

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

Department of Human Services

V.

DOCKET No.

25-0049

[REDACTED]

DECISION

INTRODUCTION

A Microsoft Teams hearing in this matter occurred on March 18, 2025, at 9:00 AM. The Department of Administration, Office of Internal Audit, Fraud Unit (Agency), on behalf of the Department of Human Services (DHS), initiated this matter for an Administrative Disqualification Hearing to examine the charge that the Respondent, [REDACTED], had committed an Intentional Program Violation of the Supplemental Nutrition Assistance Program (SNAP). Specifically, the Agency is claiming that the Respondent did not accurately report her household composition between March 5, 2023, through April 30, 2024. In addition, the Agency is also claiming that the Respondent engaged in trafficking of EBT benefits on August 21 and 22, 2023. The Agency is seeking that the Respondent be charged with a single Intentional Program Violation and be disqualified from participating in SNAP for a period of two years. For the reasons discussed in more details below the Administrative Disqualification Hearing has been decided in favor of the Agency.

JURISDICTION

The Executive Office of Health and Human Services is authorized and designated by R.I.G.L. § 42-7.2-6.1 and 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 210-RICR-10-05-2 and the Administrative Procedures Act (R.I.G.L. § 42-35.1 et. seq.).

ISSUE

The issue is whether the Respondent committed an Intentional Program Violation by intentionally 1) making one or more false statements, 2) making one or more misleading statements, 3) making one or more misrepresentations, 4) concealing one or more facts, 5) withholding one or more facts, or 6) committing any act that constitutes a violation of SNAP policy or statute to receive SNAP benefits, in accordance with federal and state law, regulations, and policy as set forth below.

STANDARD OF PROOF

This tribunal is required to carefully consider the evidence and determine by clear and convincing evidence if an Intentional Program Violation occurred. The Agency's burden to support claims with clear and convincing evidence requires that they present clear, direct, and convincing facts that the Administrative Disqualification Hearing Officer can accept as highly probable. 7 C.F.R. § 273.16(e)(6) & 218-RICR-20-00-1.9(B).

PARTIES AND EXHIBITS

Fraud Internal Auditor Timothy Lackie and Internal Audit Manager Brittney Badway attended the hearing. The following exhibits were presented as evidence:

- Audio recordings between Auditor Lackie, [REDACTED], [REDACTED], and the Respondent.
- Benefits Decision Notice issued to the Respondent dated August 9, 2023.

- **Benefits Decision Notice** issued to the Respondent dated December 2, 2023.
- **Birth Certificates** for [REDACTED], [REDACTED], and [REDACTED].
- **Change of Address Notice** issued on March 5, 2023.
- **Change Report Form** completed for [REDACTED] and dated May 15, 2023.
- **DHS-2 Application for Assistance** completed by the Respondent and received by DHS on August 26, 2021.
- **Division of Motor Vehicles Biometric Identification printouts** for [REDACTED] and the Respondent.
- **EBTedge cbtDataWarehouse printout** for [REDACTED] case.
- **EBTedge printout** of the transaction that occurred on August 21, 2023, at 23:46 hours.
- **EBTedge Transaction Details** for the PriceRite transaction of August 22, 2023, at 15:10:16 hours.
- **EBTedge Transaction Details** for the Stop & Shop transaction of August 22, 2023, at 07:39:30 hours.
- **Electronic Disqualified Recipient System printout** on the Respondent.
- **Facebook photo** [REDACTED]
- **Receipt** for the PriceRite transaction of August 22, 2023, at 3:10 PM.
- **Receipt** for the Stop & Shop transaction of August 22, 2023, at 7:39 AM.
- **Recertification/Renewal Notice** completed by the Respondent and received by DHS on July 19, 2023.
- **Recertification/Renewal Notice** completed by the Respondent and received by DHS on August 23, 2023.

- Rent receipts from February and May of 2023 showing the Respondent paying rent for the third-floor unit [REDACTED].
- Rent receipts from March and April 2024 showing [REDACTED] paying rent for the third-floor unit of [REDACTED].
- RI Bridges Case – Search/Summary printout on the Respondent’s SNAP case.
- RI Bridges Individual Summary screen printout on the Respondent.
- Screenshots of Auditor Lackie’s phone showing phone call attempts with the Respondent’s phone number.
- Select provisions of the Rhode Island Code of Regulations that are applicable in this matter.
- Six-Month Interim Report completed by the Respondent and received by DHS on January 25, 2024.
- State Online Query (SOLQ) report details for Eliezer.
- Video footage from the PriceRite and Stop & Shop transactions along with screenshots pulled from those videos.

The Respondent did not attend the hearing. In accordance with 7 C.F.R. § 273.16(e)(4) and 218-RICR-20-00-1.23 (K)(13) (Emergency Rule of December 30, 2024), the hearing was conducted without the Respondent present or represented.

