

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

Department of Human Services

V.

DOCKET No. 25-1889

[REDACTED]

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter was conducted by an Administrative Disqualification Hearing Officer on June 4, 2025. The Department of Administration, Office of Internal Audit, Fraud Unit (hereinafter the “Agency”), on behalf of the Department of Human Services (DHS), initiated this matter for an Administrative Disqualification Hearing and held to examine the charge that the [REDACTED], (hereinafter the “Respondent”), had committed an Intentional Program Violation (IPV) of the Supplemental Nutrition Assistance Program (SNAP). The Agency argues that the Respondent committed an IPV by withholding information about their household composition, despite being under a duty to be forthcoming about that information per the application, interim reports, recertification, and benefit decision notices (BDNs) provided to them by DHS. The Agency is seeking that the Respondent be charged with an IPV and disqualified from the SNAP for a period of 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 human services. 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

Did the Respondent commit a SNAP IPV by intentionally making a false statement, or by misrepresenting, concealing, or withholding facts to receive SNAP benefits that they were not entitled to?

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. See 7 C.F.R. §273.16(e)(6).

V. PARTIES AND EXHIBITS

Present for the Agency was Internal Fraud Auditor, Stephanie Proulx, who investigated the Respondent's case and provided testimony based on the facts established in determining an IPV of the SNAP regulations. The Agency offered the following exhibits as evidence at the hearing:

Exhibit #1 – Verification from the [REDACTED] Massachusetts School Department.

Exhibit #2 – CLEAR Address Report for [REDACTED].

Exhibit #3 – Rhode Island Department of Motor Vehicles Address History for [REDACTED]
[REDACTED]

Exhibit #4 – SNAP Interim Report, Signed by the Respondent on December 18, 2021.

Exhibit #5 – Rhode Island Bridges Case Note, Date: January 5, 2022.

Exhibit #6 – BDN, Date: January 5, 2022.

Exhibit #7 – SNAP Recertification, Signed by the Respondent on May 19, 2022.

Exhibit #8 – Rhode Island Bridges Case Note, Date: July 15, 2022.

Exhibit #9 – BDN, Date: July 18, 2022.

Exhibit #10 – Change Report Form, Signed by the Respondent on September 21, 2022.

Exhibit #11 – SNAP Application, Signed by the Respondent on August 7, 2023.

Exhibit #12 – Rhode Island Bridges Case Note, Date: August 15, 2023.

Exhibit #13 – SNAP Interim Report, Signed by the Respondent on January 3, 2024.

Exhibit #14 – Electronic Disqualified Recipient System (eDRS) Search Results.

Exhibit #15 – Rhode Island Bridges Individual Household Summary, Case Number:
775047042.

Exhibit #16 – Relevant Rhode Island Code of Regulations for the SNAP.

Exhibit #17 – IPV Notice, Date: March 29, 2025.

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

VI. RELEVANT LAW/REGULATIONS

An IPV is defined as intentionally making false or misleading statements, 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.” See 7 C.F.R. §273.16(c). 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 to determine whether there is clear and convincing evidence that an IPV occurred.

Similarly, Rhode Island state counterpart, 218-RICR-20-00-1.9, 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, either through Administrative Disqualification Hearings or referral to a court of appropriate jurisdiction.” It further provides that “Administrative disqualification procedures or referral for prosecution action be initiated whenever there is sufficient documentary evidence to substantiate” that an IPV occurred.

If there is a finding that there was an IPV, the disqualification penalty for the first violation is 12 months. See 7 C.F.R. §273.16(b)(1)(i).

A household is composed of any of the following individuals or groups of individuals, provided they are not residents of an institution, are not residents of a commercial boarding house, or are not boarders:

1. An individual living alone;
2. An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or
3. A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

See 218-RICR-20-00-1.2.1(A) et seq.

VII. FINDINGS OF FACT

1. The Agency began an investigation of the Respondent on September 19, 2022, based on an anonymous allegation claiming that the Respondent was receiving SNAP benefits while not reporting the correct household composition.
2. Per the Verification from the [REDACTED] Massachusetts School Department, the Respondent’s youngest son, [REDACTED] has been living with his father and attending school in [REDACTED] Massachusetts since 2020, and he is still living there as of February 2025.

