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

R.I. DEPARTMENT OF HUMAN SERVICES

V.

DOCKET No. 26-3954

[redacted]

DECISION

I. INTRODUCTION

A Microsoft Teams telephonic hearing on the above-entitled matter was conducted by an Administrative Disqualification Hearing Officer on August 3, 2026. The Department of Administration, Office of Internal Audit, Fraud Unit (Agency), on behalf of the RI Department of Human Services (DHS), initiated this matter for an Administrative Disqualification Hearing (ADH) to examine the charge that [redacted] (Respondent) committed an Intentional Program Violation (IPV) of Supplemental Nutrition Assistance Program (SNAP) regulations. The Agency argues that the Respondent misused her SNAP benefits by allowing several people to use her Electronic Benefits Card (EBT) to purchase food. The Agency argues that the misuse occurred from September 3, 2025, through February 26, 2026. 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 R.I. General Laws § 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 DHS programs. The Administrative Hearing was held in accordance with the Administrative Procedures Act, R.I.G.L. § 42-35.1 et. seq., and 210-RICR-10-05-2.

III. ISSUE

The issue is whether the Respondent committed a SNAP IPV by intentionally making a false statement; by misrepresenting, concealing, or withholding facts; or by committing any act that constitutes a violation of SNAP policy or statute to receive SNAP benefits, according to 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.

V. PARTIES AND EXHIBITS

Present for the Agency was Senior Fraud Internal Auditor Timothy Lackie (Auditor Lackie). Auditor Lackie investigated the Respondent's SNAP case, and provided testimony based on the facts established in determining an IPV of the SNAP regulations. The Agency offered the following exhibits as evidence:

- Exhibit #1: Federal and state regulations: 7 Code of Federal Regulations (C.F.R.)§ 273.16, 7 U.S.C. § 2024, 218-RICR-20-00-1.9(c), 218-RICR-20-00-1.13.1(A)(2).

- Exhibit #2: DHS excessive replacement card and fraud referral notice history from January 21, 2025, through March 4, 2026, and copy of the SNAP card replacement and Personal Identification Number (PIN) change history from the FIS EBT Edge database from January 1, 2025, through February 26, 2026.
- Exhibit #3: EBT card replacement history during the IPV period from September 3, 2025, through February 26, 2026.
- Exhibit #4: RI Bridges printouts: Case-search/Summary, Individual-Summary, Authorized Representative-Summary, Individual Household.
- Exhibit #4a: General household and Authorized Representative (AR) regulations: 218-RICR-20-00-1.2.1(A) and 218-RICR-20-00-1.2.11(A)(1).
- Exhibit #5: Copy of R.I. DHS request to FIS to add changes to PIN change rules.
- Exhibit #6: Log of telephone numbers that made balance inquiries about the Respondent's EBT card or reset the PIN number from September 2, 2025, through February 26, 2026.
- Exhibit #7: R.I. Department of Motor Vehicles license copies for the Respondent, and three individuals suspected of using her EBT card.
- Exhibit #8: Video of the September 3, 2025, [redacted] transaction.
- Exhibit #8a: EBT Edge transaction, receipt and still photographs from the September 3, 2025, [redacted] visit.
- Exhibit #9: Video of another September 3, 2025, [redacted] transaction.
- Exhibit #9a: EBT Edge transaction, receipts and still photographs from the September 3, 2025, [redacted] visit.
- Exhibit #10: Video of the February 26, 2026, [redacted] transaction.
- Exhibit #10a: EBT Edge transaction, receipts and still photographs from the February 26, 2026, [redacted] visit.

- Exhibit #11: SNAP Interim Report (IR), and SNAP Recertification (Recert), both signed May 5, 2025.
- Exhibit #12: Benefit Decision Notice (BDN) dated May 5, 2025, and BDN dated February 26, 2026.
- Exhibit #13: Electronic Disqualified Recipient System (eDRS) search results.
- Exhibit #14: The Respondent's Individual Summary screen printout from RI Bridges.
- Exhibit #15: An important SNAP Notice (SNAP packet) dated May 23, 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 false or misleading statements, 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, the 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 ADH whenever there is sufficient documentary evidence to substantiate that an individual has committed IPV. Like its federal counterpart, the R.I regulation §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 year.

