

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

DEPARTMENT OF HUMAN SERVICES (DHS)

DOCKET NO: 25-0326

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 (“the Agency”) on behalf of DHS initiated this matter on February 14, 2025 for an Administrative Disqualification Hearing (“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 from October 11, 2017 to June 30, 2022. The Agency claimed that the Respondent intentionally violated program rules regarding Unreported earned and unreported unearned income. 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 on March 24, 2025, telephonically, via Microsoft Teams, the Respondent did not appear. For the reasons discussed in this decision, the Agency's IPV charge is granted.

### **III. ISSUES**

The issues before this ADH Officer was whether or not the Respondent made false statements, misrepresented, concealed or withheld facts to receive SNAP benefits and committed a SNAP IPV, in accordance with regulations.

### **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 Investigative Auditor, Tam Bernard ("Auditor Bernard"). The following documents were submitted, accepted and marked as the following Agency Exhibits:

- Exhibit 1 – AP50-B and other wage verification.
- Exhibit 2 – DHS-1605 Benefit Decision Notice ("BDN") dated August 9, 2017.
- Exhibit 3 – DHS-1046 Interim Report ("IR") received by DHS December 22, 2017.
- Exhibit 4 – DHS-1010 Recertification/Renewal Notice ("Recert") received by DHS June 11, 2018.
- Exhibit 5 – Internal case worker notes from DHS's Integrated Eligibility System, RI Bridges dated June 13, 2018, August 1, 2018, July 30, 2021, and June 3, 2022.
- Exhibit 6 – BDN dated August 1, 2018.

- Exhibit 7 – SNAP IR dated December 8, 2018.
- Exhibit 8 – BDN dated January 25, 2019.
- Exhibit 9 – Social Security Administration award letter dated December 11, 2024.
- Exhibit 10 – SNAP recert submitted on July 30, 2021.
- Exhibit 11 – BDN dated July 30, 2021.
- Exhibit 12 – SNAP IR received by DHS December 29, 2021.
- Exhibit 13 – Query results of the Electronic Disqualified Recipient System (“eDRS”).
- Exhibit 14 – Printout of RI Bridges Individual Household information.
- Exhibit 15 – SNAP policy excerpts.
- Exhibit 16 – A letter sent informing the Respondent of the IPV claim and a blank Waiver Agreement.
- Exhibit 17 – An email chain between Auditor Bernard and the Respondent.

## **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)).

Household income is defined by 218-RICR-20-00-1.5.2 as all income from whatever source excluding only certain sources as described in RICR-20-00-1.13.1.

Pursuant to 218-RICR-20-00-1.22(K) if the household member, or its representative, cannot be located or fails to appear at the hearing without good cause, the hearing is conducted without the household member represented. If the household member is found to have committed, but the Hearing Officer later determines that the household member, or representative, had good cause for not appearing, the previous decision must no longer remain valid, and the agency must conduct a new hearing.

## **VII. FINDINGS OF FACTS**

1. On August 9, 2017, a BDN was sent that stated:
  - i. The SNAP application received on August 3, 2017, has been approved.
  - ii. **You have a RESPONSIBILITY** to supply accurate information about your income, resources and living arrangements.
  - iii. **DO NOT** lie or hide information to get or continue to get SNAP benefits that your household should not get.
  - iv. **SNAP PENALTY warnings:** Any member of my household who intentionally breaks a SNAP rule will be barred from SNAP from one year to permanently, fined up to \$250,000, imprisoned up to 20 years or both.
  - v. The reporting instructions of a simplified reporter: You must tell us if your household's gross monthly income (before taxes) is more than \$1,736.00. You must tell us no later than 10 days after the end of the month when your income went up. You must report any changes that might affect your benefits.

2. The Respondent signed IR's on December 14, 2017, December 23, 2018, and December 15, 2021. On all IR's:

- i. The Respondent was informed to answer all questions on the form, correct any incorrect information, add any new information.
- ii. There was no income reported.
- iii. That under penalty of perjury, I attest that all my answers on this form are correct and complete to the best of my knowledge. I understand that

I am breaking the law if I purposely give wrong information and can be punished under federal law, state law or both.

3. The Respondent signed Recert forms on June 7, 2018, and July 30, 2021. On both Recerts:

- i. The Respondent was informed to review the information on the form to make sure it is correct. Cross out any wrong information and write in the correct information.
- ii. There was no income reported.
- iii. My signature on the form indicates I have read or have had read to me the Rights and Responsibilities attached to the form and the above penalties of perjury were also included.

4. On June 3, 2022, the Respondent called the DHS call center to inquire about a bus pass:

- i. The worker researched the details of the case and found that the Respondent had unreported Retirement, Survivors and Disability Insurance ("RSDI") income.
- ii. The Respondent had received a lump sum of \$7,956.20 on June 15, 2021, and was receiving monthly payments since.
- iii. The matter was referred to the Office of Internal Audits by DHS following the phone call.

