

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

DEPARTMENT OF HUMAN SERVICES

V.

DOCKET No. 26-1996

[REDACTED]

**DECISION**

**I. INTRODUCTION**

An Administrative Disqualification Hearing Officer conducted a telephonic hearing on the above-entitled matter on May 5, 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 charges that the Respondent failed to report her earned income to DHS as required. The Agency is seeking that the Respondent be charged with an IPV for the period of June 11, 2023, through July 31, 2023, 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 Brittny Medeiros, (Auditor Medeiros) 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 – Applicable Rhode Island Regulations.
- Agency Exhibit #2 – Work number record for Excel HR.
- Agency Exhibit #3 – Copy of SSI and SSP benefits.
- Agency Exhibit #4 – DHS SNAP recertification.
- Agency Exhibit #5 – DHS Benefits Decision Notice (BDN).
- Agency Exhibit #6 – DHS SNAP recertification.
- Agency Exhibit #7 – Case Note, dated July 20, 2023.
- Agency Exhibit #8 – DHS BDN.
- Agency Exhibit #9 – EDRs.
- Agency Exhibit #10 – Important SNAP Notice, dated March 6, 2026.

## 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 claiming that the Respondent was receiving SNAP benefits while not reporting her earned income.
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 employment and wage verification records from the work number, the Respondent was hired by [REDACTED] on April 17, 2023, and earned wages from May 31, 2023, through July 14, 2023.
5. The Respondent’s son received SSI and SSP benefits during the timeframe of the investigation. The Respondent’s son received approximately \$609 in SSI benefits and \$52 in SSP benefits for a total of \$661 monthly.
6. On September 6, 2022, DHS received the Respondent’s SNAP recertification. On page 6, under Type of Income, the Respondent indicated that she was unemployed, receiving no money. DHS repeatedly informed the Respondent of her SNAP reporting requirements. On page 8, In section entitled Penalty Warning states “Under penalty of perjury, I attest that all of my answers on this renewal form are correct and complete to the best of my knowledge,...I understand that I am breaking the law if I purposely give wrong information and can be punished under federal law, state or both.

7. On November 1, 2022, DHS issued a BDN advising the Respondent that any gross income that exceeds \$1984 dollars must be reported within ten days after the end of the month where an increase occurs.

8. On Page 7 of the BDN, dated November 1, 2022, entitled Your Responsibilities, You have a RESPONSIBILITY to supply accurate information about your income, resources and living arrangements on this application. On Page 8 SNAP PENALTY WARNINGS Any member of a household who intentionally breaks a SNAP rule will be barred from the SNAP from one year to permanently, fined up to \$250,000, imprisoned up to 20 years or both. On page 9, DO NOT lie or hide information to get or continue to get SNAP benefits that your household should not get. DO NOT use SNAP benefits to buy non-food items, such as alcoholic drinks and cigarettes or to pay on credit accounts. DO NOT trade or sell (or attempt to trade or sell) EBT cards or use someone else's EBT card for your household.

9. On July 4, 2023, DHS received a signed Recertification form from the Respondent. On page 5, the employment status was left blank, and the Respondent checked the "yes" box, indicating the information was correct. On page 9, In section entitled Penalty Warning states "Under penalty of perjury, I attest that all of my answers on this renewal form are correct and complete to the best of my knowledge, ...I understand that I am breaking the law if I purposely give wrong information and can be punished under federal law, state or both. The Respondent signed on July 4, 2023.

10. As of July 14, 2023, the Respondent was actively employed by [REDACTED] She began her employment on April 17, 2023, working more than forty hours weekly, earning \$31.00 hourly.

11. In May 2023, the Respondent's gross earned and unearned income was \$2,443.00. This exceeds the \$1984.00 to which she was allotted in order to be eligible. In June 2023, the Respondent's gross earned and unearned income was \$5, 287.00. This exceeds the \$1984.00 to which she was allotted in order to be eligible. At the time of this inquiry, the Respondent only received one paycheck which was for \$1550.00, plus unearned income of \$661.00, she grossed \$2,211.00, which exceeds the \$1984.00 she is allotted.

12. According to EDRs, the Respondent does not have any prior SNAP disqualifications. The state is seeking a 12-month disqualification.

13. On March 6, 2026, a SNAP packet was sent to the Respondent's address of record, indicating an IPV occurred between June 11, 2023, and July 31, 2023. The start date was determined when the Respondent was expected to report the income to DHS, the end date was determined by the last month the benefits were received while working for [REDACTED]. On March 20, 2026, Auditor Medeiros spoke with the Respondent, who denied ever working for [REDACTED]. They agreed to speak again on March 23, 2026, to which the Respondent did not answer Auditor Medeiros' effort for contact on March 23, 2026, and March 25, 2026.

#### **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 is 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 November 1, 2022, informed the Respondent that she was required to report her gross household income if it exceeded \$1984.00. In July 2023, the Respondent submitted a recertification form, where she failed to report her employment with [REDACTED]. The Respondent began employment with [REDACTED] in April 2023, where she received her first paycheck in May 2023. The Respondent was supposed to report this income to DHS by June 10, 2023, but did not. Because the Respondent withheld facts, specifically not telling DHS about this earned income, an IPV began on June 11, 2023. The Appellant's SNAP benefits were closed in July 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 in July 2023.

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.

#### **IV. CONCLUSION OF LAW**

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

1. Upon receipt of the November 1, 2022, 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 July 4, 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 June 11, 2023, through July 31, 2023.

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

#### **V. 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 Vilaro

Appeals 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, Iwona Ramian, Esq., Vania Rebollo, Kimberly Rauch, Jenna Simeone and Jessica

Patrolia on this 13<sup>th</sup> day of MAY, 2026.

Sarava McTendall