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 purchases and prepares meals together. 218-RICR-20-00-1.2.1(A). A SNAP household can choose an Authorized Representative (AR) to conduct SNAP transactions on behalf of the SNAP household. 218-RICR-20-00-1.16(C)(1). A SNAP beneficiary is required to immediately report any loss or theft of their EBT card and is required to keep the card and PIN number safe from misuse. 218-RICR-20-00-1.16(A)(7)(a) and (B)(1). Cardholders who request a fourth replacement EBT card within a 12-month period will be sent a notice alerting the household that their EBT account will be monitored for potential suspicious activity. If another replacement card is subsequently requested and trafficking is suspected, a referral shall be made to the Office of Internal Audit for investigation of suspicious fraud and trafficking activity of the EBT card. Documented violations may result in one or more of the following actions:

- Disqualification from the program,
- Recovery through recoupment/restitution and/or
- Referral for criminal prosecution.

The Agency shall act to protect households containing homeless persons, elderly or disabled members, victims of crimes, and other vulnerable persons who may lose EBT cards but are not committing fraud. 218-RICR-20-00-1.16(B)(2)(c)(3).

R.I.G.L. §40-6-15 pertains to fraudulently obtaining public assistance. It states that any person who by any fraudulent device obtains, or attempts to obtain, or aids or abets any person to obtain, public assistance, pursuant to this chapter to which he or she is not entitled, or who willfully fails to report income or resources, as provided in this chapter shall be guilty of larceny and, upon conviction thereof, shall be punished by imprisonment of not more than five years or by a fine of not more than $1,000, or both, if the value of the public assistance to which he or she is not entitled shall exceed $500; or by imprisonment by less than one year, or by a fine of not more than $500, or by both, if the value of the public assistance to which he or she is not entitled shall not exceed $500.

VII. FINDINGS OF FACT

According to Auditor Lackie's testimony:

- The Agency began its investigation after it was contacted by DHS on January 16, 2024, regarding the Respondent requesting an unusually high number of EBT cards.
- The Respondent is a household of one. She does not have an AR listed in the DHS eligibility system who would be allowed to use her EBT card.
- The investigation revealed that the Respondent has been transferring her SNAP benefits to other people by allowing them to use her EBT card at grocery stores three times.
- From January 2025 through March 2026, DHS mailed the Respondent 11 Excessive Replacement Card Notices and 11 Excessive Replacement Fraud Referral Notices, continuing the trend from the referral in 2024. The Notices all were sent to her at the DHS Holden Street office in Providence. Homeless individuals can elect to have their mail sent to a DHS office.

    1. For example, the January 21, 2025, Excessive Replacement Card Notice to the Respondent states the Respondent's household has requested a total of 11 replacement EBT cards in the past 12 months. The Notice clearly lists prohibited activities, including buying, selling, trading, or stealing of SNAP benefits, and allowing a non-household member to use the EBT card to buy groceries for themselves. The fraud referral notice, also issued on January 21, 2025, states the Respondent's case has been referred to the

Agency because her household has requested five or more EBT cards within the past 12 months.

- A check of the FIS EBT card database showed that the Respondent has had a total of 43 EBT cards issued, with the most recent issued on May 5, 2026, as well as 35 PIN number changes, with the most recent again happening on May 5, 2026.

    1. From January 1, 2025, through February 26, 2026, the Respondent had 14 replacement EBT cards issued, and 10 PIN number changes.
    2. During the IPV period from September 3, 2025, through February 26, 2026, the Respondent had six replacement EBT cards issued because they were either lost, damaged or stolen. There were two PIN number changes in this period.

