



SEP 09 2019

Food and
Nutrition
Service

Park Office
Center

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SUBJECT: Use of Electronic Benefit Transfer Data as Evidence of an Intentional Program Violation in the Supplemental Nutrition Assistance Program (SNAP)

TO: Regional Directors
Supplemental Nutrition Assistance Program
All Regions

The Food and Nutrition Service (FNS) is issuing this memorandum on the use of Electronic Benefit Transfer (EBT) transaction data as evidence of an Intentional Program (SNAP) Violation (IPV).

A State agency typically gathers evidence of a suspected IPV from a variety of sources (e.g., desk research, field research, data sources, etc.). The evidence establishes the facts of the suspected IPV. EBT transaction data, often from reports by EBT processors, has proven to play a valuable role in establishing the facts of suspected IPVs, especially those stemming from trafficking allegations. SNAP benefit trafficking is the exchange of, or the intent to exchange, SNAP benefits for cash or other considerations, as defined in 7 CFR 271.2. The State agency generally conducts an administrative disqualification hearing for an individual accused of an IPV.

SNAP regulations at 7 CFR 273.16(e) outline the requirements for an administrative disqualification hearing. Hearing authorities have the responsibility to determine if an individual committed an IPV based on the clear and convincing standard of evidence. They must consider each piece of evidence presented by the State agency in the allegation that an individual committed an IPV. The evidence must demonstrate that the household member(s) committed, and intended to commit, an IPV as defined in 7 CFR 273.16(c).

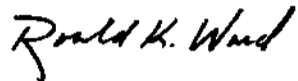
Multiple types of evidence may be used to support an IPV finding, including but not limited to EBT transaction data and supporting analysis of transaction patterns. While the hearing authority may determine an IPV occurred based only on EBT transaction data and analysis in certain circumstances, FNS strongly encourages State agencies to present multiple types of evidence and analysis where EBT transaction data alone may not provide the depth of evidence required for an IPV determination.

Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this letter/memo/guidance as not major, as defined by 5 U.S.C. § 804(2). Please distribute this memorandum to your State agencies and advise them to contact their respective Regional Office points of contact for technical assistance.

All Regional Directors
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Regional Offices should contact the State Administration Branch at
SNAPSAB@usda.gov with any questions concerning this memorandum.

Sincerely,

A handwritten signature in black ink that reads "Ronald K. Ward". The signature is written in a cursive style with a large initial 'R'.

Ronald K. Ward
Director
Program Accountability and Administration Division