

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

Docket Number: 24-1266

V.

Department of Human Services

DECISION

I. JURISDICTION

The Executive Office of Health and Human Services (“EOHHS”) is designated by R.I. Gen. Laws § 42-7.2-6.1(2) to be the entity responsible for legal service functions, including appeals and hearings, law interpretation and related duties of itself and four agencies; one of which is the Department of Human Services (“DHS” or “the Department”). Hearings are held in accordance with the Administrative Procedures Act (R.I. Gen. Laws § 42-35.1 et. seq.).

II. INTRODUCTION

A telephonic hearing on the above-entitled matter was conducted on July 23, 2024. The Appellant initiated this matter to appeal an adverse decision made by DHS regarding the Child Care Assistance Program (“CCAP”). For the reasons detailed in this decision, this appeal is denied.

III. ISSUES

The issue before this Appeals Officer was whether or not the Appellant’s benefits were processed in accordance with 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) & see *Lyons v. Rhode Island Pub. Employees Council* 94, 559 A.2d 130, 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. (*Id.*). 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 Brandon Kilbanoff, Eligibility Technician. The Petitioner appeared and testified on his own behalf. The Administrative record contained the appeal request form and paystub submitted by the Appellant, the denial notice from DHS, and various letters sent to the Appellant by EOHHS.

VI. RELEVANT LAW/REGULATIONS

R.I. General Laws § 42-12-23 designates DHS as the principal agency of the State responsible for the planning and coordination of State involvement in the area of childcare. All Regulations and procedures for the certification of CCAP households and operations are conducted in accordance with Rhode Island Code of Regulations (“RICR”) 218-RICR-20-00-4.

RI working families who meet the general requirements and the countable income of the financial unit is at or below two hundred percent (“200%”) of the Federal Poverty Level, (“FPL”) based on family size may be CCAP eligible. In the process of determining eligibility for CCAP, prospective budgeting is used. Eligibility is established based on the knowledge and reasonable expectation of what income and circumstances will exist in the month for which a payment is authorized.

VII. FINDINGS OF FACTS

1. The Appellant applied for CCAP benefits on December 11, 2023.
2. DHS denied the application on December 12, 2023, and sent the Appellant a Benefits Decision Notice, that informed the household is not eligible as the income exceeds program limits.
3. The Appellant filed an Appeal Request Form, that was received by EOHHS on February 8, 2024, one bi-weekly paystub was also received.
4. The paystub was for December 29, 2023, which showed a total of 80 hours worked, paid at \$26.00 per hour, for a bi-weekly gross pay of \$2,092.17 or a monthly total of \$4,184.00.
5. According to the CCAP 2023 annual FPL chart (that was accessed from the Departments website) for a family size of three, 200% of the FPL was annually \$49,720.00 or monthly \$4,143.00.

VIII. DISCUSSION

DHS maintained that the CCAP application was processed in compliance with policy and cited 218-RICR-20-00-4 to support their decision. The Department testified the gross wages reported by the Appellant on the application for the month of December 2023, were \$4,506.00, which was more than the CCAP monthly income limit of \$4,143.00, that resulted in the denial of the application.

The Appellant disagreed with the income used by the Department to calculate the household income. He testified his hours often vary and argued that he wanted the Department to use a lesser monthly total to calculate his income and base their decision upon. The Department testified the Appellant reported on his application the income that was known to the

Department at the time the eligibility, as they used the self-reported income of the Appellant. This income was further verified by the paystub submitted by the Appellant with this appeal request. Therefore, the Department did base the Appellant's eligibility on the knowledge and expectation of what would exist in the month in which payment authorization was being determined, in accordance with the CCAP prospective budgeting process.

IX. CONCLUSION OF LAW

After review of the Administrative record, this Appeals Officer concluded that actions taken by DHS were in compliance with CCAP policy 218-RICR-20-00-4.

The evidence supported that the Department correctly denied the Appellant's CCAP application as the Appellant's countable income was not or below 200% FPL.

X. DECISION

Based on the foregoing Findings of Facts, Conclusion of Law, and testimony it is the decision of this Appeals Officer that benefits were processed in accordance with regulations, and the relief requested by the Appellant cannot be granted; therefore, this appeal request is denied.

APPEAL DENIED

/s/Holly Young | Appeals Officer | Executive Office of Health and Human Services

NOTICE OF APPELLANT RIGHTS

This Final Order constitutes a final order of the Departments of Human Services pursuant to the RI General Laws §42-15-12. Pursuant to RI General Laws §43.35.15, 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. 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] and electronically at

[REDACTED]; copies were sent via email to agency representatives of DHS

Appeals Unit, Laura Larrivee and the DHS policy unit 29th day of

July, 2024.

