

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

DEPARTMENT OF HUMAN SERVICES

V.

DOCKET No. 25-3382

[REDACTED]

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter was conducted by an Administrative Disqualification Hearing Officer on August 27, 2025. 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 [REDACTED] (Respondent), committed an Intentional Program Violation (IPV) of the Supplemental Nutrition Assistance Program (SNAP). The Agency charges that the Respondent failed to report both her earned and unearned income to DHS as required. The Agency is seeking that the Respondent be charged with an IPV for the period April 11, 2023, through June 30, 2025, and be disqualified from SNAP for a period of twelve (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 RIGL §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, RIGL §42-35.1 et. seq., and EOHHS regulation 210-RICR-10-05-2.

III. ISSUE

The issue is whether the Respondent committed a SNAP IPV by intentionally making a false statement, or by misrepresenting, concealing, or withholding facts to receive SNAP benefits that she was 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. 7 C.F.R. § 273.16(e)(6) & 218-RICR-20-00-1.9(B).

V. PARTIES AND EXHIBITS

Present for the Agency was Internal Fraud Auditor Tam Bernard, (Auditor Bernard) 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 evidence as exhibits at the hearing:

- Agency Exhibit #1 – Unemployment insurance benefit application and payment history.
- Agency Exhibit #2 – SNAP Application, dated February 15, 2023.
- Agency Exhibit #3 – SNAP Benefit Decision Notice (BDN), dated February 22, 2023.
- Agency Exhibit #4 – SNAP Interim report, dated August 8, 2023.
- Agency Exhibit #5 – Agency Case Note, dated August 10, 2023.
- Agency Exhibit #6 – SNAP Application, dated June 10, 2024.
- Agency Exhibit #7 – Agency Case Note, dated June 16, 2024.
- Agency Exhibit #8 – Benefits Decision Notice, dated June 16, 2024.

- Agency Exhibit #9 – AP50-B for the [REDACTED].
- Agency Exhibit #10 – AP50-B for [REDACTED].
- Agency Exhibit #11 – Electronic Disqualified Recipient System (eDRS), dated June 25, 2025.
- Agency Exhibit #12 – Individual Summary from DHS eligibility system.
- Agency Exhibit #13 – SNAP Regulations
- Agency Exhibit #14 – An Important SNAP Notice (“SNAP Packet”), dated June 27, 2025.

The Respondent, [REDACTED] did not attend the 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 otherwise represented.

VI. RELEVANT LAW/REGULATIONS

Pursuant to 218-RICR-20-00-1, 1.13.1(A)2 (a & b) Simplified Reporter households must report changes in income which bring the household's gross income in excess of the gross income eligibility standard for their household size. They must report these changes by the tenth (10th) day of the month following the month in which the change occurred, provided that the household receives the payment with at least ten (10) days remaining in the month. If there are not ten (10) days remaining in the month, the household must report within ten (10) days from receipt of the payment. A simplified reporter household must also submit an Interim Report Form in its sixth (6th) month of certification.

SNAP Regulation 218-RICR-20-00-1 §1.5.2(A) states “Household income means all income from whatever source excluding only the items specified in §1.5.3 of this Part.” Furthermore, §1.5.2(A)(1)(a) states in part “The following types of income are considered earned income: (1) Wages: All wages and salaries for services performed as an employee, ...” Additionally, 1.5.2(2)(a) states in part; Unearned income include Assistance payments from federal or federally aided public assistance programs, such as SSI, RI Works, GPA or other assistance programs based on need, are considered to be unearned income even if provided in the form of a vendor payment.

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, 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 an IPV. Like its federal counterpart, section §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 one (1) year

VII. FINDINGS OF FACT

1. The Agency received a field referral from DHS on August 10, 2023, claiming that the Respondent was receiving SNAP benefits while not reporting the correct household income. As a result, an investigation commenced into the Respondent’s SNAP case.
2. The Respondent’s SNAP household consists of herself and her child.
3. The Respondent is a Simplified Reporter and is thereby required to report changes to her income no later than 10 days after the end of the month when her gross income increases to an amount that exceeds the gross income eligibility standard for a household of 2.

4. According to the Department of Labor and Training, the Respondent filed for unemployment insurance on January 26, 2023, and received payments from March 13, 2023, until August 2023. She filed a second claim in June 2024, with the first payment being received on June 30, 2024, and her last payment received on August 5, 2023.

