

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

Department of Human Services

Docket #: 26-0279

V.

Case #: [REDACTED]

DECISION

INTRODUCTION

A Microsoft Teams hearing in this matter occurred on Thursday, March 5, 2026, at 9:00 AM. 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 the Respondent, [REDACTED], had committed an Intentional Program Violation of the Supplemental Nutrition Assistance Program (SNAP). The Agency is seeking that the Respondent be charged with an Intentional Program Violation and be disqualified from participating in SNAP for a period of 1 year. For the reasons discussed in more details below, the charge of an Intentional Program Violation is granted.

JURISDICTION

The Executive Office of Health and Human Services is authorized and designated by R.I.G.L. § 42-7.2-6.1, 210-RICR-10-05-2, and 218-RICR-20-00-1 to be the entity responsible for SNAP related appeals and hearings. The administrative hearing was held in accordance with 210-RICR-10-05-2 and the Administrative Procedures Act (R.I.G.L. § 42-35.1 et. seq.).

## **ISSUE**

The issue is whether the Respondent committed a SNAP Intentional Program Violation by intentionally 1) making a false statement(s), 2) making a misleading statement(s), 3) making a misrepresentation(s), 4) concealing fact(s), 5) withholding fact(s), or 6) committing any act(s) that constitutes a violation of SNAP policy or statute to receive SNAP benefits, in accordance with federal and state law, regulations, and policy as set forth below.

## **STANDARD OF PROOF**

This tribunal is required to carefully consider the evidence and determine by clear and convincing evidence if an Intentional Program Violation occurred. 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).

## **PARTIES AND EXHIBITS**

Internal Audit Manager Brittny Medeiros attended the hearing. The following exhibits were presented as evidence:

- Select provisions from 218-RICR-20-00-1.
- The AP50-B completed by [REDACTED] on the Respondent's wages for 2022.
- The State Wage Information Collection Agency data hit on the Respondent.
- The SNAP Recertification/Renewal Notice completed by the Respondent on August 10, 2021.
- The Benefits Decision Notice issued to the Respondent on August 12, 2021.
- The Benefits Decision Notice issued to the Respondent on November 25, 2021.
- The SNAP Recertification/Renewal Notice completed by the Respondent on August 15, 2022.

- A case note of December 1, 2022, entered into the Respondent's case.
- The Benefits Decision Notice issued to the Respondent on December 1, 2022.
- The Electronic Disqualified Recipient System printout on the Respondent.
- A SNAP packet including the waiver to an Administrative Disqualification Hearing.
- An email between the Agency and the Respondent.

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.

### RELEVANT LAW/REGULATIONS

An IPV is defined as intentionally 1) making a false statement(s), 2) making a misleading statement(s), 3) making a misrepresentation(s), 4) concealing fact(s), 5) withholding fact(s), or 6) committing any act(s) that constitutes a violation of SNAP policy or statute. This must be done for the purposes of 1) using, 2) presenting, 3) transferring, 4) acquiring, 5) receiving, 6) possessing, or 7) trafficking in SNAP benefits. 7 C.F.R. § 273.16(c). To determine whether an Intentional Program Violation has occurred, 7 C.F.R. § 273.16(e)(6) requires the state to conduct an Administrative Disqualification Hearing to determine whether there is clear and convincing evidence that an Intentional Program Violation occurred.

Similarly, 218-RICR-20-00-1.9, provides that "The Office of Internal Audit is responsible for investigating any case of [an] alleged intentional program violation and ensuring that appropriate cases are acted upon, either through Administrative Disqualification Hearings or referral[s] to a court of appropriate jurisdiction." It further provides that "[a]dministrative disqualification procedures or referral[s] for prosecution action be initiated whenever there is sufficient documentary evidence to substantiate" that an Intentional Program Violation occurred.

If there is a finding that there was an Intentional Program Violation, the disqualification penalty is 12 months for the first violation. 7 C.F.R. § 273.16(b)(1)(i) & 218-RICR-20-00-1.9(A)(3)(c)(1).

