

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

Department of Human Services

V.

DOCKET No. 25-2672

[REDACTED]

**DECISION**

**I. INTRODUCTION**

A Microsoft Teams hearing on the above-entitled matter was conducted by an Administrative Disqualification Hearing Officer on August 20, 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 Respondent, [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 transferring their SNAP benefits to three unknown persons, who were neither eligible members of the Respondent's SNAP household nor the Respondent's authorized representatives, despite being under a duty not to do so per the interim report and benefit decision notice provided to them by DHS. The Agency is seeking that the Respondent be charged with an IPV and be 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 misusing their SNAP benefits?

## **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 Senior Fraud Internal Auditor, Timothy Shawn Lackey, 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 – EBT Card Replacement Data for the Respondent.

Exhibit #2 – Rhode Island Code of Regulations, 218-RICR-20-00-1.9(C).

Exhibit #3 – Rhode Island Bridges Individual Household, Household Relationship, and

Authorized Representative Summary for the Respondent's SNAP Case.

Exhibit #4 – Rhode Island Code of Regulations, 218-RICR-20-00-1.2.1(A) and 218-RICR-20-00-1.2.11(A)(1).

Exhibit #5 – RI Bridges Case Notes for Case Number: [REDACTED]

Exhibit #6 – EBT Transaction Details, Store Receipt, and Two Photos from [REDACTED] Dated:  
November 30, 2024.

Exhibit #7 – EBT Transaction Details, Store Receipt, Three Photos, and Three Videos from [REDACTED]  
[REDACTED], Dated: February 13, 2025.

Exhibit #8 – EBT Transaction Details, Store Receipt, Five Photos, and Two Videos from [REDACTED]  
[REDACTED] Dated: February 14, 2025.

Exhibit #9 – Photos of the Respondent Taken from the Rhode Island Department of Motor  
Vehicles, the Rhode Island Department of Corrections Web based Inmate Query  
System (WINFACTS), and Facebook.

Exhibit #10 – SNAP Interim Report, Signed by the Respondent on February 24, 2020.

Exhibit #11 – DHS Request for EBT Cards Forms, signed by the Respondent.

Exhibit #12 – Benefit Decision Notice, Date: August 31, 2024.

Exhibit #13 – Electronic Disqualified Recipient System (eDRS) Search Results.

Exhibit #14 – Rhode Island Bridges Individual Summary.

Exhibit #15 – SNAP IPV Packet, Date: May 17, 2025.

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), 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 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.” 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 “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 violation is 12 months for the first violation. See 7 C.F.R. §273.16(b)(1)(i).

Any person who by any fraudulent device obtains, or attempts to obtain, or aids or abets any person to obtain, public assistance, pursuant to this chapter, to which he or she is not entitled, or who willfully fails to report income or resources as provided in this chapter, shall be guilty of larceny and, upon conviction thereof, shall be punished by imprisonment of not more than five (5) years or by a fine of not more than one thousand dollars (\$1,000), or both, if the value of the public assistance to which he or she is not entitled shall exceed five hundred dollars (\$500); or by imprisonment by less than one year or by a fine of not more than five hundred dollars (\$500), or by both, if the value of the public assistance to which he or she is not entitled shall not exceed five hundred dollars (\$500). See Rhode Island General Laws § 40-6-15.

A household is composed of any of the following individuals or groups of individuals, provided they are not residents of an institution (except as otherwise specified in § 1.2.8 of this Part), are not residents of a commercial boarding house, or are not boarders (except as otherwise specified in § 1.2.6 of

this Part): 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).

An authorized representative is a person designated by the head of the household or the spouse, or any other responsible member of the household, to act on behalf of the household in applying for program benefits or using the SNAP benefits. See 218-RICR-20-00-1.2.11(A)(1).

## **VII. FINDINGS OF FACT**

1. The Agency began an investigation of the Respondent on December 18, 2024, after it received a referral from DHS. The referral claimed that the Respondent was requesting an unusually high number of EBT cards.
2. The Respondent was previously approved for the SNAP as a household of one.
3. The Respondent did not designate an authorized representative for their SNAP case.
4. Between January 1, 2024, and February 12, 2025, the Respondent requested 16 replacement EBT cards.
5. On November 30, 2024, an unknown White Male was photographed in a [REDACTED] store, using Respondent's EBT card ending in [REDACTED]. The Respondent had requested that EBT card on November 7, 2024. The EBT Transaction Details, Store Receipt, and Two Photos from [REDACTED] Dated: November 30, 2024, clearly shows that the unknown White Male was using the Respondent's recently requested EBT card.
6. On February 13, 2025, an unknown Black Male was photographed and recorded in a [REDACTED] store, using Respondent's EBT card ending in [REDACTED]. The Respondent had requested that EBT card on February 12, 2025. The EBT Transaction Details, Store Receipt, Three Photos, and Three Videos from [REDACTED], Dated: February 13, 2025, clearly shows that the unknown Black Male was using the Respondent's recently requested EBT card.

