

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

DEPARTMENT OF HUMAN SERVICES

V.

DOCKET No. 26-0246

[REDACTED]

**DECISION**

**I. INTRODUCTION**

An Administrative Disqualification Hearing Officer conducted a telephonic hearing on the above-entitled matter on March 4, 2026. The Department of Administration, Office of Internal Audit, Fraud Detection and Prevention 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 (IPV) of the Supplemental Nutrition Assistance Program (SNAP). The Agency argues that the Respondent committed an IPV between August 29, 2024, and April 30, 2025, by misusing the Electronic Benefits Transfer (EBT) card, allowing unauthorized persons to make transactions using the Respondent's SNAP benefits. The Agency seeks the Respondent to be charged with an IPV and be disqualified from SNAP for 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 Rhode Island General Law (R.I.G.L.) §42-7.2-6.1 and EOHHS regulation 210-RICK-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**

The issue before the Administrative Disqualification Hearing Officer 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 in accordance with Federal and State regulations as set forth below.

**IV. STANDARD OF PROOF**

The Administrative Disqualification Hearing Officer is required to carefully consider the evidence and determine if an IPV occurred based on clear and convincing evidence. 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).

**V. PARTIES AND EXHIBITS**

Fraud Detection and Prevention Internal Auditor Stephanie Proulx (Auditor Proulx) appeared on behalf of the Agency. The following exhibits were presented as evidence at hearing:

- Exhibit #1 – Printout of Fidelity National Information Services EBT Edge (FISE) data.
- Exhibit #2 – DHS SNAP recertification, dated August 7, 2024.
- Exhibit #3 – DHS Benefits Decision Notice (BDN), dated August 25, 2024.
- Exhibit #4 – Printout of DHS EBT card balance inquiries from FIS.
- Exhibit #5 – Verification of PIN changes on Respondent's EBT card from FIS.
- Exhibit #6 – CLEAR report of Respondent's phone numbers.
- Exhibit #7 – Copy of Respondent's DMV photo.
- Exhibit #8 – CCTV still shots from [REDACTED], dated February 11<sup>th</sup> and February 12, 2025.

- Exhibit #9 – CCTV still shots from [REDACTED], dated March 2, 2025.
- Exhibit #10 – CCTV still shots from [REDACTED] multiple dates.
- Exhibit #11 – EDRS search results, dated November 6, 2025.
- Exhibit #12 – Copy of DHS eligibility system.
- Exhibit #13 – R.I. General Laws Title 40 Human Services, Chapter 6 Public Assistance Act 40-6-15, entitled Fraudulently obtaining assistance.
- Exhibit #14 – SNAP packet, dated November 8, 2025.
- Exhibit #15 – 218 RICR 20-00-1.9C and 218 RICR 20-00-1.9.A.3.c

The Respondent attended the hearing; however, she exercised her right to remain silent and did not offer any evidence at hearing.

#### **VI. RELEVANT LAW/REGULATIONS**

An IPV is defined as intentionally making false or misleading statements, misrepresenting, concealing, 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 SNAP benefits or EBT cards.” To determine whether an IPV has occurred, the State agency must conduct an administrative disqualification hearing to determine whether there is clear and convincing evidence that an IPV occurred. 7 C.F.R. §273.16(c) & 7 C.F.R. §273.16(e)(6).

Similarly, the Rhode Island counterpart, 218-RICR-20-00-1.9, provides that “The Office of Internal Audit is responsible for investigating any case of an alleged IPV and ensuring that appropriate cases are acted upon, either through Administrative Disqualification Hearings or referrals to a court of appropriate jurisdiction.” It further provides that “administrative disqualification procedures or referrals for prosecution action be initiated whenever there is sufficient documentary evidence to substantiate” that an IPV occurred.

A SNAP household is defined as an individual living by themselves, an individual living with others but who customarily purchases and prepares meals separately, or a group of people who live together and customarily purchase and prepare meals together. 218-RICR-20-00-1.2.1(A)(1), (2), & (3).