3. The CLEAR Address Report for [REDACTED] shows that that [REDACTED] father has been living in [REDACTED] Massachusetts since January 1, 2018.
4. The Respondent signed and submitted a SNAP interim report to DHS on or around December 18, 2021. Page two of the SNAP interim report asks the Respondent if their oldest son and [REDACTED] are still living in the Respondent's home in [REDACTED], Rhode Island, and the Respondent checked the "yes" box. By signing the SNAP interim report on page seven, the Respondent acknowledged that their answers were complete and true, and that if they failed to provide complete and true answers, they would be breaking the law and would be subject to penalty.
5. DHS sent the Respondent a BDN on January 5, 2022. The BDN states that the Respondent's SNAP benefits were approved for a SNAP household of three as of January 1, 2022. Page six of the BDN states that the Respondent has a responsibility to supply accurate information about their living arrangements on their application. Pages seven and eight state the SNAP disqualification penalties for committing an IPV and instruct the Respondent to not lie or hide information to get SNAP benefits that your household should not get.
6. The Respondent submitted a SNAP recertification to DHS that they signed on May 19, 2022. On page four the Respondent is asked if their oldest son and [REDACTED] are still residing in their household in [REDACTED], Rhode Island, and the Respondent checked the "yes" box. Page seven lists [REDACTED] as attending [REDACTED] Elementary School. The Agency testified that there is no [REDACTED] Elementary School in [REDACTED], Rhode Island, but there is a [REDACTED] Elementary School in [REDACTED] Massachusetts. By signing the SNAP recertification on page nine, the Respondent acknowledged that their answers were complete and true, and that if they failed to provide complete and true answers, they would be breaking the law and would be subject to penalty.
7. Per the Rhode Island Bridges Case Note, Date: July 22, 2022, the Respondent completed a SNAP recertification interview with a DHS staff member. The case note shows that the Respondent failed to inform the DHS staff member that [REDACTED] was no longer living in their household.

8. DHS sent the Respondent another BDN on July 18, 2022. The BDN states that the Respondent's SNAP benefits were approved for a SNAP household of three as of July 1, 2022. Page six of the BDN states that the Respondent has a responsibility to supply accurate information about their living arrangements on their application. Pages seven and eight state the SNAP disqualification penalties for committing an IPV and instruct the Respondent to not lie or hide information to get SNAP benefits that your household should not get.
9. The Respondent submitted a change report form to DHS on September 21, 2022. The Respondent reported a decrease in their income but failed to report that [REDACTED] was no longer living in their household. By signing the change report form on September 21, 2022, on page seven, the Respondent acknowledged that their answers were complete and true, and that if they failed to provide complete and true answers, they would be breaking the law and would be subject to penalty. Page seven also contains the SNAP penalty warnings and instructs the Respondent not to give false information or hide information to get or continue to get SNAP benefits.
10. The Respondent submitted a signed SNAP application to DHS on August 7, 2023. On pages five through nine of the application, the Respondent lists their oldest son and [REDACTED] as living in their household in [REDACTED], Rhode Island. Page 37 of the application states that the Respondent has a responsibility to supply the Department with accurate information about their living arrangements. Pages 38 and 39 state the SNAP disqualification penalties for committing an IPV and instruct the Respondent not to give false information or hide information to get or continue to get SNAP benefits. By signing the application on page 40, the Respondent acknowledged that their answers were complete and true, and that if they failed to provide complete and true answers, they would be breaking the law and would be subject to penalty.
11. Per the Rhode Island Bridges Case Note, Date: August 15, 2023, the Appellant's SNAP application was approved on an expedited basis without an interview.
12. The Respondent signed and submitted a SNAP interim report to DHS on or around January 3, 2024. Page two of the SNAP interim report asks the Respondent if their oldest son and [REDACTED] are

still living in the Respondent's home in [REDACTED], Rhode Island, and the Respondent checked the "yes" box. By signing the SNAP interim report on page eight, the Respondent acknowledged that their answers were complete and true, and that if they failed to provide complete and true answers, they would be breaking the law and would be subject to penalty.

