

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

[REDACTED]

DOCKET No. 24-1038

v.

DEPARTMENT OF HUMAN
SERVICES

DECISION

I. INTRODUCTION

A Microsoft Teams meeting on the above-entitled matter was held on September 4, 2024, and the Appellant declined the option of a video hearing. The Appellant, [REDACTED], initiated this matter to appeal the Department of Human Services (DHS) decision to close the Appellant's Supplemental Nutrition Assistance Program (SNAP) benefits upon renewal due to the Appellant being an ineligible student. The Appellant claims she has a mental disability that would make her exempt from the SNAP student eligibility rules. For the reasons discussed in more detail below, the Appellant's appeal is denied.

II. JURISDICTION

The Executive Office of Health and Human Services (EOHHS) is authorized and designated by R.I.G.L. §42-7.2-6.1 and EOHHS regulation 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 the Administrative Procedures Act, R.I.G.L. §42-35.1 et. seq., and EOHHS regulation 210-RICR-10-05-2.

III. ISSUE

The issue on appeal is whether the Appellant meets any of the exemptions for the SNAP student eligibility rules as outlined in State regulations.

IV. STANDARD OF PROOF

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, unless otherwise specified, a preponderance of the evidence is generally required to prevail. 2 Richard J. Pierce, *Administrative Law Treaties* §10.7 (2002) & *Lyons v. Rhode Island Pub. Employees Council* 94, 559 A.2d 130, 134 (R.I. 1989) (a preponderance standard is the “normal” standard in civil cases). For each element to be proven, the factfinder must believe that the facts asserted by the proponent are more probably true than false. When there is no direct evidence on a particular issue, a fair preponderance of the evidence may be supported by circumstantial evidence. *Narragansett Electric Co. vs. Carbone*, 898 A.2d 87 (R.I. 2006).

V. PARTIES AND EXHIBITS

Present for DHS was Eligibility Technician Glenda Ramos. Ms. Ramos provided testimony regarding the case and offered the following documents into evidence at hearing.

- Exhibit #1 – SNAP Recertification/Renewal Notice dated January 10, 2024.
- Exhibit # 2 – a copy of a DHS Able-Bodied Adult Without Dependents (ABAWD) Notice effective September 1, 2023.

The Appellant attended the hearing and testified on her own behalf. The Appellant offered the following documents into evidence at hearing.

- Appellant #1 – a copy of page one (1) of the C1(B) Medical Verification Form (C1(B)).

- Appellant #2 – a copy of page two (2) of the C1(B).
- Appellant #3 – a copy of page three (3) of the C1(B).
- Appellant #4 – a copy of a letter from [REDACTED], dated February 8, 2024.

VI. RELEVANT LAW/REGULATIONS

State regulation 218-RICR-20-00-1.2.4(B) states that an individual enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP. There are exemptions to this rule. Per State regulation 218-RICR-20-00-1.4.13(A), any student must meet at least one (1) of the following exemptions to be eligible for SNAP. Exemptions relevant to this appeal are 1.) being physically or mentally unfit for work and 2.) being employed and paid for an average of twenty (20) hours per week. § 1.4.13(A)(1) & (2).

VII. FINDINGS OF FACT

1. The SNAP BDN was issued on January 24, 2024. SNAP was closed effective March 1, 2024.
2. The Appellant filed an appeal on February 11, 2024.
 - a. A pre-hearing conference was held on June 24, 2024.
 - b. The DHS Representative mailed a C1(B) to the Appellant, and the DHS Representative advised the Appellant to submit it back to DHS for review.
 - c. The EOHHS Appeals Office received the completed C1(B) on August 7, 2024, which was forwarded to DHS.
3. A formal hearing commenced on September 4, 2024.
4. According to DHS:
 - a. DHS received a SNAP Recertification/Renewal Notice on January 10, 2024, and DHS processed the Appellant's SNAP renewal.

