



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Office of the Inspector General, Petitioner

vs.

██████████, Respondent

DECISION

Case #: FOF - 220727

Pursuant to petition filed November 6, 2025, under Wis. Admin. Code §HA 3.03, and 7 C.F.R. § 273.16, to review a decision by the Office of the Inspector General to disqualify ██████████ from receiving FoodShare benefits (FS) for a period of one year, a hearing was held on Tuesday, December 23, 2025 at 09:00 AM via telephone conference originating from Madison, Wisconsin.

The issue for determination is whether the respondent committed an Intentional Program Violation (IPV).

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

Office of the Inspector General
Department of Health Services - OIG
PO Box 309
Madison, WI 53701

Respondent:

██████████
████████████████████
██████████

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. The respondent (CARES # ██████████) is a resident of Dane County who has received FS benefits in Dane County.

2. On January 4, 2024, two online posts were made by the Facebook profile [REDACTED] (linked to Respondent) stating “\$775 left on green card to go dm if you need em.” And “\$800 on that green card to go if u need em dm first come first serve.” (Exhibit 5)
3. Neither the Respondent nor his girlfriend, MS, use their legal names on their Facebook profiles. the [MS] and [ME] accounts belong to MS, and the [REDACTED] profile belongs to the Respondent (see Exhibit 5B).
4. In addition to the two social media posts, the complainant sent Petitioner two screenshots of messaging from their phone with [REDACTED] via Facebook messenger. These messages show [REDACTED] informing the buyer to use Cash app or PayPal to send the money before he sends the card number, also informing buyer to place an online order and use the card number under selected payment method. [REDACTED] states “\$775 for \$385”. The final screenshot is a picture of MS’s EBT card. (Exhibit 5)
5. Respondent has been provided with several educational materials informing him that selling or exchanging his FS benefits violates FS program rules (See Ex. 4).
6. Between August 3, 2020, and February 18, 2022, the Respondent reported living in WI, but during that time most of his FS benefits were spent out of state, and all FS benefits were spent out of state from July 17, 2021 – February 19, 2022. During that period there were:
 - 135 completed purchases both online and in store
 - the 135 purchases were outside of Wisconsin, mainly in Texas
 - During this timeframe \$5,854.84 in FS benefits were used, but only \$279.67 were spent in Wisconsin
 - The Respondent has out of state transactions within days of in-state transactions demonstrating items purchased are likely intended for separate households.
 - Between September 6 and 7, 2020, \$71.48 in FS benefits were spent in Wisconsin. On September 9, 2020, \$129.20 were spent in Texas.
 - On July 10, 2021, \$70.29 were spent in Texas; on July 12, 2021 \$97.92 were spent in Wisconsin.
7. Online FS purchases were made that were delivered to addresses not occupied by the Respondent, dated August 7, 2021, and June 5, 2024. (Exhibit 6)
8. Online transactions sent for pickup show that the individual pickup account details are for individuals not included in this Respondent’s food group. On February 18, 2022, two online orders were transacted at two separate [REDACTED] locations that are 921miles apart. An order picked up on June 5, 2024, is located 1 hour and 43 minutes from Respondent’s home. (*Id.*)
9. Petitioner’s data shows unrelated phone numbers that have checked the balance on the Respondent’s EBT card. For a caller to check the balance, they must have the full sixteen-digit EBT card number, full date-of-birth (DOB) (system required as of April 2023), and Personal Identification Number (PIN). From January 7, 2020, to October 6, 2024, there were 38 different phone numbers that called to check the balance 295 times. The Petitioner’s analysis of the balance inquiries determined that:
 - 81% were not affiliated with this Respondent or MS
 - There were seven phone numbers linked to eight separate CWW cases that are not affiliated with the Respondent or MS

(*Id.*)
10. Online order information from [REDACTED] reveals that the Respondent has multiple deliveries/pickups made by individuals who are not in the Respondent’s food group. (See Exhibits 6 and 7)
11. On November 19, 2025, the petitioner prepared an Administrative Disqualification Hearing Notice alleging:

“The Respondent was investigated when the OIG received a fraud complaint stating the Respondent and his purported girlfriend, [MS], have been selling FS benefits online and have been scamming people out of money. The investigation found that on 1/4/24, the Respondent, using profile name [REDACTED], posted on Facebook to sell FS benefits. The messages via Facebook messenger, included with the complaint, show the Respondents’ profile sending a picture of Mariah Savoy’s Electronic Benefits Transaction (EBT) card and detailing the method of payment (PayPal or Cash App) accepted and the amount of FS benefits available to be sold (\$775 for \$385). All the Respondents’ transactions were investigated for misuse which showed high-risk indicators which demonstrate a pattern of misuse.”

