

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

██████████

V.

DOCKET No. 24-1085

Department of Human Services

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter came before an Appeals Officer on March 18, 2024. The Appellant, ██████████, initiated this matter to appeal the Supplemental Nutrition Assistance Program (hereinafter “SNAP”) case closure and the Rhode Island Works (hereinafter “RIW”) case denial made by the Department of Human Services (hereinafter “DHS”) as well as DHS’ decision not to provide aid pending for SNAP and RIW while the Appellant awaited this hearing. DHS’ position is that the Appellant’s appeal was not filed timely for RIW and that his SNAP case was denied because the Appellant failed to respond to DHS’ request for more information. DHS also maintains that the Appellant is not eligible for aid pending because the Benefit Decision Notice (hereinafter “BDN”) under appeal is dated December 8, 2023, and the Appellant’s appeal was filed on February 16, 2024, thus exceeding the ten (10) day deadline to file an appeal and receive aid pending for SNAP. The Appellant’s position is that he never received DHS’ request for additional information. The Appellant also maintains that he missed the timeliness deadline to file an appeal for RIW because he was attempting to resolve this issue with the

Director of DHS before he filed this appeal. For the reasons discussed in more detail below, the Appellant's appeal is denied.

II. JURISDICTION

The Executive Office of Health and Human Services (hereinafter "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 DHS programs. 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. TIMELINESS

The Appellant received a BDN which was dated December 8, 2023. The BDN informed the Appellant that his SNAP case was being closed and his RIW case was being denied because the Appellant failed to provide required information within the specified time frame. The BDN contained the Appellant's appeal rights which clearly explained that an appeal for RIW must be filed within thirty (30) days from the notice mail date. The Appellant filed his appeal on February 16, 2024, exceeding the deadline to file an appeal for his RIW case denial. The Appellant's appeal of his RIW case denial is untimely and the merits of his appeal related to RIW, including whether the Appellant was entitled to receive aid pending for RIW, will not be considered because this Appeals Office does not have jurisdiction over the matter.

IV. ISSUE

The issues before this Appeals Office are whether DHS' closure of the Appellant's SNAP case was done in compliance with Federal and State Policy and whether the Appellant was entitled to aid pending while he awaited his hearing.

V. STANDARD OF PROOF

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, the initial burdens of production and persuasion rest with the moving part. See 2 Richard J. Pierce, *Administrative Law Treaties* §10.7 (2002). Unless otherwise specified, a preponderance of the evidence is generally required in order to prevail. See *Lyons v. Rhode Island Pub. Employees Council* 94, 559 A.2d 1130, 134 (R.I. 1989) (preponderance standard is the “normal” standard in civil cases). This means that 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. See *Narragansett Electric Co. vs. Carbone*, 898 A.2d 87 (R.I. 2006).

VI. PARTIES AND EXHIBITS

Present for DHS was Eligibility Technician, Jeremy Ulbin, who provided testimony regarding the case and offered the following exhibits as evidence:

Exhibit #1 – Appeal Information Cover Sheet.

Exhibit #2 – Appeal Information.

Exhibit #3 – DHS Request for Additional Documentation, Date: November 27, 2023.

Exhibit #4 – DHS BDN, Date: December 8, 2023.

The Appellant was present and testified on his own behalf. The Appellant presented the following exhibits as evidence:

Exhibit #5 – Food Stamp Notice, Date: October 5, 2023.

Exhibit #6 – UCC Approval Sheet.

Exhibit #7 – DHS Notice of Default.

Exhibit #8 – Notice of Default – Final Opportunity to Curc.

Exhibit #9 – Citizenship Evidence Affidavit.

Exhibit #10 – Letter from U.S. Citizenship and Immigration Services, Date: June 23, 2023.

VII. RELEVANT LAW/REGULATIONS

Households with less than one hundred fifty dollars (\$150.00) in monthly gross income, provided their liquid resources (i.e., cash on hand, checking or savings account, savings certificates and lump sum payments as specified in § 1.5.5 of this Part) do not exceed one hundred dollars (\$100.00) and households whose combined monthly gross income and liquid resources are less than the household's monthly rent (or mortgage) and utilities are eligible for expedited SNAP service. For households entitled to expedited service, the agency shall make SNAP benefits available to the recipient no later than the seventh (7th) calendar day following the date an application was filed. The identity of the person making the application and, whenever possible, the household's residency in accordance with § 1.6.1 of this Part, must be verified through collateral contact or readily available documentary evidence. A household entitled to expedited service is asked to furnish a social security number for each person or apply for one (1) for each person before the second (2nd) full month of participation. See Supplemental Nutrition Assistance Program, 218-RICR-20-00-1.3.9 et seq.