- i. On page five (5) of this SNAP renewal, the Appellant answered “No” to the question, which reads, “Is anyone in your household blind, disabled, or living in an institution or community residence?”
 - ii. On page seven (7) in the section “School Attendance and Student Status,” the Appellant indicated that as of the fall of 2023, the Appellant was attending online graduate school at Boston University part-time. The Appellant also indicated that she was not working or was not participating in work-study.
 - b. Based on the Appellant’s answers on the SNAP renewal, DHS denied her SNAP eligibility because the Appellant is a part-time graduate student and does not meet any of the exemptions to the SNAP student eligibility rules.
 - c. DHS did receive the Appellant’s C1(B). Because the SNAP was already closed, DHS did not consider the C1(B).
 - d. DHS also testified that DHS was not considering the C1(B) because the Appellant did not submit it back to DHS within thirty (30) days of DHS supplying the form to the Appellant.
 - e. It is DHS’s position that the Appellant needs to file a new SNAP application, provide the C1(B), and complete an interview. DHS can then make a new eligibility determination.
5. According to the Appellant:
- a. As soon as the Appellant received the SNAP closure notice, the Appellant stated that she immediately filed an appeal stating that she had a mental disability and attached supporting documentation, a physician letter. The

Appellant stated she was not contacted by DHS about her reported mental disability.

- b. The Appellant explained that when she answered the question on page five (5) of the SNAP Renewal related to a disability, the Appellant thought the question was referring to physical disabilities only.
- c. The Appellant did not find out until June 24, 2024, that DHS needed its own medical verification form filled out, the C1(B).
- d. During the June 24, 2024, hearing, the Appellant stated that Jeremy Ulbin explained that DHS needed her to submit the C1(B) for DHS to decide on whether her disability was an exemption to the SNAP student eligibility rules. Mr. Ulbin mailed the form to the Appellant, and the hearing was rescheduled.
- e. The Appellant did not receive the mailed C1(B) until the second week of July 2024. The Appellant then had to make an appointment with her physician to complete the documentation. Her appointment was scheduled for July 30, 2024. After the Appellant's appointment, she then submitted the completed C1(B) to the EOHHS Appeals Office as evidence of her disability.
- f. The Appellant is extremely frustrated because the Appellant claims she has had a mental disability since filing her appeal on February 11, 2024. DHS failed to reach out to her to inform her that a DHS form was needed until a DHS Representative mailed her the C1(B) on June 24, 2024, at a pre-hearing conference. After a DHS Representative provided her with the correct form, she had it filled out by her physician and submitted it, yet DHS will not

consider it when determining eligibility. DHS wants her to re-apply and miss out on over seven (7) months of SNAP benefits for which she is entitled.

6. According to the Appellant's physician's letter dated February 8, 2024:
 - a. [REDACTED] treated the Appellant for Nodular Sclerosing Hodgkin's Lymphoma, which is currently in remission.
 - b. The Appellant suffers from Generalized Anxiety Disorder, Panic Disorder, Major Depressive Disorder, and Post Traumatic Stress Disorder. Dr. Rowland has been treating the Appellant for these disorders for the last five (5) years.
 - c. The Appellant's conditions have made it hard for the Appellant to manage and maintain stability in her life. These conditions have kept the Appellant from attending class and made it hard for the Appellant to work. The Appellant's anxiety, at times, creates hard-to-overcome barriers for the Appellant.
 - d. Despite the Appellant showing signs of stability within the last three (3) years, [REDACTED] does not think the Appellant has the mental capacity to remain psychiatrically stable if the Appellant is expected to attend classes, succeed in school, complete schoolwork, and maintain a job at the same time.

7. According to the C1(B):

- a. The Appellant was reported to have "mild limitations" with respect to the Appellant's ability to maintain concentration, cope with changes to school or work setting, perform at a consistent pace, and perform activities with a schedule and maintain regular attendance.
- b. It was also reported that the Appellant could engage in eight (8) hours per day, or forty (40) hours per week of employment, education, or skills training.

- c. Despite stating that the Appellant could engage in forty (40) hours weekly of employment, education, or skills training. Despite stating this, [REDACTED] further states that the Appellant could not take on more than just school at this time, which contradicts her first statement of being able to engage in forty (40) hours weekly of employment, education, or skills training.
- d. [REDACTED] attached the same letter she wrote on February 8, 2024, to the C1(B). [REDACTED] explained that the letter explains the Appellant's specific needs, which are still relevant as of July 30, 2024.