(Exhibit 8)

12. The respondent failed to appear for the scheduled December 23, 2025, Intentional Program Violation (IPV) hearing and did not provide any good cause for said failure to appear.

DISCUSSION

An intentional program violation (IPV) of the FoodShare (FS) program occurs when a recipient intentionally does the following:

1. makes a false or misleading statement, or misrepresents, conceals or withholds facts; or
2. commits any act that constitutes a violation of the Food Stamp Act, the Food Stamp Program Regulations, or any Wisconsin statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of FoodShare benefits or QUEST cards.

FoodShare Wisconsin Handbook, § 3.14.1; *see also* 7 C.F.R. § 273.16(c) and Wis. Stat. §§ 946.92(2).

An individual who commits an IPV can be disqualified from participation in the FS program. The length of the disqualification period depends, in part, on the nature of the IPV. See 7 C.F.R. § 273.16(b). Generally, an individual will be disqualified for twelve months after committing a first IPV, for two years after committing a second IPV, and permanently after committing a third IPV. See 7 C.F.R. § 273.16(b)(1). The agency can disqualify only the individual found to have committed the intentional violation; it cannot disqualify the entire household. Although other family members cannot be disqualified, the household’s monthly allotments will be reduced unless they agree to make restitution within 30 days of the date that the FS program mails a written demand letter. 7 C.F.R. § 273.16(b).

An intentional program violation can be proven by a court order, a diversion agreement entered into with the local district attorney, or an administrative disqualification hearing. *FoodShare Wisconsin Handbook* § 3.14.1. 7 C.F.R. §273.16(e)(4) provides that an administrative disqualification hearing shall proceed if the respondent cannot be located or fails to appear without good cause. The Respondent did not appear or claim a good cause reason for not attending the hearing. Therefore, I must determine whether the Respondent committed an IPV based solely on the evidence that the Petitioner presented at hearing.

To establish, at hearing, that a FS recipient has committed an IPV, the Petitioner must provide the following two separate elements through the presentation of clear and convincing evidence: (1) the recipient committed a program violation; and (2) the recipient intended to commit a program violation per 7 C.F.R. § 273.16(e)(6). In *Kuehn v. Kuehn*, 11 Wis.2d 15 (1959), the court held that:

Defined in terms of quantity of proof, reasonable certitude or reasonable certainty in ordinary civil cases may be attained by or be based on a mere or fair preponderance of the evidence. Such certainty need not necessarily exclude the probability that the contrary conclusion may be true. In fraud cases it has been stated the preponderance of the evidence should be clear and satisfactory

to indicate or sustain a greater degree of certitude. Such degree of certitude has also been defined as being produced by clear, satisfactory, and convincing evidence. Such evidence, however, need not eliminate a reasonable doubt that the alternative or opposite conclusion may be true. ...

Kuehn, 11 Wis.2d at 26.

Wisconsin Jury Instruction – Civil 205 is also instructive. It provides:

Clear, satisfactory and convincing evidence is evidence which when weighed against that opposed to it clearly has more convincing power. It is evidence which satisfies and convinces you that “yes” should be the answer because of its greater weight and clear convincing power. “Reasonable certainty” means that you are persuaded based upon a rational consideration of the evidence. Absolute certainty is not required, but a guess is not enough to meet the burden of proof. This burden of proof is known as the “middle burden.” The evidence required to meet this burden of proof must be more convincing than merely the greater weight of the credible evidence but may be less than beyond a reasonable doubt.

Further, the *McCormick* treatise states that “it has been persuasively suggested that [the clear and convincing evidence standard of proof] could be more simply and intelligibly translated to the jury if they were instructed that they must be persuaded that the truth of the contention is highly probable.” 2 *McCormick on Evidence* § 340 (John W. Strong gen. ed., 4th ed. 1992).

Thus, in order to find that an IPV was committed, the trier of fact must derive from the evidence a firm conviction as to the existence of each of the two elements even though there may be a reasonable doubt as to their existence.

In order to prove the second element, i.e., intention, there must be clear and convincing evidence that the FS recipient intended to commit the IPV. The question of intent is generally one to be determined by the trier of fact. *State v. Lossman*, 118 Wis.2d 526 (1984). There is a general rule that a person is presumed to know and intend the probable and natural consequences of his or her own voluntary words or acts. *See, John F. Jelke Co. v. Beck*, 208 Wis. 650 (1932); 31A C.J.S. Evidence §131. Intention is a subjective state of mind to be determined upon all the facts. *Lecus v. American Mut. Ins. Co. of Boston*, 81 Wis.2d 183 (1977). Thus, there must be clear and convincing evidence that the FS recipient knew that the act or omission was a violation of the FS Program but committed the violation anyway.