RELEVANT LAW/REGULATIONS

An Intentional Program Violation is defined as intentionally 1) making one or more false statements, 2) making one or more misleading statements, 3) making one or more misrepresentations, 4) concealing one or more facts, 5) withholding one or more facts, or 6) committing any act that constitutes a violation of SNAP policy or statute. This must be done for the purposes of 1) using, 2) presenting, 3) transferring, 4) acquiring, 5) receiving, 6) possessing, or 7) trafficking in SNAP benefits. 7 C.F.R. § 273.16(c). To determine whether an Intentional Program Violation has occurred, 7 C.F.R. § 273.16(e)(6),

requires the state to conduct an Administrative Disqualification Hearing to determine whether there is clear and convincing evidence that an Intentional Program Violation occurred.

Similarly, 218-RICR-20-00-1.9, provides that the “The Office of Internal Audit is responsible for investigating any case of [an] alleged intentional program violation and ensuring that appropriate cases are acted upon, either through Administrative Disqualification Hearings or referral[s] to a court of appropriate jurisdiction.” It further provides that “[a]dministrative disqualification procedures or referral[s] for prosecution action be initiated whenever there is sufficient documentary evidence to substantiate” that an Intentional Program Violation occurred.

If there is a finding that there was an Intentional Program Violation, the disqualification penalty is two years for the second violation. 7 C.F.R. § 273.16(b)(1)(ii).

218-RICR-20-00-1.2.2 (A)(1)(d) requires that parents living together with their children who are under the age of 22 to be on the same SNAP case, regardless if they actually purchase and prepare meals together or separately.

Trafficking of SNAP benefits includes 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), for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone. 7 C.F.R. § 271.2.

OBJECTIONS AND MOTIONS

No objections or motions were made in this matter.

FINDINGS OF FACT

1. The Respondent has previously been disqualified from participating in SNAP for an Intentional Program Violation once already. As such this would be the Respondent’s second Intentional Program Violation which would carry a two-year disqualification period.

Household Composition

2. The Respondent and [REDACTED] have three children in common, [REDACTED] [REDACTED] and [REDACTED]
3. The Respondent and the three children moved into [REDACTED] – 3rd floor in early 2023.
This change was processed by DHS in March of 2023.
4. [REDACTED] filed a change report form that reported he was homeless and that his mailing address is [REDACTED] – 3rd floor on May 15, 2023.
5. [REDACTED] was never added to the Respondent's SNAP case during the period of March 5, 2023, to April 11, 2024. It was not until rent receipts were submitted on April 12, 2024, that DHS was made aware [REDACTED] living at [REDACTED] – 3rd floor.
6. On January 23, 2024, the Respondent talked with Auditor Lackie on the phone. During this conversation, the Respondent stated that [REDACTED] was living with her and confirmed that the two of them were living at [REDACTED].
7. The Respondent submitted her completed Six-Month Interim Report Form on January 25, 2024.
 - a. The form reported that the Respondent and the three children were on file as living in the household at [REDACTED] – 3rd floor.
 - b. [REDACTED] was not listed on the form as being in the household. He was not added to the form that he was living in the household.
 - c. The box for no one having moved into the household was checked.
 - d. The box for no changes being reported on the form was checked.
 - e. The Respondent signed under penalty of perjury that all their answers were correct and complete to the best of their knowledge on January 25, 2024.

Trafficking

8. [REDACTED] applied for SNAP benefits and was approved towards the end of August 2023. [REDACTED] reported that he never received his EBT card. He went to the DHS office where he found out the balance

was lower than expected because of someone using the card. [REDACTED] got a replacement EBT card at that time. In September, [REDACTED] reported the missing EBT card/benefits issue to the Agency.

9. On August 9, 2023, DHS issued a Benefits Decision Notice to the Respondent which included the SNAP warnings. Those warnings included the definition of trafficking and stated, in bold text, **“DO NOT trade or sell (or attempt to trade or sell) EBT cards or use someone else’s EBT card for your household.”**
10. In phone conversations with Auditor Lackie, the Respondent stated that her brother purchased the EBT card from [REDACTED]. The brother then gave the EBT card to the Respondent. At that time the brother was couch surfing and spending time at the Respondent’s apartment as well as at the Amos House.
11. On August 21, 2023, there were several balance inquiries on [REDACTED] missing EBT card that originated from the Respondent’s phone number. In addition, the Respondent’s phone number was used to set the PIN number on [REDACTED] missing EBT card.
12. There were five transactions on [REDACTED] missing EBT card on August 22, 2023. These included a transaction at PriceRite where a bottle of water, donuts, and a six pack of powder baby formula was purchased and a Stop & Shop transaction where ten cans of powder baby formula, a ginger ale, and a sandwich were purchased.