- Several phone numbers were used to make telephone balance inquiries regarding the Respondent's EBT card, or to change the account PIN number. The Respondent's phone number, which is [redacted] according to DHS records, was not used to make balance inquiries or to change the PIN number during the IPV period. The phone number [redacted] was used to make a PIN number change on September 2, 2025, and a check of public records database showed no name associated with that number. Another number, [redacted], associated with the former DHS office on Elmwood Avenue in Providence, was used to conduct three balance inquiries on October 9, 2025.

- Auditor Lackie obtained photographs of the Respondent and the individuals suspected of using the Respondent's EBT card from the Department of Motor Vehicles (DMV) for comparison purposes: [redacted] [redacted]) and [redacted].

- Video footage from [redacted] on [redacted] and [redacted] was obtained showing three transactions with the Respondent's EBT cards ending in [redacted] and [redacted] during the IPV period, but without the Respondent present.
    1. September 3, 2025, at 10:56 a.m. at [redacted]: An unknown woman (not the Respondent based on the DMV photograph) is seen purchasing a case of Similac baby formula, spending $219.89. EBT card ending in [redacted] was used. The Respondent's SNAP case does not include any children.
    2. Also on September 3, 2025, at 5:43 p.m. at [redacted]: Two women, one later identified as [redacted] purchased food using more than one EBT card. The Respondent's EBT card ending in [redacted] was used for a $254.18 purchase, but was declined, and was followed with another insufficient swipe from [redacted] EBT card. The Respondent's card then was used for a successful $3.16 swipe, and [redacted] for a $15.99 purchase. [redacted] EBT card was used to complete the $241.39 purchase; [redacted] name also was on the receipt.
    3. February 26, 2026, at 5:24 p.m. at [redacted]: [redacted] loyalty card was used, according to [redacted] records, and the Respondent's EBT card ending in [redacted] was used for the $87.94 purchase. The person making the purchases was a woman, but could not be positively identified as [redacted] and was not the Respondent based on the DMV photos.
- The Respondent signed a SNAP IR on May 5, 2025, under the PENALTIES FOR PERJURY on page 7. By signing, the Respondent indicated her answers were correct and complete, and that she understood that she would be breaking the law if she purposely gave wrong information and

could be punished under federal or state law, or both. She reported no household members on the IR, nor did she report an AR.

- The Respondent also signed a SNAP Recert on May 5, 2025, under the PENALTIES FOR PERJURY, again indicating that her answers were complete and true and that she understood that if she failed to provide complete and true answers she would be breaking the law and subject to penalties. The Respondent did not include any household members or AR on the Recert.
- The Respondent wrote she was homeless on both the IR and Recert.
- A BDN was issued on May 5, 2025, to the Respondent at the DHS Holden Street office in Providence, stating her SNAP benefits were approved from May 1, 2025, through October 31, 2025. Another BDN was issued February 26, 2026, stating SNAP benefits were approved from February 6, 2026, through January 31, 2027. Both BDNs clearly state the Respondent's **RESPONSIBILITIES** and that cardholders who request five or more replacement EBT cards within a 12-month period will have their cards held at DHS until talking to DHS staff about their card requests, and that they also may be referred to the Agency for investigation of misuse or abuse of the EBT card. Consequences of documented violations also are listed, which include disqualification from the program, and recovery through recruitment, restitution and/or referral for criminal prosecution. **SNAP PENALTY WARNINGS** are explained on the first BDN on page 5: 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 of both. She or he may also be subject to prosecution under other applicable federal and state laws. It states, **"DO NOT trade or sell (or attempt to trade or sell) EBT cards or use someone else's EBT card for your household."**
- 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).