A simplified reporter is required to report when their household's gross income exceeds the income standard. This must be reported by the tenth day of the month after the income went over the income standard. 218-RICR-20-00-1.13.1(A)(2)(a). Gross income includes all wages from working. 218-RICR-20-00-1.5.2(A)(1)(a)(1). The income limit for a household of one is \$1,396.00 for October 1, 2021, through September 30, 2022. 218-RICR-20-00-1.15 (A)(7) & 218-RICR-20-00-1.15 (E)(1)(Table I).

### **FINDINGS OF FACT**

The Respondent was a simplified reporter under the SNAP rules and a household of one. In 2021, the Respondent was unemployed and receiving unemployment insurance payments of \$183.00 a week. The Respondent confirmed this was accurate in August 2021 when they completed their SNAP Recertification/Renewal Notice. Following the processing of the renewal, DHS issued the Respondent a Benefits Decision Notice stating they were approved for SNAP. It also advised the Respondent to report when their income exceeded \$1,383 by the tenth day after the month the income exceeded that amount. It also warned the Respondent not to lie or hid information to get or continue to get SNAP benefits the household should not get. It also warns that the penalty for the first Intentional Program Violation is one year. In November 2021, the Respondent was issued a new Benefits Decision Notice about an increase in their SNAP benefits. It also informed the Respondent to report when their income exceeded the limit, now set at \$1,396, with the same ten-day reporting period. It also provided the same warning about lying or hiding information.

In March of 2022, the Respondent was hired by [REDACTED]. That month they grossed \$1,805.19. The Respondent remained employed with [REDACTED], through all of 2022. The Respondent's wages remain consistent throughout the year. In August of 2022, the Respondent completed their Recertification/Renewal Notice for SNAP. In that notice they wrote none in the table to report employment income as well as on the page about documents to provide for job income. They also wrote that "everything the same homeless" below where they signed under penalty of perjury that the information provided was accurate.

In December 2022, the Respondent's Recertification/Renewal Notice was processed. DHS received information via a Department of Labor and Training interface that the Respondent has been working. DHS also called [REDACTED], and confirmed over the phone that the Respondent was hired in March of 2022, is paid \$17 an hour, and works 40 hours a week. DHS closed the Respondent's case due to exceeding the income limit.

The Respondent does not have any previous SNAP disqualifications.

### DISCUSSION

The Respondent had to report when their household's gross income exceeds the income limit of \$1,396 in a calendar month. The Respondent was clearly informed of their duty to report on the August and November 2021 Benefit Decision Notices. Both notices also clearly informed the Respondent they had ten days after the end of the month when the income exceeded the limit to report the change.

In March of 2022, the Respondent started working for [REDACTED]. In that same month the Respondent earned \$1,805.19 in gross wages. This exceeded the \$1,396 limit. As such the Respondent was under a duty to inform DHS of exceeding the income limit by April 10, 2022. The Respondent did not report the change as required and continued to work for [REDACTED]. In August of 2022, the Respondent completed their Recertification/Renewal Notice. On that notice they still failed to report the income, despite working consistently for [REDACTED] for the fifth month in a row. The Respondent also signed that Recertification/Renewal Notice, under penalty of perjury, that the answers were correct to the best of their knowledge.

It was not until December 2022, when DHS processed the Recertification/Renewal Notice that DHS learned that the Respondent was employed and over the income standard, about 8 months after the Respondent was supposed to report said employment to DHS.

### CONCLUSION OF LAW

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

1. The Respondent's income exceeded the reporting threshold of \$1,396 in March of 2022.
2. The Respondent was required to report this income increase to DHS by April 10, 2022, but failed to do so.
3. The Respondent failed to report the increase of income on their Recertification/Renewal Notice as required.
4. The failure to properly and timely report this income results in the Respondent committing an Intentional Program Violation by making a false statement and withholding facts to continue to acquire and possess SNAP benefits.

### **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 Intentional Program Violation and the Respondent is barred from participating in the SNAP program for a period of one year.

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

*Shawn J. Masse*

Shawn J. Masse

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 Brittany Medeiros, Kimberly Seebeck, Denise Tatro, Iwona Ramian, Esq., Jenna Simeone, Kimberly Rauch, Kristen Cornford, and the DHS Policy Unit at [DHS.PolicyQuestions@dhs.ri.gov](mailto:DHS.PolicyQuestions@dhs.ri.gov) on this 6<sup>TH</sup> day of MARCH, 2026.

