

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

RI DEPARTMENT OF HUMAN
SERVICES

DOCKET No. 26-2869

V.

[REDACTED]

DECISION

I. INTRODUCTION

A Microsoft Teams telephonic hearing on the above-entitled matter was conducted by an Administrative Disqualification Hearing Officer on June 15, 2026. 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], committed an Intentional Program Violation (IPV) of Supplemental Nutrition Assistance Program (SNAP) regulations. The Agency argues that the Respondent failed to report her income from July 12, 2022, to February 28, 2023. The Agency is seeking that the Respondent be charged with an IPV and be disqualified from 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 Rhode Island General Laws (R.I.G.L.) § 42-7.2-6.1 and the Rhode Island Code of Regulations (RICR) 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) 210-RICR-10-05-2.

III. ISSUE

The issue before this Administrative Disqualification Hearing Officer is whether the Respondent committed a SNAP IPV by intentionally 1) making a false statement, 2) making a misleading statement, 3) making a misrepresentation, 4) concealing facts, 5) withholding facts, or 6) committing any act that constitutes a violation of SNAP policy or statute to receive SNAP benefits, in accordance with Federal and Departmental policy as set forth below.

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 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

Present for the Agency was Investigative Auditor Terri Linehan (Auditor Linehan), who provided testimony and evidence regarding the case. The following exhibits were presented as evidence:

- Exhibit #1: Cited excerpts of relevant Rhode Island SNAP regulations: 218-RICR-20-00-1.9(C), 218-RICR-20-00-1.5.2(A), 218-RICR-20-00-1.5.2(A)(2)(a)(2), 218-RICR-20-00-1.5.2(A)(2)(a)(3), 218-RICR-20-00-1.8(A).
- Exhibit #2: SWICA electronic wage records for [REDACTED]
- Exhibit #3: Rhode Island Child Support Records.
- Exhibit #4: Rhode Island Department of Labor and Training (DLT) unemployment records.
- Exhibit #5: DHS-2 Application for Assistance (DHS-2) signed July 12, 2022.
- Exhibit #6: Department of Human Services (DHS) Benefits Decision Notice (BDN) dated July 16, 2022.
- Exhibit #7: BDN dated September 3, 2022.
- Exhibit #8: Six-month Interim Report (IR) dated November 8, 2022.
- Exhibit #9: Case note dated January 13, 2023.
- Exhibit #10: DHS-2 date-stamped January 13, 2023.
- Exhibit #11: U.S. Department of Agriculture Electronic Disqualified Recipient System (eDRS) search results for the Respondent.
- Exhibit #12: An Important SNAP Notice/waiver packet dated February 12, 2026.

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

7 C.F.R. § 273.16, entitled “Disqualification for Intentional Program Violation (IPV)” (c), defines an IPV as intentionally making a 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 IPV 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-20-00-1.9 provides that the Office of Internal Audit is responsible for investigating any cases of alleged intentional program violations 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 IPV. Like its federal counterpart, §1.9 requires “clear and convincing evidence” that the household member(s) committed or intended to commit an IPV, as defined in §1.9(C).

Per 218-RICR-20-00-1.9(A)(3)(c)(1), and 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.

Household income means all income from whatever source, per 218-RICR-20-00-1.5.2(A), including all wages and salaries for services performed as an employee, except specific exclusions. 7 C.F.R. § 273.9(b) and 218-RICR-20-00-1.5.2(A). It also means worker’s or unemployment insurance 218-RICR-20-00-1.5.2(A)(2)(a)(2) and unearned income such as support payments made directly to the household from non-household members. 218-RICR-20-00-1.5.2(A)(2)(a)(3).

Pursuant to 218-RICR-20-00-1.13.1(A)(2)(a), Simplified Reporter (SR) households are required to report changes in income which bring the household’s gross income in excess of the gross income eligibility standard for their household size by the 10th day of the month following the month in which the change occurred. Per 218-RICR-20-00-1.8(A)(3), a SR is assigned a 12-month certification period.

VII. FINDINGS OF FACT

1. DHS made a referral to the Agency, stating that the Respondent, a Simplified Reporter, failed to report income on her DHS-2. The Agency then began investigating the Respondent’s SNAP case.
 - SWICA electronic employment records show the Respondent worked at [REDACTED] [REDACTED] from the third quarter of 2022 through the first quarter of 2023, making

\$12,363.13 in wages (\$4,658.49 in third quarter 2022, \$5,146.20 in fourth quarter 2022, and \$2,558.44 in first quarter 2023).