- A SNAP packet was mailed to the Respondent at her most recent address of record, [redacted], on May 23, 2026, informing her that she is being charged with an IPV from September 3, 2025, to February 26, 2026, for misuse of her SNAP benefits. 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 June 2, 2026, or the case would be referred to the Appeals Office for an Administrative Disqualification Hearing.
- An Advance Notice of Administrative Disqualification Hearing dated June 25, 2026, was sent by first class mail to the Respondent's address of record[redacted]. The notice stated that the hearing was scheduled for August 3, 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 intentionally misused her EBT card by allowing unauthorized individuals access to it. Three transactions at grocery stores were documented in which the Respondent's EBT card was used by other individuals who were not in her household or designated as ARs. The Respondent did not designate an AR pursuant to RICR-020-00-1.2.11(A)(1). Based on the DMV photographs provided as evidence, it is clear that the Respondent was not present during the shopping trips.

The Respondent was homeless and regulations state that DHS shall protect households containing homeless persons who may lose EBT cards, but are not committing fraud per 218-RICR-20-00-1.16(B)(2)(c)(3). However, it is clear that the Respondent was misusing her EBT card, and transferring her benefits to other individuals. The Fraud Unit became aware of the Respondent's fraudulent use of her EBT card when DHS notified it in January 2024 about her excessive EBT card replacement, a pattern that continued throughout 2025, and during the IPV period. Excessive EBT card replacement is often a sign of intentional program violations. Auditor Lackie testified that 14 replacement EBT cards were issued to the Respondent from January 1, 2025, through February 26, 2026, and six replacement EBT cards were issued during the IPV period from September 3, 2025, through February 26, 2026. Reasons given for the replacement during the IPV period were lost, damaged, or stolen, with lost reported the most at three times.

Furthermore, the Respondent was aware of the consequences of sharing her EBT card. She signed both an IR and Recertification in May 2025 under the penalty for perjury, and did not list any household members or an AR. By signing, she stated she understood that she would be breaking the law if she gave incorrect information. In addition, the BDNs she received on May 5, 2025, and February 26, 2026, outlined the consequences of requesting five or more replacement EBT cards during a 12-month period, including that she could be referred to the Agency for investigation of misuse or abuse of the EBT card. The 11 Excessive Replacement Card Notices that were mailed to the Respondent from January 2025 through March 2026 clearly list prohibited activities, including buying, selling, trading, or stealing of SNAP benefits, and allowing a non-household member to use the EBT card to buy groceries for themselves. The May 2025 BDN also listed the **SNAP Penalty Warnings** for those who intentionally break a SNAP rule, and clearly states in bold "**DO NOT trade or sell** (or attempt to trade or sell) EBT cards" or they could be barred from the SNAP program for one year to permanently, fined up to $250,000, or imprisoned up to 20 years or both.

An IPV is defined in 7 C.F.R. §273.16 as intentionally making false or misleading statements, 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." Based on the evidence, it is clear that the Respondent committed an IPV from September 3, 2025, through February 26, 2026, by permitting individuals outside of her household to use her SNAP benefits and should be disqualified from SNAP for a period of 12 months.

IX. CONCLUSION OF LAW

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

1. The Respondent is a household of one with no AR. She is the sole authorized user of her EBT card, and therefore responsible for her card and PIN.
2. The Agency has demonstrated by clear and convincing evidence that the Respondent knowingly allowed others to access her EBT card and PIN number, even though she knew of the penalties for trading or selling EBT cards.
3. Based on the facts outlined above, the Agency has demonstrated by clear and convincing evidence that the Respondent committed an IPV of the SNAP regulations from September 3, 2025, through February 26, 2026.
4. The Respondent cannot participate in SNAP for 12 months per 7 C.F.R. 273.16(B)(1)(I) and 218-RICR-20-00-1.9(A)(3)(C)(1) as this is the Respondent's first IPV.

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 Agency's request for an IPV against the Respondent for 12 months is granted based on the Respondent's misuse of her EBT card and PIN number.

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 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 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 Timothy Lackie, Brittny Medeiros, Kimberly Seebeck, Iwona Ramian, Esq., Vania Rebollo, Kimberly Rauch, Jenna Simeone and Jessica Patrolia, the DHS Policy Office and Kirsten Cornford on this ______ day of 17th, 2026.

Samara McNeill