

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

[REDACTED]

V.

DOCKET No. 24-1438

Department of Human Services

DECISION

INTRODUCTION

A telephonic hearing on the above-entitled matter came before an Appeals Officer on June 3, 2024, at 1:00 PM. The Appellant, [REDACTED], initiated this matter to appeal the Rhode Island Works (RIW) benefit reductions made by the Department of Human Services (DHS). A subsequent appeal (docket #24-2349) for her Supplemental Nutrition Assistance Program (SNAP) benefits were also heard at the same time. A separate decision for the SNAP reduction will be issued. For the reasons discussed in more details below, the Appellant's appeal is granted in part and denied in part.

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 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.

ISSUE

The issue before this Appeals Office is whether the reductions in RIW benefits were done in compliance with federal and state policy.

During the hearing the Appellant raised the issue with her State Supplement Payment (SSP) for June 2024. This issue was not part of either appeal being heard. It is not being address as it is outside the scope of the two appeals in this matter.

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. 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. 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). 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).

PARTIES AND EXHIBITS

Present were the Appellant and DHS Eligibility Technician III Lisa Vingi. The following exhibits were presented as evidence:

- DHS Exhibits:
 - State Online Query (SOLQ) report for the Appellant.
 - SOLQ report for the Appellant's husband.
 - SOLQ reports for the Appellant's three children.
 - Benefits Decision Notice (BDN) dated January 26, 2024, issued to the Appellant.
 - BDN dated March 25, 2024, issued to the Appellant.
 - Eligibility Determination Results for the Appellant's case.

- SNAP benefit calculations for the Appellant’s case for March 2024, April 2024, & May 2024. (These are only relevant to the SNAP matter and are not relevant for RIW).

RELEVANT LAW/REGULATIONS

For a household to be eligible for RIW, the household’s gross income, after any disregards, needs to be below the maximum RIW benefit amount for that household size. R.I.G.L. § 40-5.2-9 (h) & 218-RICR-20-00-2.1.3 (B). The amount of benefits the household receives, if eligible, is the maximum for that household size minus, dollar for dollar, any countable income. R.I.G.L. § 40-5.2-11. The maximum RIW benefit amounts are as follow:

Household Size	Monthly Maximum Amount	Semi-Monthly Payment Amount
1	\$425.00	\$212.50
2	\$584.00	\$292.00
3	\$721.00	\$360.50
4	\$825.00	\$412.50
5	\$929.00	\$464.50
6	\$1,033.00	\$516.50

R.I.G.L. § 40-5.2-11 & 218-RICR-20-00-2.18.1 (B).

SSI recipients are excluded from the RIW household. Their income is not included in the calculation of the household’s income. They do not count as a member of the household in determining household size for RIW. 218-RICR-20-00-2.4.3 & 2.15.1. Children receiving RSDI who are included in the RIW household must have their RSDI monies counted towards the calculation of the household’s income. 218-RICR-20-00-2.4.2 (B).

An appellant can obtain aid pending while they appeal is pending. To be eligible for aid pending the appeal must be received within fifteen (15) days of the mailing date of the notice. 210-RICR-10-05-2.2.1 (A)(5) & 2.2.2 (C). If eligible for aid pending, the appellant would remain on the benefits in the

same position as they were before the action under appeal. In the case of a reduction of benefits, the appellant would remain active at the old (higher) benefit amount.

OBJECTIONS, MOTIONS, & JUDICIAL NOTICE

No objections or motions were made in this matter. However, during the hearing, the DHS representative declared the bearing over and then left during the middle of the hearing. This was during the middle of the Appellant's presentation and the hearing was not declared completed by this tribunal. The Appellant finished their presentation before the hearing was concluded.

Towards the end of the hearing the Appellant started to suffer from anxiety and/or a panic attack from the stress of the proceedings. The Appellant put her husband on the phone line for a few minutes while she addressed the anxiety/panic attack. Since, the Appellant's husband was not sworn in, his statements are not being considered in the rendering of this decision. The Appellant returned to the hearing after a few minutes at which point the hearing proceeded to completion.

FINDINGS OF FACT

1. The household consists of the Appellant, the Appellant's husband, and four (4) children.
2. As of January 1, 2024, the Appellant's husband was receiving \$775.00 per month in RSDI benefits. This is based on the SOLQ report. The Appellant disagrees and asserts the RSDI didn't start till the spring of 2024.
3. The Appellant's husband was on SSI for January 2024, after winning an Social Security Administrative appeal. He was active on SSI though March 2024. The Appellant's husband's SSI was terminated effective April 1, 2024. This is based on the SOLQ report.
4. As of January 1, 2024, the Appellant was receiving \$1,020.00 per month in RSDI benefits. This is based on the SOLQ report.
5. The Appellant is on SSI. She received \$3.00 a month for March and April. The Appellant did not receive any SSI benefits in May due to her countable income being over the Federal Benefit Rate

for SSI. The Appellant asserted she received the \$3.00 for June. She attempted to call into an automated phone line to show that she received the \$3.00 for June. This was not clear in showing that the Appellant received \$3.00 in SSI benefits for June.