VIII. DISCUSSION

According to the January 26, 2024, BDN, the Appellant's SNAP benefits were closed because the Appellant was an ineligible student. The BDN referred to 218-RICR-20-00-1.2.4 as the basis for the SNAP closer, which states that there are exceptions to the SNAP student eligibility rules in § 1.4.13 for this part. Upon review of State regulation 218-RICR-20-00-1.4.13(A), the SNAP student exemptions relevant to this appeal are 1.) being physically or mentally unfit for work and 2.) being employed and paid an average of twenty (20) hours per week. The Appellant would need to prove that she is unfit for work or be working at least twenty (20) hours per week to be eligible for SNAP. The Appellant is not working and being paid an average of twenty (20) hours per week, but she did make a claim that she was mentally unfit for work.

The Appellant made a claim of mental unfitness before SNAP was effectively closed on March 1, 2024. While the Appellant failed to claim a disability on the SNAP renewal, the Appellant did make a credible argument at hearing regarding why she answered "No" to the disability question. Despite answering the disability question negatively, the Appellant did make

a claim of mental unfitness, provided a physician's letter to support her claim, and filed an appeal on February 11, 2024, disagreeing with DHS's decision to close SNAP based on her being an ineligible student. Because the Appellant made this claim before SNAP was effectively closed, DHS should have taken this new information into consideration.

Despite such, upon review of the physician's letter and C1(B), the Appellant has failed to prove that she is mentally unfit for work. Although the physician's letter explains that the Appellant could not take on both work and school at the same time, it does not state that the Appellant could not work at all or that the Appellant was working the required twenty (20) minimum hours. The C1(B) further substantiates since the physician indicated that the Appellant could engage in employment, education, or skills training on a full-time basis. Since the Appellant is a part-time student, the other half of her time can be devoted to part-time work, as indicated by her physician.

IX. CONCLUSION OF LAW

After a careful review of the evidence and testimony at the administrative hearing, it is clear that:

1. Because the Appellant is a part-time graduate student, the Appellant is not eligible for SNAP based on SNAP student eligibility rules.
2. Per State regulation 218-RICR-20-00-1.4.13(A), exemptions relevant to this appeal are 1.) being physically or mentally unfit for work and 2.) being employed and paid for an average of twenty (20) hours per week.
3. In order to be eligible for SNAP, the Appellant would need to prove that she cannot work any hours due to being mentally unfit or would need to be working and being paid an average of twenty (20) hours per week.

4. The Appellant is not working.
5. The physician's letter states the Appellant's conditions would prevent the Appellant from attending school and working at the same time, but the physician does not state the Appellant is unable to work in the letter.
6. The C1(B) states that the Appellant could engage in employment, education, or skills training on a full-time basis (eight (8) hours per day or forty (40) hours per week), as indicated by her physician.
7. Because the Appellant is a part-time student, the Appellant could work part-time the other half of the week, as indicated by her physician.
8. Because of this, the Appellant has failed to prove that she is physically or mentally unfit for work, as outlined in State regulation 218-RICR-20-00-1.4.13.

X. DECISION

Based on the foregoing findings of fact, conclusions of law, evidence, and testimony, it is found that a final order is hereby entered that sufficient evidence supports the SNAP denial for being an ineligible student.

APPEAL DENIED

/s/ Robert Pelosi
EOHHS Appeals Officer

NOTICE OF APPELLANT RIGHTS

This final order constitutes a final order of the Department of Human Services pursuant to RI General Laws §42-35-12. Pursuant to RI General Laws §42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition

for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. EOHHS may grant, or the reviewing court may order, a stay upon the appropriate terms.

CERTIFICATION

I hereby certify that I mailed a true copy of the foregoing to [REDACTED], via regular mail, postage prepaid. Copies were sent via email to [REDACTED] and to DHS Representative Glenda Ramos, the DHS Appeals Unit, and the DHS Policy Office on this 3rd day of OCTOBER, 2024.

Albano Lopez