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

Department of Human Services Docket #: 26-2964

V.

[redacted] Case #: [redacted]

DECISION

INTRODUCTION

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). A Microsoft Teams hearing in this matter occurred on Monday, June 22, 2026, at 9:00 AM. The Respondent did not choose the option of a video hearing. The Agency is seeking that the Respondent be charged with an Intentional Program Violation and be disqualified from participating in SNAP for one year. For the reasons discussed in more details below the Administrative Disqualification Hearing has been decided in favor of the agency.

JURISDICTION

The Executive Office of Health and Human Services is authorized and designated by R.I.G.L. § 42-7.2-6.1 and 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 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 statue to receive SNAP benefits, in accordance with federal and state laws, regulations, and policies.

STANDARD OF PROOF

The Agency's burden in proving that an Intentional Program Violation occurred is by clear and convincing evidence. The Agency must 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

In attendance at the hearing were:

- The Respondent
- Internal Audit Manager Brittny Medeiros
- A Spanish Interpreter

The following exhibits were presented as evidence:

- Select provisions of 218-RICR-20-00-1
- State of Rhode Island – Office of Management & Budget – Office of Internal Audit – AP50-B sent to [redacted] regarding the Respondent
- Respondent's Application to [redacted] doing business as [redacted]
- US I-9 Employment Eligibility Verification form completed on the Respondent

- The Respondent's Driver's License
- The Respondent's Social Security Card
- DHS-2 completed by the Respondent in June 2024
- Benefit Decision Notice dated June 26, 2024
- SNAP/RIW-200 Change Report Form completed by the Respondent and submitted November 18, 2024
- Six-Month Interim Report completed by the Respondent and submitted on November 18, 2024
- SNAP Recertification/Renewal Notice completed by the Respondent and submitted on April 2, 2025
- Case Note of April 10, 2025, written in the Respondent's case
- Benefit Decision Notice dated April 17, 2025
- Six-Month Interim Report completed by the Respondent and submitted on November 28, 2025
- Case Note of January 15, 2026, written in the Respondent's case
- Case Note of February 10, 2026, written in the Respondent's case
- US Department of Agriculture's Electronic Disqualified Recipient System (eDRS) report on the Respondent
- The Respondent's Dominicana Passport
- A SNAP packet in both Spanish and English

RELEVANT LAW/REGULATIONS

An Intentional Program Violation 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 statue 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 "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 one year for the first violation. 7 C.F.R. § 273.16 (b)(1)(i) & 218-RICR-20-00-1.9 (A)(3)(c)(1).

All income of the household, unless expressly excluded by policy, is countable for SNAP. The income of a household member who is ineligible due to immigration status is pro-rated among the eligible household members. As such, changes in income of someone in the household who is ineligible for SNAP due to immigration status, is still important information for DHS to know to properly calculate the correct benefit amount. 7 C.F.R. § 273.9, 7 C.F.R. § 273.11, & 218-RICR-20-00-1.5.

FINDINGS OF FACT

The Respondent applied for SNAP benefits in June of 2024. On that application the Respondent did not report any job income. The Respondent was hired by [redacted] doing business as [redacted]. The Respondent started on August 12, 2024. The Respondent remained employed by [redacted] through at least January 2026.

On November 9, 2024, the Respondent completed a Change Report Form (SNAP/RIW-200) and the Six-Month Interim Report. Both were received by DHS on November 18, 2024. On both forms, the

Respondent did not include that they were employed by [redacted]. The Six-Month Interim Report was completed under penalty of perjury and on page two listed the Respondent as living in the home. The Change Report Form informed the Respondent of the SNAP penalties for committing an Intentional Program Violation. On both forms, the Respondent had written the date in a Day-Month-Year format.

The Respondent completed their Recertification/Renewal Notice and submitted it on April 2, 2025. On that report the Respondent did not report working for [redacted]. This Recertification/Renewal Notice was completed under penalty of perjury and included the SNAP penalties for committing an Intentional Program Violation. The Recertification/Renewal Notice listed the Respondent as being in the household on page 5.

The Respondent completed a Six-Month Interim Report on November 28, 2025. The Respondent did not include that they were employed by [redacted]. The Six-Month Interim Report was completed under penalty of perjury and on page two listed the Respondent as a household member.