6. Three (3) of the Appellant's children are active on RSDI. Each active child received \$220.00 a month of RSDI benefits starting in January 2024.
7. The Appellant is appealing her RIW benefits based on the Benefits Decision Notice issued on January 26, 2024. This appeal was received on February 19, 2024. Furthermore, the paper appeal refers to the RIW benefits that were not issued on February 16, 2024.

DISCUSSION

RIW BENEFITS

To determine if the household is eligible for RIW, there needs to be a determination of the household size. The Appellant's household consists of six (6) members. However, SSI recipients are excluded for RIW purposes. Per the SOLQ reports, both the Appellant and the Appellant's husband were active on SSI. This means they are excluded from the household and the household is only a household of four (4).

The question becomes how much countable income exists in the household. This is based only the household members counted for RIW purposes, or in other words the four (4) children's income. Three (3) of the four (4) children were on RSDI. Each child was receiving \$220.00 a month per SOLQ. The net result is the household income for RIW purposes is \$660.00 a month.

A household of four (4) has a maximum benefit amount of \$825.00 a month. To be eligible for RIW benefits the household income of \$660.00 is subtracted from the maximum RIW benefit amount. The resulting subtraction (e.g., \$825.00 - \$660.00) shows the household would be eligible for \$165.00 a month in RIW benefits.

In April of 2024, the Appellant's husband's SSI was terminated. This results in him being eligible for RIW and being added to the household unit. His \$775.00 of RSDI income becomes countable in the income calculation for RIW. The Appellant remained active on SSI throughout this period but was not entitled to any SSI benefit monies due to her RSDI income for some months. Regardless of her benefit amount, the Appellant is an SSI recipient and therefore is excluded from the household. DHS removed the Appellant from the RIW household between the January 2024 Benefits Decision Notice and the March 2024 Benefits Decision Notice for being on SSI. This supports that the Appellant's active SSI excludes her from the RIW household.

For a household of five (5), the maximum RIW benefit amount is \$929.00 a month. With the addition of the Appellant's husband's \$775.00 RSDI income to the three (3) children's \$660.00 combined RSDI income, the household's total countable income for RIW is \$1,435.00 a month (e.g., \$775.00 + \$660.00). This puts the household over the \$929.00 a month maximum RIW benefit amount for a household of five (5). As a result, the household is ineligible for RIW by being over the maximum RIW benefit amount.

The Appellant makes several claims during the hearing regarding when monies were received from Social Security. Especially how payments were received later than reported by the SOLQ reports. This tribunal does not find the Appellant's assertions credible. First, the Appellant was very talkative and would tend to interrupt, contradict, and challenge the DHS representative constantly. Second, the SOLQ reports show all the individuals receiving RSDI in this household have been receiving some amount of RSDI for over two years. While previous years amounts were slightly lower due to the Cost-of-Living Adjustments (COLA), these monies were being received for years. This tribunal finds it hard to believe there will be a multiple year discrepancy between the SOLQ reports and the actual receiving of payments.

Aid Pending

The Appellant also raised the issue that she did not receive all the aid pending for her RIW during the appeal process. To be eligible for aid pending, the appeal must be received within fifteen (15) days of the mailing of the Benefits Decision Notice. The Benefits Decision Notice was issued on January 26, 2024. This would result with the aid pending eligibility period ending on February 10, 2024. After accounting for the period ending on the weekend, the aid pending eligibility period ended on February 12, 2024. The Appellant's appeal itself was not received until February 19, 2024. Furthermore, the appeal refers to needing the benefits that were supposed to be issued but not received on February 16, 2024. Both dates are outside the period to be eligible for aid pending. As such the Appellant's appeal request is not eligible for aid pending and therefore any missing aid pending payments are not correctable by this tribunal.

CONCLUSION OF LAW

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

1. The Appellant's household was eligible for RIW benefits of \$165 a month in February and March of 2024. This is based on the Appellant and Appellant's husband being excluded from the household for being on SSI and the income of the children.
2. The Appellant's husband becomes eligible for RIW in April of 2024 with the termination of his SSI. The Appellant's husband's RSDI income is countable for RIW. This puts the household over the maximum RIW benefit amount, making the household ineligible for RIW for April 2024 onwards.
3. The Appellant appealed after the period to request aid pending closed. As a result, the Appellant is not required to receive aid pending during the appeal process. Any missing aid pending payments are not before this tribunal.

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 that:

- The household is entitled to \$165.00 in RIW benefits for February 2024.
- The household is entitled to \$165.00 in RIW benefits for March 2024.
- The household is ineligible for RIW for April 2024 onwards due to excessive income in the household.
- The household is not entitled to aid pending for RIW benefits in this matter.

DHS to update the Appellant's RIW based on this decision within ten (10) business days of the certification of this decision.

APPEAL GRANTED IN PART AND DENIED IN PART

Shawn J. Masse

Shawn J. Masse

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. 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 [REDACTED], DHS Representatives at DHS.Appeals@dhs.ri.gov, Lisa Vingi, and DHS Policy Unit at DHS.PolicyQuestions@dhs.ri.gov on this 6th day of June, 2024.

James M. Kendall