5. The Respondent applied for SNAP benefits on February 15, 2023. In Section 17b of the application, under “RESPONSIBILITIES, you have the responsibility to supply the Department with accurate information about your income. You have the responsibility to tell us immediately within ten days of any changes in your income. Under SNAP PENALTY WARNINGS, any member of my household who intentionally breaks a SNAP rule can be barred from the SNAP for one year to permanently, fined up to \$250, 000, imprisoned up to 20 years or both. Do not give false information or hide information to get or continue to get SNAP benefits. The Respondent signed, acknowledging that all information was true and accurate.”

6. A BDN dated February 22, 2023, informed the Respondent that she was approved for SNAP benefits through January 31, 2024, but that she was required to inform DHS if her household’s gross monthly income (before taxes) exceeded \$1,984.00, no later than 10 days after the end of the month when the income went up. The BDN further reiterated the Respondent’s responsibility to provide complete and accurate information, as well as the penalties for intentionally breaking a SNAP rule.

7. According to Exhibit #1, the Respondent received gross UEB totaling \$2, 912.00 in the month of March 2023. The Respondent was required to report this income to DHS by April 10, 2023, which she failed to do.

8. DHS received the Respondent’s SNAP IR on August 8, 2023. Page 1 of the IR provided clear directions on how to complete and submit the form, specifically informing the Respondent that she needed to review the information on the form, make any necessary corrections, and add any new information in order to continue to receive SNAP benefits. Respondent did not report any employment or earned income on the IR. Similarly, the Respondent reported no changes to questions regarding household

member employment and income. The Respondent signed the SNAP IR on August 8, 2023, attesting under “penalty of perjury” that her answers were correct and complete to the best of her knowledge.

9. A Case Note from August 10, 2023, by using the Respondent’s work number, DHS detected Respondent’s employment at [REDACTED], which began on February 13, 2023, and concluded on June 5, 2024, with her income exceeding the amount allowed for eligibility. Her case closed on August 10, 2023, due to her being over income.

10. The Respondent submitted another SNAP application on June 10, 2024.

11. A Case Note from June 16, 2024, confirmed that the Respondent was laid off from her employer, [REDACTED] on June 26, 2024. The Respondent was approved for SNAP benefits.

12. A BDN dated June 16, 2024, was mailed to the Respondent. Pages 2 and 3 stated that an application for SNAP was approved on June 16, 2024. The SNAP Certification period is through the month of June 30, 2025, and Respondent must recertify to continue receiving benefits. The BDN further reiterated the Respondent’s responsibility to provide complete and accurate information, as well as the penalties for intentionally breaking a SNAP rule, including; “You must tell us if your household’s gross monthly income (before taxes) is more than \$2,137.00. You must tell us no later than 10 days after the end of the month when your income went up.”

13. According to the AP50 and accompanying earning reports from [REDACTED] and [REDACTED] [REDACTED] the Respondent was continuously employed by the [REDACTED] between August 5, 2024, and February 6, 2025, and was employed by [REDACTED] as of February 10, 2025. The Respondent received her last check from [REDACTED] on March 7, 2025. The Respondent’s total gross income for March 2025, was over \$5,000.00, this exceeding the amount allowed on the BDN, \$2137.00. She was required to report this income by April 10, 2025, which she failed to do.

14. The Respondent committed an IPV when she failed to report unemployment benefits and job income while she was receiving SNAP benefits, despite being advised she was required to do so.

15. On June 25, 2025, Auditor Bernard logged into eDRS to determine the Respondent’s SNAP disqualification period which showed that the Respondent had no previous SNAP

disqualifications. Because this is the Respondent's first (1st) violation, the Agency is pursuing a twelve (12) month disqualification from SNAP.

16. A SNAP Packet dated June 27, 2025, was mailed to the Respondent's address of record. The SNAP Packet included the alleged fraudulent activity, time frame it occurred, the opportunity to dispute the charge and/or sign and return the waiver by July 7, 2025. The SNAP Packet also included the Waiver of Right to Administrative Disqualification Hearing, the proposed penalty period, and the Waiver Agreement. The SNAP Packet states that the Respondent is being charged with committing an IPV due to "Unreported Earned Income and Unreported Unearned Income" pursuant to 218-RICR-20-00-1 §1.13.1.

17. Auditor Bernard testified that the Respondent did not respond to the SNAP Packet, so he attempted to contact the Respondent via telephone but was unsuccessful.