- The Respondent filed an unemployment claim with the R.I. Department of Labor Training (DLT) on April 7, 2023. DLT records show that she self-reported employment at [REDACTED] from July 11, 2022, through February 3, 2023, and at [REDACTED] from April 1, 2020, through June 30, 2022.
 - The Respondent received approximately \$660.00 in child support payments, from December 5, 2022, through January 30, 2023, according to R.I. Office of Child Support records.
2. The Respondent submitted a DHS-2 SNAP application on July 12, 2022, a day after she began working at [REDACTED] according to what she later self-reported to DLT.
 3. Auditor Linehan testified that the Respondent committed fraud when she wrote "0" in response to a question on the first page of the DHS-2 about the total amount of income she expected to receive that month, and also checked "no" on question #15 asking, "Do you or anyone in the household expect income from a job this month?" The DHS-2 clearly states on page 29 **"You have a RESPONSIBILITY to supply accurate information about your income, resources and living arrangements on this application."** SNAP Penalty Warnings also are listed in bold and state that any member of the SNAP household who intentionally breaks a SNAP rule will be barred from SNAP for one year to permanently, fined up to \$250,000, imprisoned up to 20 years or both. Additionally, the application specifically states, **"DO NOT lie or hide information to get or continue to get SNAP benefits that your household should not get."** The Respondent signed the application on July 12, 2022, under the penalty of perjury, indicating she understood the questions on the application and the penalty for hiding or giving false information or breaking any of the rules listed in the penalty warning, and that she understood that she was breaking the law if she gave wrong information and could be punished under federal or state law, or both.

4. A BDN dated July 16, 2022, was issued to the Respondent, notifying her that she was approved for SNAP as of July 12, 2022, and that if her gross monthly income exceeds \$1,396.00, she must inform DHS no later than 10 days after the end of the month when the income change occurred. The BDN states “**You have a RESPONSIBILITY** to supply accurate information about your income, resources and living arrangements on this application.”
5. Another BDN was issued on September 3, 2022, stating the Respondent must notify DHS if her gross monthly income totals more than \$1,473.00, no later than 10 days after the end of the month when the income increased, and that she has a responsibility to supply accurate information about her income. **SNAP Penalty Warnings** are listed.
6. The Respondent submitted her IR on December 30, 2022, reporting no changes, including that she did not have any income. She signed the IR under the penalty for perjury, attesting that all her answers were correct and complete to the best of her knowledge, and that she understood she would be breaking the law if she purposely gave wrong information and could be punished under federal or state law, or both. Auditor Linehan testified that the Respondent also received three child support payments that totaled \$216.78, which were not reported on the IR. The IR states “you must tell us if your unearned income goes up or down by \$50 per month” It lists child support as an unearned income example.
7. The Respondent went into a DHS office on January 13, 2023, to process the IR. Per the case note, the eligibility technician (ET) discovered the [REDACTED] employment during an electronic records search during the interview process. The Respondent told the ET she worked at [REDACTED] for one month and it ended in December. Auditor Linehan testified that DLT records showed that the Respondent self-reported that she worked at [REDACTED] from July 11, 2022, until February 3, 2023.
8. The Respondent then submitted a DHS-2 application for SNAP. She marked “0” in response to a question on the first page about the total amount of income she expected to receive that month, and also checked “no” on question #15 asking, “Do you or anyone in the household expect income from a job this month?” She signed it twice under the penalty of perjury, on page 1 on

January 12, 2023, and page 32, on January 13, 2023. SNAP penalties and warnings again were listed on the application.

9. The Respondent has no prior SNAP violations, according to an eDRS search conducted to determine the Respondent's SNAP disqualification period. Therefore, this would be the Respondent's first violation, and, as a result, the Agency is pursuing a 12-month disqualification from SNAP pursuant to 218-RICR-20-00-1.9(A)(3).
10. A SNAP packet was mailed to the Respondent at [REDACTED], on February 15, 2026, informing her that she is being charged with an IPV from July 12, 2022, to February 28, 2023, for unreported earned and unearned income, fraudulent documentation, and obtaining benefits under false pretenses. The start date is the date she submitted the DHS-2 application for SNAP on July 12, 2022, and failed to report her employment; the date of February 28, 2023, is when the benefit period in the case closed. The SNAP packet also includes the Waiver of Right to an Administrative Disqualification Hearing and the Waiver Agreement. A phone number is provided for the Respondent to dispute and/or discuss the charge. The Respondent was told to respond by February 25, 2026, or the case would be referred to the Appeals Office for an Administrative Disqualification Hearing.
11. Auditor Linehan testified that the Respondent called the investigator from the Office of Internal Audit on February 25, 2026, and left a voicemail regarding the waiver. The Respondent was unable to return the waiver due to the snow storm that closed state government on February 23 and 24, 2026, so the Respondent was given an additional 10 days to return it. The investigator never received a response, and a hearing was subsequently requested.
12. An Advance Notice of Administrative Disqualification Hearing dated May 13, 2026, was sent by first class mail to the Respondent's address of record, [REDACTED]. The notice stated that the hearing was scheduled for June 15, 2026, at 9 a.m. The notice states the violation period, reason, disqualification period, Waiver of Right to an Administrative Disqualification Hearing, and Waiver Agreement. In accordance with 7 C.F.R. § 273.16(e)(3)(i),

EOHHS provided at least 30 days advance notice in writing of the scheduling of the disqualification hearing.

