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

Department of Human Services Docket #: 26-5422

V.

[redacted] Case #: [redacted]

DECISION

INTRODUCTION

A Microsoft Teams hearing in this matter occurred on Wednesday, October 7, 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 participating in SNAP for one year. For the reasons discussed in more detail below, the Intentional Program Violation charge has been granted.

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 including Administrative Disqualification Hearings. 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 law, regulations, and policy as set forth below.

STANDARD OF PROOF

The Agency's burden in proving that an IPV 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:

- Senior Fraud Internal Auditor Stephanie Proulx, CWFI

The following exhibits were presented as evidence:

- Application for Assistance submitted by the Respondent in November 2024
- Benefits Decision Notice dated November 19, 2024
- EBT Card Withholding Letter dated July 5, 2019
- EBT Inquiry Screen printout
- EBT Balance Inquiry History
- Division of Motor Vehicles Enforcement Office printout on the Respondent

- Receipts and screenshots of surveillance footage from the following retail transactions:
    - January 17, 2025, at [redacted]
    - March 15, 2025, at [redacted]
    - April 1, 2025, at [redacted]
    - May 5, 2025, at [redacted]
    - May 6, 2025, at [redacted]
    - June 13, 2025, at [redacted] (Photos only)
    - January 9, 2026, at [redacted]
    - January 10, 2026, at [redacted]
    - January 11, 2026, at [redacted]
    - January 14, 2026, at [redacted]
- United States Department of Agriculture Electronic Disqualified Recipient System printout on the Respondent
- SNAP Packet including the waiver to an Administrative Hearing
- Emails from the Agency to the Respondent.

The Respondent did not attend the hearing. In accordance with 7 C.F.R. § 273.16 (e)(4) and 218-RICR-20-00-1.2.23 (K)(13), the hearing was conducted without the Respondent present or represented. Even though the Respondent was not present or represented, the Administrative Hearing Disqualification is still required to determine if an Intentional Program Violation occurred by 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) & 218-RICR-20-00-1.9 (C). To determine whether an Intentional Program Violation has occurred, 7 C.F.R. § 273.16 (e)(6) & 218-RICR-20-00-1.9 (A), 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.

SNAP benefits can only be used by the household members or authorized representatives. 7 C.F.R. § 273.2 (n)(2 & 3) and see 218-RICR-20-00-1.16 (C)(1).

OBJECTIONS AND MOTIONS

The Agency discovered that the Respondent was confined to the Adult Correctional Institutes after the Advance Notice of Administrative Disqualification Hearing was sent but

before the hearing date. A copy of the Advance Notice of Administrative Disqualification Hearing was sent to the Respondent at the Adult Correctional Institutes.

FINDINGS OF FACT

The Respondent is Black, male, five foot nine inches tall, and weighs 250 pounds per DMV records. The DMV photo of the Respondent was taken in 2019. The Respondent reapplied for SNAP in 2024. On the 2024 Application, the Respondent was informed of the SNAP penalties for breaking a program rule and that the rules prohibited the selling or trading of EBT cards or the use of an EBT cared for someone else's household. It also warned the Respondent that excessive EBT card replacements would be investigated for possible fraud. The Respondent signed, under penalty of perjury, that they understand the penalty for breaking any of the listed program rules. The Respondent was also reminded of these penalties and rules on the Benefits Decision Notice that was issued on November 19, 2024. A total of more than 30 EBT card replacements occurred on the Respondent's case. The Respondent is a household of just themselves and they do not have an authorized representative.

In 2019, a referral was made by DHS to the Agency for excessive card replacement requests of the Respondent's EBT card. This was investigated by the Agency to determine if there was possible misuse occurring. The Agency reviewed from January 17, 2025, through January 14, 2026. There are ten incidents of an unauthorized person using the Respondent's EBT card that the Agency argues shows the misuse.

On January 17, 2025, the Respondent's EBT card was used at [redacted]. A Black individual is captured leaving the store.

On March 15, 2025, the Respondent's EBT card was used at [redacted]. A white woman is captured using the Respondent's EBT card and then leaving the store. In addition to the Respondent's EBT card, the women also used two other EBT cards in the same transaction.

On April 1, 2025, the Respondent's EBT card was used at [redacted]. A Black individual is captured leaving the store. This individual is of similar build to the Respondent and features a beard similar, but grayer, than the one the Respondent had in 2019.

On May 5, 2025, the Respondent's EBT card was used at [redacted]. A Black individual with dreadlocks styled into a bun is captured using the Respondent's EBT card.