A household participating, or applying for participation in the SNAP, is required to provide the agency with the social security number for each household member or apply for one before certification. If the agency determines that a household member has refused or failed without good cause to provide or apply for a social security number, then the individual is ineligible to participate in the SNAP. The disqualification applies to the individual(s) for whom the social security number is not provided and not to the entire household. The household member disqualified may become eligible upon providing the agency with a social security number. Completion of the SS-5 is sufficient to end a disqualification due to failure to comply with the social security number requirement. In determining if good causes exists for failure to comply with the requirement to apply for or provide the agency with a social security number, the agency representative considers information from the household member, the Social Security

Administration, and the agency (especially if the agency either did not process the SS-5 or did not process it in a timely manner). Documentary evidence or collateral information indicating the household member has applied for the social security number or made every effort to supply the Social Security Administration with the necessary information must be considered good cause for not complying with this requirement. See Supplemental Nutrition Assistance Program, 218-RICR-20-00-1.4.12 et seq.

For a case in which an interview was conducted, the application may be denied prior to the thirtieth (30th) day from the date of application. In this instance the application may be denied on the tenth (10th) day following the date of request for verification if: 1.) At the time of the intake interview, the agency representative provided the household with a list of the missing required verification necessary to determine eligibility for the SNAP; and 2.) The agency informed the household in writing by means of a request for documentation of the ten (10) day requirement for submission of missing verification; and 3.) The agency representative notified the household in writing of the date by which any missing verification must be provided; and 4.) The agency representative offered assistance to the household in obtaining verification; and 5.) The household failed to provide the requested verification within the ten (10) day time frame. See Supplemental Nutrition Assistance Program, 218-RICR-20-00-1.3.7 (C).

Advance notice period means the period of time prior to the effective date of most types of adverse agency actions. If a person appeals an agency action during this period, benefits or assistance continue or are reinstated until the appeal is resolved. This continuation or reinstatement is sometimes referred to as "aid pending." See Appeals Process and Procedures for EOHHS Agencies and Programs, 210-RICR-10-05-2.1.4 (A)(3). An appellant may receive the continuation or reinstatement of eligibility or assistance in certain types of cases if an appeal is filed in the advance notice period, before an agency action takes effect. The advance notice period for SNAP is ten (10) days from the mail date. See Appeals Process and Procedures for EOHHS Agencies and Programs, 210-RICR-10-05-2.2.2 et seq.

VIII. FINDINGS OF FACT

1. Sometime prior to December 8, 2023, the Appellant filed an application for SNAP for himself and his son.
2. The Appellant's SNAP case was approved on an expedited basis because the Appellant had no income when he submitted the application to DHS.
3. At the time of the application, the Appellant's mailing address was [REDACTED]
[REDACTED]
4. After the Appellant completed an interview with a DHS staff member, DHS sent a Request for Additional Information on November 27, 2023, to the Appellant's address.
 - A. DHS requested verification of the Appellant's residency in Rhode Island and the following verifications for the Appellant's son:
 - i. Rhode Island residency
 - ii. Social Security Number Application
 - iii. United States citizenship
 - iv. relationship
 - B. The required verifications were due by December 7, 2023.
5. DHS testified that the Appellant was verbally informed of the requested documents during the Appellant's interview with a DHS staff member.
6. The Appellant did not provide the required verifications to DHS by December 7, 2023.
7. The Appellant was then sent a BDN on December 8, 2023, informing the Appellant that his SNAP case was closing due to the Appellant's failure to provide the required information within the specified time frame.
 - A. The December 8, 2023, BDN, also contained the Appellant's appeal rights, which clearly stated that for the Appellant to receive aid pending for the SNAP, he must file an appeal within ten (10) days of the BDN.
8. The Appellant filed an appeal of the December 8, 2023, BDN on February 16, 2024.

IX. DISCUSSION

DHS' position is that the Appellant's expedited SNAP case was denied due to the Appellant's failure to provide required information within the specified time frame. The Appellant testified that his address was [REDACTED], which matches the address shown on the December 8, 2023, BDN and the Request for Additional Documentation. As stated above, DHS sent the Appellant a Request for Additional Documentation that was dated November 27, 2023, and the Appellant failed provide the requested verifications by the due date shown on the notice, December 7, 2023.