VIII. DISCUSSION

The Agency maintains that the Respondent knowingly concealed her employment at [REDACTED] when she applied for SNAP in July 2022, despite signing the DHS-2 under the penalty of perjury, and clear language in the DHS-2 that informed her that she has a responsibility to provide accurate information about her income, as well as the consequences of intentionally breaking SNAP rules.

The Respondent continued to conceal her employment after receiving two BDNs, on July 16, 2022, and September 3, 2022, that specifically informed her that she was required to report to DHS if her gross monthly income exceeded \$1,396.00 and \$1,473.00, respectively, no later than 10 days after the end of the month when the income change occurred. According to electronic employment data verification obtained by DHS, the Appellant made \$12,363.13 in wages at [REDACTED] from the third quarter of 2022 through the first quarter of 2023, which would put her over the monthly amounts she was required to report according to the BDNs. The Appellant made \$4,658.49 in the third quarter 2022; the monthly amount the Appellant made in the third quarter would be approximately \$1,552.00, which exceeds the \$1,396.00 and \$1,473.00 gross monthly income thresholds listed in the BDNs (\$4,658.49 divided by 3=\$1,552.83). Both BDNs informed her that she has a responsibility to supply accurate income information, and the September 3, 2022, BDN repeated **SNAP Penalty Warnings** for intentionally breaking SNAP rules. SNAP regulations state that SRs are required to report changes in income which bring the household's gross income in excess of the gross income eligibility standard for that size household by the 10th day of the month following the month in which the change occurred, according to 218-RICR-20-00-1.13.1(A)(2)(a). However, the Respondent, as a SR, failed to do that in this case.

Furthermore, when the Respondent submitted her IR, she again concealed her employment at [REDACTED] and failed to indicate that she was receiving child support. She signed the IR under the penalty of perjury, attesting that all her answers were correct and complete.

The Respondent continued to conceal her employment at [REDACTED] when she re-applied for SNAP in January 2023, telling the ET that she only worked for UPS for one month and was no longer employed, even though she self-attested to DLT that she worked at [REDACTED] until February 3, 2023. She also failed to list on the DHS-2 that she was receiving child support payments.

IX. CONCLUSION OF LAW

After careful review of the testimony and evidence presented at the Administrative Hearing, this Appeals Officer concludes:

1. The Respondent signed her DHS-2 on July 12, 2022, under the penalty of perjury, indicating she was aware of her responsibilities, and the SNAP Penalty Warnings. The Respondent knowingly concealed that she was working at [REDACTED] by checking "no" to the question that asked her if she expected income from a job that month.
2. The Respondent was aware that she was supposed to report income changes for SNAP because she received two BDNs, on July 16, 2022, and September 3, 2022, that stated she was required to report to DHS if her monthly gross income exceeded \$1,396.00 and \$1,473.00 respectively. Again, the Respondent failed to report her income to DHS, even though her monthly gross income exceeded those amounts.
3. The Respondent listed her income as zero on her IR that she signed on December 30, 2022, despite still working at UPS and receiving child support payments.
4. The Respondent violated SNAP regulations 218-RICR-20-00-1.9(C) and 7 C.F.R. § 273.16(c) that define an IPV.

5. The Agency has demonstrated by clear and convincing evidence that the Respondent committed an IPV of the SNAP regulations starting on July 12, 2022, to February 28, 2023, by failing to report her income.

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 of the SNAP regulations. It is ordered that the Agency's request for an IPV against the Respondent is granted. Consequently, as this is the Respondent's first IPV, she will be barred from participation in SNAP for 12 months, per 7 C.F.R. § 273.16(b)(1)(i) and 218-RICR-20-00-1.9(A)(3)(a)&(c).

AGENCY'S INTENTIONAL PROGRAM VIOLATION CHARGE IS GRANTED

/s/ Lori Stabile

Lori Stabile

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, 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 Kirsten Cornford, Brittny Medeiros, Kimberly Seebeck, Iwona Ramian, Esq., Kimberly Rauch, Jenna Simeone, Vania

Rebello, Jessica Patroliia, and the DHS Policy Office on this 1st day of
July, 2026.

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