On May 6, 2025, The Respondent's EBT card was used twice at [redacted]. In both transactions a Black individual with dreadlocks and a head covering is captured using the Respondent's EBT card.

On June 13, 2025, the Respondent's EBT card was used at [redacted]. A Black individual with dreadlocks styled in a bun is captured using the Respondent's EBT card.

On January 9, 2026, the Respondent's EBT card was used at [redacted]. A white woman is captured using the Respondent's EBT card.

On January 10, 2026, the Respondent's EBT card was used at [redacted]. A Black individual is captured leaving the store. This individual is of similar build to the Respondent and features a beard similar, but grayer, than the one the Respondent had in 2019.

On January 11, 2026, the Respondent's EBT card was used at [redacted]. A white woman is captured using the Respondent's EBT card.

On January 14, 2026, the Respondent's EBT card was used at [redacted]. A white woman is captured using the Respondent's EBT card.

A history of telephonic balance inquiries and telephonic pin changes were pulled. Out of the thirteen phone numbers checking the Respondent's balance, only two phone numbers could be associated with the Respondent. Likewise, only two of the seven phone numbers that changed the Respondent's EBT card pin could be associated with the Respondent.

DISCUSSION

Only a household member or an authorized representative can use the household's SNAP benefits. 7 C.F.R. § 273.2 (n)(2 & 3) and see 218-RICR-20-00-1.16 (C)(1). In this case, the Respondent is a household of one. They do not have an authorized representative. As such the Respondent should be the only one using their SNAP benefits or EBT card. The Respondent allowing anyone else to use their EBT card would amount to an Intentional Program Violation.

The Agency brings evidence of ten occasions where someone else is using the Respondent's EBT card. The Respondent's Rhode Island Drivers License photo was compared against security footage of transactions made with the Respondent's EBT card to determine if the Respondent was the one using their EBT card.

Four of the transactions presented are obviously not the Respondent. The Respondent is a Black male. On March 15, 2025, January 9, 2026, January 11, 2026, and January 14, 2026, purchases were made by a white female with the Respondents EBT card. In addition, the woman

on March 15, 2025, swiped two other EBT cards to complete the transaction. Each EBT card was used to pay an even $50.

Another three transactions presented are clearly not the Respondent. The Respondent, in their 2019 Drivers License photo, appears with a short buzz cut and a pronounced forehead. However, the Black men using the Respondent's EBT card on May 5, 2025, May 28, 2025, and June 13, 2025, feature long dreadlocks. The length of these men's dreadlocks would take years to achieve. Based on the Respondent's 2019 Driver's License photo, these dreadlocks would not be achievable by the Respondent in the passing time.

The final three transactions are much more questionable. The transaction of January 17, 2025, features a Black man with a thinner appearance then on the Respondent's Driver's License. It is possible this is a different individual from the Respondent, but equally plausible it is the Respondent after losing some weight. The final two transactions, April 1, 2025, and January 10, 2026, bear a resemblance to the Respondent. Furthermore, the Respondent's bear was starting to turn grey in their Driver's License photo. It is plausible that in the intervening six years the Respondent's beard became grayer. These final three transactions are not clear and convincing that someone other than the Respondent used the EBT card. As such they do not support an Intentional Program Violation charge.

Given the seven transactions where the EBT card user is not the Respondent, and the unmatched phone numbers on the balance inquiries and pin changes, there is enough evidence to establish that an Intentional Program Violation occurred.

However, the dates of the Intentional Program Violation were established by the agency based on the earliest and latest transactions presented. Considering the three transactions that

cannot support an Intentional Program Violation, the start of the Intentional Program Violation occurs on March 25, 2025.

CONCLUSION OF LAW

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

1. The Respondent committed an Intentional Program Violation by letting other individuals use their EBT card.
2. The Intentional Program Violation starts on March 15, 2025.

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 and Intentional Program Violation and shall be barred from participating from SNAP for a period of one year.

FOLLOW UP ACTIONS

DHS can impose a one-year disqualification period for an Intentional Program Violation occurring on March 15, 2025, through January 14, 2026.

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 Stephanie Proulx, Kimberly Seebeck, Brittny Medeiros, Iwona Ramian, Jenna Simeone, Jessica Patrolia, Kimberly Rauch, Kirsten Cornford, Vania Rebollo and the DHS Policy Unit at DHS.PolicyQuestions@dhs.ri.gov on this 13th day of October, 2026.