7. On February 14, 2025, an unknown Woman was photographed and recorded in a [REDACTED] store, using the Respondent's EBT card ending in [REDACTED]. The Respondent had requested that EBT card on February 12, 2025. The EBT Transaction Details, Store Receipt, Five Photos, and Two Videos from [REDACTED], Dated: February 14, 2025, clearly shows that the unknown Woman was using the Respondent's recently requested EBT card.
8. On February 24, 2020, the Respondent signed a SNAP interim report. By signing the SNAP interim report on page three, the Respondent acknowledged that under the State of Rhode Island General Laws, Section 40-6-15, the Respondent could be subject to penalty for aiding or abetting any person to obtain public assistance to which the person is not entitled to.
9. DHS sent the Respondent a benefit decision notice on August 31, 2024. The benefit decision notice states that the Respondent's SNAP benefits were approved for a SNAP household of one as of October 1, 2024. Page five of the notice states that cardholders who request five or more replacement EBT cards within a 12-month period may be referred to the Fraud Detection and Prevention Unit for investigation of misuse or abuse of the EBT card. The benefit decision notice also states that documented violations may result in disqualification from the program, recovery through recoupment/restitution, and/or referral for criminal prosecution. Pages five and six state the SNAP disqualification penalties for committing an IPV.
10. 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.
11. The Agency mailed a SNAP packet to the Respondent's last known address at [REDACTED], on May 17, 2025. The SNAP packet included an IPV notice stating that the Respondent had committed an IPV from January 1, 2024, to February 14, 2025, by misusing their SNAP benefits.

## **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. Lastly, an authorized representative is a person designated by the head of the household or the spouse, or any other responsible member of the household, to act on behalf of the household in applying for program benefits or using the SNAP benefits.

The Agency testified that the Respondent intentionally misused their SNAP benefits because they transferred their SNAP benefits to three unknown persons who were neither eligible members of the Respondent's SNAP household nor the Respondent's authorized representatives. The Agency further testified that the Respondent was not with any of these three unknown persons when they utilized the Respondent's SNAP benefits. The Agency also testified that the Respondent was aware of their duty not to misuse their SNAP benefits and of the SNAP penalties for committing an IPV due to the SNAP interim form that they signed and the benefit decision notice they received. 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 the Respondent requested 16 replacement EBT cards between January 1, 2024, and February 14, 2025, and that on three separate occasions, those newly requested EBT cards were used by individuals who were not members of the Respondent's SNAP household. This clearly shows that the Respondent allowed these individuals to utilize the Respondent's EBT cards by providing the individuals both with the EBT cards and the Personal Identification Numbers

needed to access the Respondent's SNAP EBT benefits. Because the Respondent signed a SNAP interim form which informed the Respondent that they could be subject to penalty for aiding any person to obtain public assistance to which the person is not entitled to, and because the Respondent was sent a benefit decision notice that both clearly explained how misusing their SNAP EBT cards could result in disqualification from the SNAP as well as the SNAP penalty warnings, the evidence is clear and convincing that the Respondent was aware of their responsibility not to misuse their SNAP EBT cards. Because the Respondent aided three individuals to obtain public assistance to which they were not entitled to, the Respondent's actions constitute 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 November 30, 2024, to February 14, 2025, the Respondent misused their SNAP benefits by transferred them to three unknown persons who were neither eligible members of the Respondent's SNAP household nor the Respondent's authorized representatives.
2. The Respondent's misuse of their SNAP benefits constitutes an IPV.
3. This is the Respondent's first SNAP IPV.

**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 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

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 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 Kimberly Seebeck, Brittney Badway, Iwona Ramian, Esq., Denise Tatro, Kimberly Rauch, Jenna Simeon, Kirsten Cornford, the DHS Policy Office at [dhs.policyquestions@dhs.ri.gov](mailto:dhs.policyquestions@dhs.ri.gov), and Timothy Lackie on this 27<sup>th</sup> day of August, 2025.