Pursuant to federal regulation, eligible food program benefits may be used only by a FS household or by an individual the FS household selects to purchase eligible food *for the household*. 7 C.F.R. §274.7(a). The federal regulations also prohibit “attempting to buy, sell, steal, or otherwise affect an exchange of SNAP [benefits](#) . . . for cash or consideration other than eligible food.” See 7 C.F.R. §271.2 and 7 C.F.R. § 273.16(c). And, the USDA, the federal agency charged with oversight of the Supplemental Nutritional Assistance Program (i.e., FoodShare in Wisconsin) has issued a memo clarifying that SNAP federal regulations prohibit the attempt to sell benefits on-line. See Exhibit 7 and 7 C.F.R. §271.2.

The Respondent was investigated when Petitioner received a fraud complaint stating the Respondent and his purported girlfriend, MS, had been selling FS benefits online and had been scamming people out of money. The investigation found that on January 4, 2024, the Respondent, using the profile name [REDACTED], posted on Facebook to sell FS benefits. The messages via Facebook messenger, included with the complaint, show the Respondent’s profile sending a picture of MS’s Electronic Benefits Transaction (EBT) card and detailing the method of payment (PayPal or Cash App) accepted and the amount of FS benefits available to be sold (\$775 for \$385).

All of the Respondent’s transactions were investigated for misuse which showed high-risk indicators including online orders resulting in pickups/deliveries to numerous addresses/individuals not associated with the

Respondent, out of state deliveries/pickups, and balance inquires on the Respondent's card from numerous individuals not associated with his food group. Surveillance documentation was obtained from ██████ showing Respondent is not always the individual making/receiving these purchases as shown in online order information obtained by ██████. (See Exhibit 7)

The agency established through clear and convincing evidence that Respondent, at a minimum, attempted to both purchase and sell FS benefits on his Facebook page. Applicable federal regulations, cited above, make it plain that attempting to engage in such conduct is enough to constitute FS trafficking, which is an intentional program violation.

The agency also contended that Respondent allowed his FS benefits to be used to purchase items not intended for his household and produced records including but not limited to a transaction history showing the dates and times that Respondent's EBT card was used, whether purchases were made on-line or in person, and delivery and/or order addresses associated with on-line purchases; and copies of Facebook posts showing that Respondent attempted to sell FS on various occasions.

Based upon the record before me, I find that the petitioner has established by overwhelmingly clear and convincing evidence that the respondent intentionally violated FS program rules, and that this violation was the first such violation committed by the respondent. Therefore, the petitioner correctly seeks to disqualify the respondent from the FS program for two years.

CONCLUSIONS OF LAW

1. The respondent violated, and intended to violate, 7 C.F.R. §274.7(a) by allowing FS benefits issued to him to be used to buy food for people not included in his FS household and violated 7 C.F.R. §274.7(a) by attempting to buy and sell FS benefits.
2. The violation specified in Conclusion of Law No. 1 is the first such violation committed by the respondent.

NOW, THEREFORE, it is ORDERED

That the petitioner's determination is sustained, and that the petitioner may make a finding that the respondent committed a first IPV of the FoodShare program and disqualify the respondent from the program for one year, effective the first month following the date of receipt of this decision.

REQUEST FOR A REHEARING ON GROUNDS OF GOOD CAUSE FOR FAILURE TO APPEAR

In instances where the good cause for failure to appear is based upon a showing of non-receipt of the hearing notice, the respondent has 30 days after the date of the written notice of the hearing decision to claim good cause for failure to appear. See 7 C.F.R. sec. 273.16(e)(4). Such a claim should be made in writing to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875.

APPEAL TO COURT

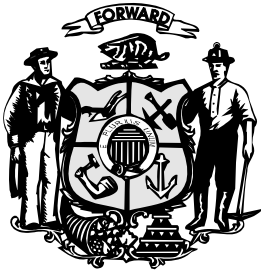
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 201 E. Washington Ave., Madison, WI 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing request (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 27th day of January, 2026

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals

c: Office of the Inspector General - email
Public Assistance Collection Unit - email
Division of Health Care Access and Accountability - email
Nadine Acker - email



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 27, 2026.

Office of the Inspector General
Public Assistance Collection Unit
Division of Health Care Access and Accountability