DISCUSSION

Household Composition

The Agency is seeking an Intentional Program Violation based on the Respondent’s failure to accurately report the household composition. The Agency believes this Intentional Program Violation started on March 5, 2023. The Agency is using the date the Respondent moved into the 3rd floor apartment on [REDACTED] as the start date of the Intentional Program Violation. However, there is no evidence to prove that [REDACTED] moved in with the Respondent at that time. The Change Report Form that [REDACTED] submitted two months later is the earliest connection of [REDACTED] and the [REDACTED]

apartment. That Change Report Form states that [REDACTED] is homeless, making the [REDACTED] address a mailing address. This is insufficient evidence to establish that [REDACTED] was living in the apartment.

On January 23, 2024, the Respondent talked with Auditor Lackie. In that conversation the Respondent confirmed that [REDACTED] was living with the Respondent at the [REDACTED] apartment. This is the earliest date that can be established that [REDACTED] was living in the Apartment. As such the Respondent would have to report this change when she had to complete her next interim report. Two days later the Respondent signed and submitted her Six-Month Interim Report. That report gave clear instructions to ensure all the information was correct and to make any changes that were needed. It listed who was already in the household and provided a spot to add new household members. The Respondent completed the form as if there were no changes and did not add [REDACTED] to the household. Because [REDACTED] and the Respondent were living with their children in common, [REDACTED] is required to be in the same household as the Respondent. See 218-RICR-20-00-1.2.2 (A)(1)(d). The failure of the Respondent to include [REDACTED] on the interim report constitutes a concealment or withholding of facts that are directly relevant to the SNAP calculation. This change remained unreported until rent receipts were submitted on April 12, 2024, showing [REDACTED] paying the rent for the apartment.

Trafficking

Trafficking of SNAP benefits includes buying of SNAP benefits for cash, either directly or indirectly, and either alone or in collusion or complicity with others. 7 C.F.R. § 271.2. By the Respondent's own statements to Auditor Lackie, the Respondent's brother purchased [REDACTED] missing EBT card from [REDACTED]. The brother then gave this EBT card to the Respondent.

On August 21, 2023, the Respondent's phone number is recorded as checking the balance on [REDACTED] missing EBT card multiple times as well as setting up the PIN on the card. Video footage from the August 22, 2023, Stop & Shop transaction shows two individuals who are not inconsistent with the

Respondent and [REDACTED] purchasing several cans of powdered baby formula. Additional footage from the PriceRite transaction shows two individuals who are not inconsistent in appearance to the Respondent and her daughter. This was another transaction for powdered baby formula. The Respondent, in her conversations with Auditor Lackie, stated that the baby formula was for her niece that recently had a baby.

In addition, the Respondent was warned in a Benefits Decision Notice dated August 9, 2023, not to trade or sell EBT cards and not to use someone else's EBT card. This notice was prior to the balance inquiries, pin setting, and purchases on [REDACTED] missing EBT card.

An Intentional Program Violation for trafficking does not require that the offender be the one directly buying the card. Acting in complicity or collusion with someone is sufficient to be found to have committed an Intentional Program Violation. Here it is clear through these series of events that the Respondent was, at minimum, complicit in the buying and later use of [REDACTED] missing EBT card.

CONCLUSION OF LAW

After careful review of the testimony and evidence presented at the administrative hearing, this tribunal concludes:

1. The failure to report a required member of the household on the Six-Month Interim Report constitutes an Intentional Program Violation. The Respondent was required to report [REDACTED] on her Six-Month Interim Report as they were living together with their children in common. The Respondent failed to report [REDACTED] was in the household on her January 2024 Interim. As such an Intentional Program Violation was committed between January 25, 2024, and April 11, 2024.
2. Trafficking of SNAP benefits includes being in complicity or collusion with others to buy an EBT card for cash. The Respondent has, at minimum, been complicit with her brother purchasing of and the later use of [REDACTED] missing EBT card that occurred on August 21 & 22, 2023.

3. As the Agency is only seeking a single Intentional Program Violation charge and requesting the disqualification period for a single Intentional Program Violation, Due Process prevents a finding of both acts to constitute two separate Intentional Program Violations to impose two Intentional Program Violation charges and their corresponding penalties. As such the matter is limited to a single Intentional Program Violation charge and a two-year penalty period.

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 Intentional Program Violation and shall be barred from participating in the SNAP program for two years.

AGENCY'S INTENTIONAL PROGRAM VIOLATION CHARGE IS GRANTED

/s/ Shawn J. Masse

Shawn J. Masse

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 § 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 mailed, via regular mail, postage prepaid, a true copy of the foregoing to

[REDACTED]; copies were sent, via email, to

[REDACTED], Timothy Lackie, Brittney Badway, Kimberly Seebeck, Denise

Tatro, Iwona Ramian, Esq., Jenna Simeone, Kimberly Rauch, Kristen Comford, and the DHS Policy

Office on this 21st day of MARCH, 2025.

Rehman