An Authorized Representative can be appointed to a SNAP household and is authorized to conduct transactions with the household's SNAP benefits. The Auth Rep is issued a separate EBT card. Any individual who has been disqualified from SNAP for fraud cannot be an Auth Rep during their disqualification period. 218-RICR-20-00-1.2.11(A)(2) & (D)(2).

SNAP recipients must keep their EBT card and personal identification number (PIN) safe from unauthorized use and immediately report any loss or theft of their EBT card. 218-RICR-20-00-1.16(A)(7)(a) & (B)(1).

If there is a finding that an IPV of the SNAP regulations has occurred, the disqualification penalty is twelve (12) months for the first violation. 7 C.F.R. §273.16(b)(1)(i).

## **VII. FINDINGS OF FACT**

Auditor Proulx testified that an investigation commenced upon receipt of a referral from the DHS, due to excessive EBT cards issued from August 17, 2021, through July 8, 2025. When a household requests four replacement EBT cards within a 12-month period, the household receives a notice reminding them of the EBT card excessive replacement policy. The Respondent had previously received SNAP benefits in 2019, however closed in November 2019, due to the Respondent also receiving benefits in Connecticut. The Respondent reapplied for benefits on August 13, 2021. Between August 17, 2021, and July 28, 2025, the Respondent was issued a total of thirteen EBT cards from DHS.

The Respondent's transactions were monitored by Auditor Proulx, from August 7, 2024, through August 2, 2025. On August 7, 2024, the Respondent signed a SNAP recertification form and reported her updated phone number, [REDACTED]. On Page seven (7) of the certification form the Respondent is advised that if four or more EBT cards are requested in a twelve (12) month period, their case may be referred to the fraud unit for investigation of misuse or abuse. The snap penalty warnings are outlined on the same page. The Respondent's phone number was also verbally verified when the Respondent spoke

with an eligibility technician, by utilizing EBT Edge FIS. It was also determined that the last time the Respondent's phone number was used to check her balance of her benefits, was on September 8, 2024. From August 29, 2024, through September 5, 2025, six (6) unidentified phone numbers had been used to call and check the Respondent's EBT balance. Between July 12, 2024, and August 2, 2025, one phone number, not associated with the Respondent, was used to change the PIN to the Respondent's EBT card. A CLEAR search was carried out by Auditor Proulx to further identify any telephone numbers that may be associated with the Respondent. The search determined that the numbers used to check both the balance and/or change the PIN, were not associated with the Respondent.

For the following transactions, Exhibit #7 was used to determine that they were not completed by the Respondent. Auditor Proulx obtained CCTV footage from [REDACTED] for transactions using the Respondent's EBT card on February 11, 2025, and on February 12, 2025. An unidentified female can be seen using the Respondent's EBT card on both dates. CCTV footage from [REDACTED], on March 2, 2025, showed an unidentified male completing a purchase. CCTV footage from [REDACTED] was obtained for the following dates, showing multiple unidentified people using the Respondent's EBT card. On July 7, 2024, August 7, 2024, December 9, 2024, January 1, 2025, January 10, 2025, March 3, 2025, and April 7, 2025, the Respondent was not observed in any of the above referenced CCTV footage.

An eDRS search showed that the Respondent had no existing IPV's. This would be the Respondent's first IPV of the SNAP regulations, therefore the state is pursuing a twelve-month disqualification. The Respondent admitted to Auditor that she allowed various individuals to use her card, as she was not aware that it was fraud, despite her signing under penalty of perjury on her application.

## **VIII. DISCUSSION**

Based on the evidence presented at this administrative disqualification hearing, the Respondent's SNAP household consisted of only herself. No additional individuals were reported to DHS, and no Authorized Representatives were added to the Respondent's SNAP case. If an individual is not included in a SNAP household, an individual can be appointed as an Authorized Representative to a SNAP

household. The evidence shows, however, that the Respondent had not appointed an Authorized Representative for the Respondent's SNAP household at any time prior to or during the IPV date range.

