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

Department of Human Services Docket #: 26-4977

V.

[redacted] Case #: [redacted]

DECISION

INTRODUCTION

A Microsoft Teams hearing in this matter occurred on Monday, September 14, 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 SNAP for a period of one year. For the reasons discussed in more detail 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. § 42-35-9 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 law, regulations, and policy as set forth below.

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:

- Investigative Auditor Tam Nguyen

The following exhibits were presented as evidence:

- DHS Application for Assistance from July 2025
- Recertification/Renewal Notice from August 2025
- Benefits Decision Notice from September 2025
- Rhode Island Works Six-Month Interim Report from November 2025
- SNAP Six-Month Interim Report from February 2026
- Recertification/Renewal Notice from May 2026

- Benefits Decision Notice of July 2026
- Select provisions of 218-RICR-20-00-1
- United States Department of Agriculture Electronic Disqualified Recipient System printout on the Respondent
- AP-50-B completed by [redacted] regarding the Respondent's employment
- Case Notes from the Respondent's case
- SNAP Packet including the SNAP Waiver

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. Though the Respondent was not present or represented, the record was carefully reviewed to determine if an Intentional Program Violation occurred based on clear and convincing evidence.

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. 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 Agency is responsible for investigating potential Intentional Program Violations. The Agency acts upon cases where there is sufficient documentary evidence to substantiate that an Intentional Program Violation occurred. The Agency can either seek an Administrative Disqualification Hearing or refer the matter to a court of appropriate jurisdiction. If there is a finding that there was an Intentional Program Violation, the disqualification penalty is one year for the first violation. 218-RICR-20-00-1.9 (A)(3)(c)(1).

SNAP households that are Simplified Reporters, must report when the household's gross income exceeds the gross income limit for the household. They have till the tenth day following the month the income exceeded the limit to report the change. 218-RICR-20-00-1.13.1 (A)(2)(a). The household must also report when they win substantial lottery winnings and submit an interim report form at the sixth month of their certification period.

OBJECTIONS AND MOTIONS

The Respondent was not present for the hearing that took place on Monday, September 14, 2026, at 9:00 AM. Pursuant to 7 C.F.R. § 273.16 (e)(4) and 218-RICR-20-00-1.23 (K)(13), the hearing occurred without the Respondent present. The hearing concluded about 30 minutes after the scheduled start time and the Respondent still did not call into the hearing. Later that same day, the Respondent called the EOHHS Appeals Office about missing the hearing and wishing to reschedule the hearing. Pursuant to 218-RICR-20-00-1.23 (K)(13)(b)(1), the Respondent was asked to provide good cause for missing the hearing. No good cause was received within the ten-day window following the hearing to request good cause.

FINDINGS OF FACT

The Respondent works for [redacted] which is a staffing/temp agency. The Respondent does not have any guaranteed number of hours or shifts with [redacted]. The Respondent started with [redacted] back in March of 2024.

In the early part of 2025, the Respondent was pregnant and did not pick up any shifts. On July 8, 2025, the Respondent had already exhausted their Temporary Disability Insurance benefits and was applying for Rhode Island Works. This application warned the Respondent of the penalties for a SNAP Intentional Program Violation.

Over the next ten months, the Respondent was frequently picking up shifts with [redacted] and not reporting them to DHS. Crucially, on September 12, 2025, the Respondent submitted a Recertification/Renewal Notice. That notice was completed and signed under penalty of perjury that the information supplied was accurate and complete. The Respondent confirmed that they did not have any job income. However, they picked up work from [redacted] the same week they submitted the Recertification/Renewal Notice. They were paid on September 19, 2025, for those hours.

Furthermore, on February 17, 2026, the Respondent submitted their Six-Month Interim Report for SNAP. The Interim was signed, under penalty of perjury, that the information supplied was accurate and complete. The Respondent confirmed that they currently did not have any job income. However, the Respondent was paid the previous week by [redacted] for hours worked at the beginning of February and picked up hours the same week they submitted the Interim Report. Those hours were paid for on February 27, 2026.

In addition to reporting current income on the Recertification/Renewal Notices and the Six-Month Interim Reports, the Respondent had to report when their household's income exceeded the gross income limit. For the Respondent's household, the limit was $2,292 for the entire period in question. A review of the wage data from [redacted] shows the Respondent's gross income never reached $2,292 in any month.

The Agency also submitted the Respondent's Application, Six-Month Interim Report, and a Recertification/Renewal Notice for Rhode Island Works. Like the SNAP documentation, these documents did not list the job or income from [redacted].

DISCUSSION

The Agency claims the Respondent committed an Intentional Program Violation on July 8, 2025, when the Respondent applied for Rhode Island Works. However, this is not the case. That Application was solely for Rhode Island Works and therefore the omission is relevant to a violation of the Rhode Island Works program. Though DHS can use the information from the Rhode Island Works application to update the Respondent's SNAP application. However, the omission on the Rhode Island Works application does not constitute a violation of the SNAP regulations as the Respondent did not meet the reporting threshold to require reporting of the wages.

On September 12, 2025, the Respondent submitted their completed SNAP Recertification/Renewal Notice. They completed the form and did not report the [redacted] position or job income. This form was signed, under penalty of perjury, that the information was complete and correct to the best of their knowledge. Yet, that same week they picked up work from [redacted] which was not included in the Recertification/Renewal Notice. Given that the

Respondent worked for [redacted] that same week the Recertification/Renewal Notice was submitted, the Respondent withheld/concealed facts to continue to receive (i.e., be eligible for) SNAP. This amounts to an Intentional Program Violation.

The Respondent continued this Intentional Program Violation when they submitted their SNAP Six-Month Interim Report and continued to fail to report any work for [redacted] when that same week they would get paid from [redacted] for work from earlier in the month.

CONCLUSION OF LAW

After careful review of the testimony and evidence present at the administrative hearing:

1. The Respondent did not commit a SNAP Intentional Program Violation by withholding/concealing the [redacted] job from the Rhode Island Works application.
2. The Respondent committed a SNAP Intentional Program Violation by withholding/concealing the [redacted] job from the SNAP Recertification/Renewal Notice.
3. The Respondent continued to commit a SNAP Intentional Program Violation by withholding/concealing the [redacted] job from the SNAP Interim Report.

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 is barred from participating in SNAP 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 Tam Nguyen, Brittny Medeiros, Kimberly Seebeck, The DHS Policy Office at DHS.PolicyQuestions@dhs.ri.gov, Iwona Ramian, Esq., Jenna Simeone, Jessica Patrolia, Kimberly Rauch, Kristen Cornford, and Vania Rebollo on this 28th day of September, 2026.