5. Auditor Bernard investigated the matter and verified the following:

- i. The Respondent was actively employed by the [REDACTED] [REDACTED] from September 17, 2002, until June 2, 2020.

- ii. The month of September 2017, the Respondent's gross wages totaled \$1,768.00.
- iii. As of June 9, 2021, the Respondent was receiving monthly RSDI benefit payments of \$1,342.00.
- iv. The Respondent has no IPV history per eDRS.

6. The Respondent was sent a packet on January 23, 2025, from Auditor Bernard. The packet included a letter that set forth the IPV charge and instructed the Respondent to make contact either by phone or email prior to February 2, 2025, to avoid further action; an ADH Waiver form was also included in the packet.

- i. Auditor Bernard sent a message to the Respondent's DHS registered email address [REDACTED] on February 3, 2025, regarding the packet.
- ii. A response to the Auditor's email was received on February 22, 2025, that stated "I have not received anything yet."
- iii. Auditor Bernard sent a reply email on February 24, 2025, and attached the packet directly to the email.

7. With no resolution to the matter reached, Auditor Bernard submitted an ADH Memo to the Executive Hearing Office on February 14, 2025, and requested an ADH.

8. On February 14, 2025, the EHO sent the Respondent an Advance Notice of an ADH, that stated a hearing was scheduled for March 25, 2025, at 9:00 am, along with an ADH Waiver of Rights form and an ADH Waiver agreement to [REDACTED].

## **VIII. DISCUSSION**

The Respondent was notified by the Agency of the allegation of fraudulent activity by Auditor Bernard and of the hearing date by the EHO. The Administrative record consisted exclusively of the evidence and testimony with representation from the Agency. After advanced notice of the hearing, the Respondent failed to attend. Nonetheless, pursuant to 218-RICR-20-00-1.22(K) the hearing was conducted without the Respondent present or represented. Auditor Bernard investigated this case upon a referral of potential fraud from DHS and determined there was sufficient documentary evidence to substantiate the Respondent committed an IPV.

The Agency demonstrated the Respondent was notified in writing of the SNAP penalty warnings, warned not to lie to get SNAP benefits and of the consequences of an IPV in the BDN issued by DHS. Although, the Respondent signed several renewal forms, under the penalty of perjury and attested that by her signature, all information on the forms was correct, the information reported on those forms was not correct, she hid and concealed facts regarding household income from DHS. The evidence of the detailed income records from the [REDACTED] [REDACTED] proved that the Respondent was employed and receiving earned income. The evidence of the RSDI award letter and subsequent payment verification proved that the Respondent was receiving unearned income.

Per 210-RICR-20-00-1.5.2(A) household income is all income from whatever source. The Respondent was informed in a BDN on August 9, 2017, that if the household's monthly gross income was more than \$1,736.00, it must be reported by the 10<sup>th</sup> day of the following month. The income records verify that for the month of September 2017 the Respondent's gross wages were \$1,786.00. This income should have been reported to DHS no later than October 10, 2017; but was not. The Respondent committed the first act of an IPV on October 11, 2017, by



not reporting that the household income was more than the reporting requirements and continued to commit an IPV each time a renewal form was completed, and the correct household income was not reported. SNAP benefits continued uninterrupted and when the Respondent started receiving RSDI benefits as of June 9, 2021, she also failed to report this unearned income to DHS.

These infractions of SNAP rules and regulations were clearly intentional and in violation of program rules. As after being warned, and by signing under the penalty of perjury, the Respondent failed to provide complete and accurate information regarding the household's income. Per regulations, the same act of IPV's repeated over a period of time must not be separated so that separate penalties can be imposed. Therefore, all IPV acts pertaining to this ADH will be considered one IPV.

#### **IX. CONCLUSION OF LAW**

The evidence presented by the Agency is clear, and this ADH Officer is convinced that the Respondent made false statements, misrepresented, concealed and withheld facts to receive SNAP benefits and committed a SNAP IPV, in accordance with 7 CFR 273.16(C).

#### **X. DECISION**

Based on a complete review of the Administrative record, it is the final order of this ADH Officer that the Agency's request for an IPV against the Respondent for one year is granted.

In accordance with the consequences of a first IPV, the Respondent is barred from SNAP participation for a period of one year.

*/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**

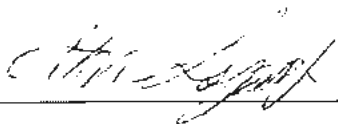
I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to

[REDACTED]; copies were sent electronically to

Agency representatives of the DHS policy unit, Kirsten Comford, Kimberly Seebeck, Brittany

Badway, Iwona Ramian, Esq., Denise Tatro, Kimberly Rauch, Jenna Simeone and Tam Bernard.

On this 7<sup>th</sup> day of APRIL, 2025.

  
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