The issue on appeal is whether giving the Respondent's EBT card to another party is an intentional violation of SNAP rules. When the Respondent completed her SNAP recertification application, she was informed of the penalties for violating SNAP rules. This included, in bold text on page eighteen (18) of the recertification application, to not sell or trade EBT cards or use someone else's EBT card for their household. By signing the recertification application under penalty of perjury, the Respondent acknowledged that the information she provided was accurate and understood the notice of rights and responsibilities and the penalties for breaking a SNAP rule. The Respondent was also sent a SNAP BDN following her SNAP recertification, which clearly showed that she was the only household member receiving SNAP. On page six (6) of this BDN, the Respondent was informed again in bold text not to sell or trade EBT cards. The Respondent was clearly informed not to sell or trade EBT cards, and the Respondent clearly acknowledged that she understood the penalties for breaking a SNAP rule.

Finally, the evidence is clear that the Respondent was not the individual using the Respondent's EBT card to conduct SNAP transactions on July 7, 2024, August 7, 2024, December 9, 2024, January 1, 2025, January 10, 2025, March 3, 2025, and April 7, 2025. DMV records and CCTV footage show that various unidentified individuals conducted these SNAP transactions, not the Respondent. Furthermore, the evidence is also clear that the Respondent provided her PIN to multiple people as six (6) different numbers were used to check the balance of the Respondent's benefits. Transferring the Respondent's EBT card and PIN to make purchases by a third party constitutes an IPV.

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

After careful review of the testimony and evidence presented at the administrative hearing, the Agency has presented clear and convincing evidence that:

1. The Respondent was the only member of her SNAP household.
2. The Respondent did not appoint an Authorized Representative for SNAP.
3. The Respondent was informed not to trade or sell EBT cards.

4. Transferring an EBT and PIN to someone other than the intended SNAP recipient or Authorized Representative to purchase food for a different household constitutes an IPV of the SNAP regulations.
5. The Respondent committed an IPV between August 29, 2024, and April 30, 2025.
6. Consequently, the Respondent, as head of household, will not be able to participate in SNAP for twelve (12) months per Title 7 CFR 273.16 (b)(1)(i) and SNAP Regulation 218-RICR-20-00-1, Section 1.9 (A)(3)(c)(1), which states in pertinent part: Individuals found to have committed an IPV through an administrative disqualification hearing shall be ineligible to participate in the SNAP program for a period of one (1) year for the first (1<sup>st</sup>) violation.

**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 is disqualified from participating in SNAP for twelve (12) months.

**AGENCY'S INTENTIONAL PROGRAM VIOLATION CHARGE IS GRANTED**

/s/Jenna Vilardo

Administrative Disqualification Hearing Officer

**NOTICE OF APPELLATE RIGHTS**

This decision is a final order under R.I.G.L. § 42-35-12. Under R.I.G.L. § 42-35-15, this Order may be appealed to court within thirty (30) days of the mailing of this decision. Such appeal, if taken, must be completed by filing a complaint in 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.

Appeals are generally filed in the Providence County Superior Court. However, appeals affecting or concerning children under the age of eighteen (18) and/or appeals of a DCYF action may need to be filed in Providence Family Court. If you have any questions about which court a complaint for appeal should be made, you should seek the advice of an attorney, Rhode Island Legal Services, or the clerk of the court where you wish to file your appeal. The courts' contact information can be found on the judiciary's website (<https://www.courts.ri.gov>). Copies of the appeal must be served upon all parties in your case within ten (10) days of the filing of your appeal.

If you exercise any of these appellate rights, please inform the EOHHS appeals office of this so we can prepare a copy of the record for the court. You can contact the Appeals Office at [OHHS.AppealsOffice@ohhs.ri.gov](mailto:OHHS.AppealsOffice@ohhs.ri.gov), 401.462.2132 (Phone), 401.462.0458 (Fax), or at 3 West Road, Virks Building, Cranston, RI 02908.

#### 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, Brittny Medeiros, Stephanie Proulx, Iwona Ramian, Esq., Denise Tatro, Kimberly Rauch and Jenna Simeone, on this 13<sup>th</sup> day of MARCH, 2026.

Samara Morenbell