

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

█

V.

DOCKET No. 24-1514

Department of Human Services

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter came before an Appeals Officer on June 26, 2024. The Appellant, █ (hereinafter "Appellant"), initiated this matter to appeal the Supplemental Nutrition Assistance Program (hereinafter "SNAP") case closure made by the Department of Human Services (hereinafter "DHS"). The Appellant's position is that DHS incorrectly closed his SNAP case because he was able to submit his paystubs to DHS using the DHS Customer Portal and because he was unable to utilize the DHS Customer Portal to submit his SNAP Interim Form to DHS. DHS' position is that it correctly closed the Appellant's SNAP case because it never received a complete and signed copy of the Appellant's SNAP Interim Form. 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. ISSUE

Did DHS close the Appellant's SNAP case in compliance with Federal and State Policy?

IV. 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)).

V. PARTIES AND EXHIBITS

Present for DHS was Eligibility Technician, Jerenny Ulbin, who provided testimony regarding the case and offered the following exhibits into evidence.

Exhibit #1 – Appeal Form Submitted by the Appellant.

Exhibit #2 – Benefit Decision Notice, Date: December 21, 2023.

Exhibit #3 – SNAP Six-Month Interim Report, Date: November 8, 2023.

Exhibit #4 – Six-Month Interim Report Reminder Notice, Date: December 9, 2023.

The Appellant was present and testified on his own behalf. He did not present any exhibits as evidence.

VI. RELEVANT LAW/REGULATIONS

All SNAP households are subject to Interim reporting requirements, except for 1.) Households with no earnings and in which all members are elderly or disabled (ESAP households); and 2.) Households which include migrant and seasonal farmworkers. In the fifth (5th) month of certification, households subject to interim reporting will receive an Interim Report Form in the mail. Households must complete the form in its entirety and mail the form along with the required verifications back to the agency by the fifth (5th) day of the sixth (6th) month of certification. Failure to return the Interim Report Form will result in closure of SNAP benefits. See (218-RICR-20-00-1.13.2 et seq.).

VII. FINDINGS OF FACT

1. DHS mailed a SNAP Six-Month Interim Report to the Appellant's last listed address on November 8, 2023. The SNAP Six-Month Interim Report provided instructions as to how to complete the form and how to return it to DHS by either using the Appellant's online account or by mailing the form back to DHS. The SNAP Six-Month Interim Report stated that if DHS did not receive a completed interim report, the Appellant's SNAP case would close effective December 31, 2023.
2. DHS mailed a Six-Month Interim Report Reminder Notice / Advanced Notice of Closure form to the Appellant's last listed address on December 9, 2023. The Six-Month Interim Report Reminder Notice / Advanced Notice of Closure form provided instructions as to how to complete the form and how to return it to DHS by either using the Appellant's online account or by mailing the form back to DHS. The Six-Month Interim Report Reminder Notice / Advanced Notice of Closure form stated that if DHS did not receive a completed interim report, the Appellant's SNAP case would close effective December 31, 2023.

3. The Appellant did not dispute that DHS mailed both the SNAP Six-Month Interim Report, Date: November 8, 2023, and the Six-Month Interim Report Reminder Notice, Date: December 9, 2023, to the Appellant's last listed address.
4. The Appellant testified that he was able to submit his paystubs using the DHS Customer Portal, but he was unable to submit a signed and complete SNAP Six-Month Interim Report to DHS using the DHS Customer Portal. The Appellant further testified that the DHS Customer Portal was very difficult to use and that he experienced technical difficulties when attempting to submit his SNAP Six-Month Interim Report using the DHS Customer Portal.

VIII. DISCUSSION

All SNAP households are subject to Interim reporting requirements, except for households with no earnings and in which all members are elderly or disabled (ESAP households) and households which include migrant and seasonal farmworkers. Households must complete the form in its entirety and mail the form along with the required verifications back to the agency by the fifth (5th) day of the sixth (6th) month of certification. Failure to return the Interim Report Form will result in closure of SNAP benefits. DHS' position is that it correctly closed the Appellant's SNAP case because the Appellant never submitted a signed and complete SNAP Interim Report to DHS.

The Appellant testified that he was able to submit his paystubs using the DHS Customer Portal, but he was ultimately unable to submit a signed and complete SNAP Interim Report to DHS using the DHS Customer Portal. The Appellant testified that the DHS Customer Portal is very difficult to navigate and that he experienced technical difficulties when attempting to submit his SNAP Interim Report using the DHS Customer Portal.

The SNAP Six-Month Interim Report, Date: November 8, 2023, and the Six-Month Interim Report Reminder Notice, Date: December 9, 2023, provided clear instructions as to how to complete the form and it stated that the completed form could be mailed to DHS and the forms provided the

appropriate mailing address to do so. While it is unfortunate that the Appellant was unable to utilize the DHS Customer Portal to submit his SNAP Interim Report to DHS, there were other methods of submitting the SNAP Interim Report to DHS available to the Appellant. The Appellant provided no testimony or evidence to show that he mailed or attempted to mail a completed SNAP Interim Report to DHS or that he attempted to reach out to DHS for assistance in submitting his SNAP Interim Report using the DHS Customer Portal. Because the Appellant did not return a signed and complete SNAP Interim Report to DHS, there is a preponderance of evidence to support DHS' closure of the Appellant's SNAP case.

IX. CONCLUSION OF LAW

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

1. The Appellant did not submit a signed and complete SNAP Interim Report to DHS.
2. DHS correctly closed the Appellant's SNAP case in accordance with Federal and State policy.

X. 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.

APPEAL DENIED

/s/ Jack Peloquin

Jack Peloquin

Appeals Officer

NOTICE OF APPELLATE 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.

