

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

LABRINA RINGGOLD, )  
 )  
 Appellant, )  
 )  
 v. ) C.A. No. N17A-12-007 CEB  
 )  
 DELAWARE DEPARTMENT OF )  
 HEALTH AND SOCIAL SERVICES,) )  
 )  
 Appellee. )

Submitted: July 27, 2018  
Decided: December 21, 2018

**MEMORANDUM OPINION**

*Upon Consideration of the Department of Health and Social Services’  
Administrative Disqualification Hearing Ruling.*  
**AFFIRMED.**

Samuel L. Guy, Esquire, Samuel L. Guy, Attorney at Law, 1601 Concord Pike, Suite 38C, P.O. Box 25464, Wilmington, Delaware, 19899, Attorney for Appellant.

Oliver J. Cleary, Esquire, Deputy Attorney General, 820 North French Street, 6<sup>th</sup> Floor, Wilmington, Delaware, 19801, Attorney for Appellee.

**BUTLER, J.**

## **INTRODUCTION**

This is an appeal from a decision of an Administrative Disqualification Hearing held by the Department of Health and Social Services (“DHSS”). The Hearing Officer determined that Labrina Ringgold misused her Electronic Benefits Transfer (“EBT”) card, that was issued by DHSS. Although Ringgold did not appear at the hearing resulting in this determination, she has appealed the decision and asks the Court to reverse it.

## **STANDARD OF REVIEW**

Decisions of administrative boards and agencies will be affirmed if they are supported by substantial evidence and free from legal error. “Absent error of law, the standard of review for a Board’s decision is abuse of discretion.”<sup>1</sup> The Court is not to replace the trier of fact in an appeal of an administrative board decision.

## **DISCUSSION**

In this case, the evidence at the hearing consisted of a witness from the Audit and Recovery Management Services (“ARMS”) Unit of DHSS. He testified that the EBT card in question is issued for the benefit of participants to purchase food and replaces the historic “food stamps” program. ARMS received a Crime Stoppers tip that Ringgold was trafficking her EBT card, allowing others to use the benefit card

---

<sup>1</sup> Person-Gaines v. Pepco Holdings, Inc., 981 A.2d 1159 (Del. 2009).

in return for drugs.<sup>2</sup> The ARMS unit then conducted an audit of Ringgold's usage of the EBT card and discovered numerous anomalies consistent with abuse.

The ARMS unit was guided by a notice that was issued by the "Alert" program; a federal computer program designed to detect EBT trafficking.<sup>3</sup> In addition, the investigator introduced administrative notices from the USDA on EBT trafficking patterns.

The ARMS investigator introduced a list of transactions it believed to demonstrate trafficking of Ringgold's EBT card. These included multiple back to back transactions at the same store, "even dollar" transactions at locations where it would be unlikely the bill would come to an even dollar amount and seventeen sets of "same day, same place" transactions, an hour apart.<sup>4</sup>

The investigator introduced evidence that Ringgold's EBT card was issued to her alone and she was the only authorized user of the card. When called in for an interview to explain the unusual transactions, Ringgold told the investigator that she allowed her mother, niece and daughter to use the card and provided them with

---

<sup>2</sup> Del. Dep't of Health and Soc. Serv. Proposed Admin. Disqualification Hr'g Tr., No. 70009230373, at 5:1—10. (Oct. 31, 2017).

<sup>3</sup> D.I. 19, at A-26.

<sup>4</sup> Del. Dep't of Health and Soc. Serv. Proposed Admin. Disqualification Hr'g Tr., No. 70009230373, at 5:12—6:22. (Oct. 31, 2017).

the PIN.<sup>5</sup> This alone is disqualifying, even without the other evidence of trafficking.

The upshot of the hearing was that the Hearing Officer suspended Ringgold's right to receive EBT benefits for one year. There was more than enough evidence to support the Hearing Officer's findings, which were supported by a well-reasoned, well-documented, well written decision.

The only other complaint concerning the hearing below is an argument that the Hearing Officer allowed hearsay testimony into the record. This is somewhat ironic as there was no one present to raise this objection at the hearing when it might have been made. The Hearing Officer included in his decision a discussion of the permissible uses of hearsay testimony in the administrative hearing. The evidence against Ringgold was almost entirely electronic records, documented on spread sheets. The witness testified that the records were prepared in the regular course of business and he was the custodian of the records.<sup>6</sup> Even if there had been an objection, it is doubtful it would have been sustained, as such records are routinely admitted even in Superior Court. Defendant, having failed to appear at the hearing to raise this dubious objection, has waived any right to raise it on appeal.

---

<sup>5</sup> D.I. 19, at A-26.

<sup>6</sup> D.I. 19, at A-31. The Delaware Social Services Manual lists an exception to hearsay evidence as: "admissible, regardless of objections, if it meets one of the exceptions to the hearsay rule listed in the Delaware Uniform Rules of Evidence." *Id.*

## CONCLUSION

The Court has reviewed the record. Appellant's arguments have been considered carefully and they are found to be without merit.

For the foregoing reasons, the decision below is **AFFIRMED** and the appeal is **DISMISSED**.

**IT IS SO ORDERED.**



---

Judge Charles E. Butler