18. On July 22, 2025, an Advance Notice of Administrative Disqualification Hearing ("RIFS-121C") was sent by first class mail to the Respondent's physical address of record. The notice stated that the hearing was scheduled on August 27, 2025, at 9:00 AM. The Advance Notice of Administrative Disqualification Hearing again states the violation period, reason, and disqualification penalty. The Waiver of Right to Administrative Disqualification Hearing and Waiver Agreement was again sent with the Advance Notice. In accordance with 7 C.F.R. §273.16 (e)(3) and 218-RICR-20-00-1 §I.22 (K)(6), EOHHS provided at least thirty (30) days advance notice, in writing of the scheduling of the disqualification hearing and the hearing was held accordingly.

VIII. DISCUSSION

The issue to be decided is whether the Respondent committed a SNAP IPV by intentionally making a false statement(s), misleading statement(s), making misrepresentation(s), concealing fact(s), withholding fact(s), or committing any act(s) that constitutes a violation of SNAP regulations.

The Respondent began receiving SNAP benefits on February 15, 2023, as a Simplified Reporter household consisting of herself and one child. As such, she was required to notify DHS if her household's gross income exceeded the gross income eligibility standard for a household of 2. A BDN dated February 22, 2023, informed the Respondent that she was required to report her gross household

income if it exceeded \$1984.00. In March 2023, the Respondent received unemployment insurance benefits totaling \$2,912.00. The Respondent was supposed to report this income to DHS by April 10, 2023, but did not. Because the Respondent withheld facts, specifically not telling DHS about this unemployment insurance income, an IPV began on April 11, 2023. The Appellant's SNAP benefits were closed in August 2023 after DHS became aware she was receiving earned income that exceeded the SNAP income limits, despite her failure to report that income on the IR she submitted on August 8, 2023.

The Appellant reapplied and was approved for SNAP benefits in June 2024. A BDN dated June 16, 2024, informed her she was to report her gross household income if it exceeded \$2,137.00.

The Respondent was employed by [REDACTED] from August 2024 to February 6, 2025. The Respondent began working at [REDACTED] on February 10, 2025, and was still employed at the time of IPV audit. During her employment, the amount of income she grossed exceeded the amount allowed as indicated on the BDN dated June 16, 2024, her failure to report any of this employment income while receiving SNAP benefits was a SNAP IPV.

In conclusion, the Respondent was informed of her income reporting requirements yet failed to report on multiple occasions, when her household's gross income exceeded a specified amount. By doing this, the Respondent committed a SNAP IPV of the SNAP regulations by intentionally concealing and/or withholding facts about her income.

IX. CONCLUSION OF LAW

After careful review of the testimony and evidence presented at the Administrative Hearing, it is clear that:

1. Upon receipt of the February 22, 2023, BDN, the Respondent was aware of her responsibility to provide accurate information about her income and not lie or hide information in order to receive SNAP benefits she was not eligible for, as well as the penalties for intentionally breaking a SNAP rule.

2. The Respondent failed to report her earned income on her SNAP IR. The Respondent signed and dated the form on August 8, 2023, under the Penalties for Perjury statement attesting that her answers on the form were correct and complete to the best of her knowledge.

3. The Agency has demonstrated by clear and convincing evidence that the Respondent knowingly failed to report her earned income. Knowingly and intentionally not reporting Unearned income and/or Earned income as required per simplified reporter rules. Therefore, the Respondent intentionally misrepresented, concealed, or withheld facts pertinent to her SNAP case.

4. The Agency has demonstrated by clear and convincing evidence that the Respondent committed an IPV of the SNAP Regulations from April 11, 2023, through May 31, 2024.

5. Consequently, the Respondent, as head of household, will not be able to participate in SNAP for twelve (12) months.

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 Agency's request for an IPV against the Respondent for twelve (12) months is granted.

AGENCY'S INTENTIONAL PROGRAM VIOLATION CHARGE IS GRANTED

/s/Jenna Vilardo

EOHHS Appeals 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 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 a true copy of the foregoing to [REDACTED]
[REDACTED], Copies were sent via email to Agency Representatives Tam Bernard, Kimberly Seebeck, Brittny Badway, Iwona Ramian, ESQ., Denise Tatro, Kimberly Rauch, Jenna Simeone, and the DHS Policy Office on this 30th day of September, 2025.