The Appellant testified that he received a Medicaid notice and Medicaid cards that were sent to his address prior to DHS sending the Request for Additional Documentation and he received the BDN that was sent afterwards. However, the Appellant testified that he did not receive the Request for Additional Documentation. The Appellant offered no explanation as to why he would have received other correspondence from DHS like the BDN and the Medicaid Notice but not the Request for Additional Documentation. Because the Request for Additional Documentation clearly shows the correct address for the Appellant and the Appellant received other correspondence from DHS that was sent to the same address, and because the Appellant offered no testimony or evidence to explain why the Request for Additional Documentation would have been undelivered, the Appellant's testimony regarding the Request for Additional Documentation is not credible.

Other than the Appellant's testimony about his SNAP interview with a DHS worker, the Appellant did not provide any evidence or testimony to show that he attempted to reach out to a DHS Field Office or the DHS Virtual Call Center to get further clarification on what verifications were being requested or to get assistance from a DHS worker to try to verify the required information, prior to his SNAP case being closed on January 1, 2024. The Appellant testified that he was unable to provide his son's social security number because he does not have the verification of his son's social security number

in his possession. The Appellant further testified that he has been attempting to get verification of his son's social security number from the Social Security Administration since 2020 but his attempts have been unsuccessful. The Appellant did not provide any testimony or evidence to show that he provided DHS with documentary evidence or a collateral contact to verify his attempts at procuring his son's social security number from the Social Security Administration, prior to the verification being due on December 7, 2023. Therefore, the Appellant is unable to show good cause for failing to provide his son's social security number.

The Appellant received the December 8, 2023, BDN which included the Appellant's appeal rights that clearly stated that the Appellant needed to file an appeal within ten (10) days of the BDN to receive aid pending for the SNAP. The Appellant filed his appeal on February 16, 2024, which exceeded the ten (10) day deadline to receive aid pending. Therefore, the Appellant was not entitled to aid pending and DHS correctly withheld aid pending from the Appellant. DHS provided the Appellant with verbal and written notice of what verifications were needed and the written notice clearly stated when the verifications were due to be received by DHS. The Appellant failed to provide the required verifications prior to the due date shown on the written notice. Therefore, DHS correctly closed the Appellant's SNAP case.

X. CONCLUSION OF LAW

After careful review of the testimony and evidence present at the administrative hearing, this Appeals Officer concludes that:

1. DHS sent a Request for Additional Documentation, dated November 27, 2023, to the Appellant's address.
2. The Request for Additional Documentation clearly stated that for the Appellant to continue to receive SNAP the Appellant needed to provide verification of the Appellant's Rhode Island residency as well as verification of his son's Rhode Island residency, Social Security Number Application, United States citizenship, and relationship by December 7, 2023.

3. DHS did not receive the requested verifications by December 7, 2023.
4. DHS sent the Appellant a BDN on December 8, 2023, which clearly stated why the Appellant's SNAP was being closed and that the SNAP case would close on January 1, 2024.
5. The BDN contained the Appellant's appeal rights, including the right to receive aid pending if an appeal was filed within ten (10) days of the BDN and the deadline to make a timely appeal for RIW.
6. The Appellant filed an appeal on February 16, 2024.
7. Because the Appellant's appeal was filed over two months after the December 8, 2023, BDN, the Appellant was not entitled to aid pending for SNAP.
8. Because the Appellant's appeal was filed over two months after the December 8, 2023, BDN, the Appellant's RIW appeal was untimely, and the Appellant was not entitled to aid pending for RIW.

XI. DECISION

Based on the foregoing findings of fact, conclusions of law, evidence, and testimony it is found that a final order be entered that there is sufficient evidence to support DHS' closure of the Appellant's SNAP case, the denial of the Appellant's RIW case, and DHS' withholding of aid pending for SNAP and RIW.

APPEAL DENIED

/s/ Jack Peloquin

Jack Peloquin

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 an 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. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.

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 Jeremy Ulbin, the DHS Appeals Unit at DHS.Appeals@dhs.ri.gov, and to the DHS Policy Office at DHS.PolicyQuestions@dhs.ri.gov on this 22 day of March, 2024.

[Handwritten Signature]