The Respondent argued that they were applying for their children and not themselves as they did not qualify for SNAP. As such they did not report their income to DHS. The Respondent does not meet the citizenship/immigration requirements to qualify for SNAP.

The Respondent does not have any other Intentional Program Violations on their record. As such, this will be the Respondent's first offense which carries a one-year disqualification period.

DISCUSSION

Intentional Program Violation

The Agency argues that the Respondent committed an Intentional Program Violation by failing to report their employment income on the Change Report Form, two Six-Month Interim Reports, and a

Recertification/Renewal Notice. This resulted in the Respondent concealing or withholding facts to acquire/receive SNAP benefits.

For the Agency's argument to stand, the Respondent needed to have a duty to report their employment income. For SNAP, all income of the household, unless expressly excluded by policy, is countable and therefore needs to be reported to DHS to accurately determine benefits. The Appellant argues that they were ineligible for SNAP as they were denied to their immigration status. As such they did not report their income to DHS as they thought it was not required. In cases where someone is part of the physical household but excluded from SNAP for not meeting citizenship/immigration requirements, their income is pro-rated towards the SNAP household. 7 C.F.R. § 273.11 (c)(3) & 218-RICR-20-00-1.5.6 (A)(1)(a)(2). As such DHS would need the Respondent's income to correctly calculate the SNAP benefits, regardless of if the Respondent was approved for SNAP or not.

There are at least four occasions where the Respondent had the opportunity to report their income to DHS. This includes when they completed the Change Report Form, the 2024 Six-Month Interim Report, the 2025 Recertification/Renewal Notice, and the 2025 Six-Month Interim Report. In addition, the Respondent could have submitted the change, for example by submitting a second Change Report Form, at any time throughout the course of the case.

The two Six-Month Interim Reports and the Recertification/Renewal Notice came pre-filled with the household data, including who was in the household. All three forms listed the Respondent among the household members. As such, it was expected that the Respondent would include their information, such as income, when asked. All three documents were signed under penalty of perjury. Furthermore, the Respondent was warned of the SNAP penalties on the various Benefit Decision Notices that were sent, on the Recertification/Renewal Notice, and on the Change Report Form. As such the failure of the Respondent to include their income constitutes a withholding or concealment of facts to obtain SNAP benefits which amounted to an Intentional Program Violation.

Start Date

The Agency asserts that the Intentional Program Violation begins on September 11, 2024, when the Respondent dated the Six-Month Interim Report and the Change Report Form. The two forms are dated as "09-11-24" and the Agency is using the English convention of Month-Day-Year to come up with September 11, 2024. Yet, this would mean the Six-Month Interim Report was dated before it was even generated on October 8, 2024. Whereas, the Spanish convention of Day-Month-Year would put the form being dated on November 9, 2024, just over a week before they were received by DHS.

In addition, an IPV requires an act, such as misrepresentation or concealment, to get SNAP benefits. This does not occur until the Respondent turns in the Six-Month Interim Report. Up until that point, the Respondent would have the ability to correct the information or get clarification. As such, any IPV should be based on when the Six-Month Interim Report and Change Report Forms were turned in. Absent evidence otherwise, this would be the date DHS stamped the documents as being received. In this case November 18, 2024.

CONCLUSION OF LAW

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

1. The Respondent committed an Intentional Program Violation by concealing or withholding information about their employment income to acquire/receive SNAP benefits for their children.
2. An Intentional Program Violation based on the contents of forms provided to DHS occurs when the forms are submitted to DHS and not when they are dated as edits could still be made prior to submission.

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 starting on November 18, 2024, through February 28, 2026. The Respondent is barred from participating in the SNAP program for one year.

AGENCY'S INTENTIONAL PROGRAM VIOLATION CHARGE IS GRANTED

/s/ 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, 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 [redacted], Kimberly Seebeck, Brittny Medeiros, Iwona Ramian, Esq., Vania Rebollo, Jenna Simeone, Kimberly Rauch, Jessica Patrolia, Kirsten Cornford, and the DHS Policy Unit at DHS.PolicyQuestions@dhs.ri.gov on this 24th day of June, 2026.