13. The Agency ran the Respondent through the Electronic Disqualified Recipient Systems (eDRS) and determined that there were no previous SNAP program violations for the Respondent, therefore, this would constitute the Respondent's first SNAP IPV.
14. The Agency mailed a SNAP packet to the Respondent's last known address at [REDACTED] on March 29, 2025. The SNAP packet included an IPV notice stating that the Respondent had committed an IPV from December 18, 2021, to January 31, 2024, by failing to report the correct household composition.
15. On April 11, 2025, the Respondent sent an e-mail to the Agency stating that they would like to move forward with a hearing.
16. Because the Respondent continuously reported that [REDACTED] was still living in their household after he had moved to [REDACTED] Massachusetts with his father in 2020, the Respondent received SNAP benefits that they were not entitled to receive.

VIII. DISCUSSION

As stated above an IPV is defined as intentionally making false or misleading statements, or misrepresenting, concealing, or withholding facts, or committing any act that constitutes a violation of the 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. A household may be composed of a group of individuals who live together and customarily purchase food and prepare meals together for home consumption, an individual living alone, or an individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others.

The Agency testified that the Respondent intentionally violated a SNAP rule because they failed to report the correct household composition during the December 18, 2021, to January 31, 2024, period. The Agency further testified that the Respondent claimed that [REDACTED] was living in their household on the SNAP interims, recertification, application, and change report they submitted to DHS and, furthermore, the Respondent failed to inform DHS that [REDACTED] moved out of their household during a SNAP recertification interview with a DHS staff member. The Agency asserts that because the Respondent withheld information about their household composition, they received SNAP benefits that they were not entitled to. The Agency maintains that the Respondent was aware of their responsibility to supply DHS with accurate information about their household composition and that they were aware of the SNAP penalties for committing an IPV. Lastly, the Agency testified that the Respondent should be found to have committed an IPV, and they should be disqualified from the SNAP for a period of 12 months.

The record clearly and convincingly shows that from the 2020 school year onwards, [REDACTED] was living with his father and attending school in [REDACTED] Massachusetts. During the period from December 18, 2021, to January 31, 2024, [REDACTED] was not living with the Respondent full-time, therefore, [REDACTED] should not have been included in the Respondent's SNAP household. The Respondent was sent several BDNs which included their responsibilities and SNAP Penalty Warnings, and they all clearly state that the Respondent must not lie or hide information to get or continue to get SNAP benefits that their household should not receive. The penalties for perjury were clearly stated on the SNAP application, recertification, change report, and interim forms signed by the Respondent, and they all provided clear instructions as to how to answer all questions regarding household composition. Because of the SNAP application, recertification, interims, change report, and BDNs provided to the Respondent, the evidence is clear and convincing that the Respondent was aware of their responsibility to provide DHS with accurate information about their household composition, and they were also aware of the SNAP penalties for failing to do so. The Respondent chose not to disclose the correct household composition on any of the forms she submitted to DHS during the December 18, 2021, to January 31, 2024, period. The

Respondent also completed an interview with a DHS staff member and withheld the fact that [REDACTED] was no longer living in their household. Because the Respondent failed to report the correct household composition to DHS, they received SNAP benefits that they were not entitled to. Because the Respondent received SNAP benefits that they were not entitled to due to their failure to report the correct household composition to DHS, the Respondent's withholding of information about their household composition constitutes an IPV.

IX. CONCLUSION OF LAW

After careful review of the testimony and evidence present at the administrative hearing, this Appeals Officer concludes that:

1. From December 18, 2021, to January 31, 2024, the Respondent purposely withheld information about their household composition from DHS so that they could obtain SNAP benefits that they were not entitled to.
2. The Respondent's withholding of information about their household composition constitutes an IPV.
3. This is the Respondent's first violation of the SNAP.

X. 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 IPV and hereby is barred from participating in the SNAP for 12 months.

AGENCY'S INTENTIONAL PROGRAM VIOLATION CHARGE IS GRANTED

/s/ Jack Peloquin

Jack Peloquin

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 an 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 Stephanie Proulx, Brittny Badway, Kimberly Seebeck, Iwona Ramian, Esq., Denise Tatro, Kimberly Rauch, Jenna Simeone, Kirsten Cornford, and the DHS Policy Office at dhs.policy_questions@dhs.ri.gov on this 17th day of June, 2025.

Rehman Lakh