the disqualification hearing. The hearing was held accordingly without the Respondent present or represented.

VIII. DISCUSSION

The Agency maintains the Respondent has been fraudulently using and trafficking the decedent's EBT card to access his SNAP benefits from December 21, 2022, through October 16, 2024, in the amount of \$6,527.16. The Agency states the evidence shows the Respondent admitted she paid an individual she knows \$150.00 per month and used the decedent's SNAP benefits for her own household. The evidence also shows the Respondent received a BDN dated July 25, 2022, and a SNAP Renewal dated May 1, 2024, that clearly stated the SNAP PENALTY WARNINGS, the definition of "Trafficking" and informs her not to use someone else's EBT card. The Agency further states the evidence is clear that the Respondent committed an IPV and should be disqualified from SNAP for a period of twelve months.

The record consists of the evidence and testimony from the Agency as the Respondent did not appear at the hearing. The evidence establishes the Certificate of Death shows the decedent's date of death was December 20, 2022, and his EBT card ending in 2403, was accessed and used from December 21, 2022, through October 18, 2024. The EBT Card Summary specifically shows the purchases made at each store with the decedent's EBT card. The Agency testified that the Respondent's telephone number, and an unidentified telephone number obtained balance inquiries from decedent's SNAP benefits from December 21, 2022, through October 18, 2024. The Respondent also has an active SNAP case and is a household of two (2) consisting of

herself and her daughter.

The evidence further establishes that a BDN dated July 25, 2022, informed the Respondent that her SNAP benefits are being renewed. The BDN clearly informed her of her RIGHTS, RESPONSIBILITIES, and the SNAP PENALTY WARNINGS for intentionally breaking a SNAP rule, including the definition of "Trafficking" pursuant to 7 C.F.R. 271.2, and the statement, "DO NOT trade or sell (or attempt to trade or sell) EBT cards or use someone else's EBT card for your household." The Respondent was also mailed a SNAP Renewal on May 1, 2024, which again clearly informed her of her RIGHTS, RESPONSIBILITIES, the SNAP PENALTY WARNINGS. The Auditor testified that the Respondent was also found on numerous store videos using the decedent's EBT card from May 2024 through September 2024.

A review of the of all the store videos and photos for purchases made using the decedent's EBT card show in May 2024, the individual using the EBT card resembles the Respondent, July 2024 the Respondent is clearly identified using the EBT card, August 2024 the individual using the EBT card could not be identified, but the photo resembles the Respondent leaving the store approximately after the purchase was made, and September 2024 the Respondent was clearly identified using the EBT card. Even though in May and August 2024 the store videos and photos were not clear, they did resemble the Respondent, so it is highly probable that she bought the EBT card and used the SNAP benefits for these two months. Although, in June 2024 and October 2024, the EBT summary shows purchases were made with the decedent's EBT card at the same stores that videos were obtained previously, but no evidence was provided to establish that the Respondent made these purchases. Therefore, it unclear if the Respondent bought the EBT card for these two months or if someone else did.

The Auditor also testified that there were balance inquiries on the decedents EBT card

from the Respondent's telephone number and an unidentified telephone number from December 21, 2022, through October 18, 2024, but the evidence was not provided to substantiate this claim. There is no dispute the Respondent admitted during the telephone call with the Auditor that she bought the EBT card for \$150.00 a month because she was in a bad situation, but a clear time frame was never established for the continuous period of December 21, 2022, through October 18, 2022, as the Agency testified to.

Based on the above, it is clear the Respondent fraudulently used and trafficked the decedent's SNAP benefits by buying his EBT card for \$150.00 and then using the benefits for her own household. The evidence is also clear the Respondent bought the decedent's EBT card in May 2024, and continued to do so in the months of July, August, and September 2024. Therefore, the Respondent intentionally violated the SNAP Regulations 218-RICR-20-00-1 §1.9(C) and 7 C.F.R. §273.16(c) that defines an IPV. According to 218-RICR-20-00-1 §1.9(B) and 7 C.F.R. §273.16(e)(6) there is clear and convincing evidence that the Respondent committed an IPV in the months of May, July, August and September 2024.

IX. CONCLUSIONS OF LAW

After careful review of the testimony and evidence presented at the Administrative Disqualification Hearing, this Administrative Disqualification Hearing Officer concludes:

1. The Respondent has an active SNAP case and her household of two consists of herself and her child.
2. The Respondent was aware of the SNAP PENALTY WARNINGS upon receipt of the BDN dated July 25, 2022, and SNAP Renewal dated May 1, 2024, that clearly states the penalties for intentionally breaking a SNAP rule, the definition of "Trafficking" and the statement "DO NOT trade or sell (or attempt to trade or sell) EBT cards or use someone else's EBT card for your household."

4. The Respondent admitted she bought the decedent's EBT card for \$150.00 a month, and the videos and photos show she used the SNAP benefits for her own household.

3. The Respondent trafficked the decedent's EBT card and fraudulently used SNAP benefits for her own household in the months of May, July, August, and September 2024.

4. The Agency has demonstrated by clear and convincing evidence that the Respondent knowingly and willingly purchased the decedents EBT card for \$150.00 to purchase food for her own household.

5. The Agency also has demonstrated by clear and convincing evidence that the Respondent committed an IPV for the months of May, July, August and September 2024.

6. Consequently, the Respondent, as head of household, will not be able to participate in SNAP 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 months as this is the first IPV.

X. 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 months is granted.

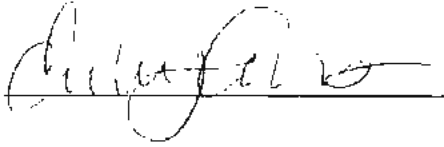
AGENCY'S INTENTIONAL PROGRAM VIOLATION CHARGE IS GRANTED

/s/ Louanne Marcello

Louanne Marcello
Administrative Disqualification Hearing Officer

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, Brittny Badway, Kimberly Seebeck, Iwona Ramian Esq., and DHS Representatives Denise Tatro, Kimberly Rauch, Jenna Simeone, Kirsten Cornford, and DHS Policy Office on this 27th day of March, 2025.



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.