

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

██████████

v.

Rhode Island Department of Human
Services

DOCKET No. 24-2193

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter was held by an Appeals Officer on August 14, 2024. ██████████ (“Appellant”) initiated this matter to appeal a decision made by the Department of Human Services (“DHS”) regarding his Supplemental Nutrition Assistance Program (“SNAP”) case. The Agency maintains the Appellant is ineligible for SNAP benefits as of April 1, 2024, because he did not submit requested documentation in a timely manner. The Appellant disagrees with the decision and is seeking reinstatement of his SNAP eligibility back to April 1, 2024. For the reasons discussed in more detail below, the Appellant’s appeal is granted.

II. JURISDICTION

The Executive Office of Health and Human Services (EOHHS) is authorized and designated by R.I. General Laws (R.I.G.L.) §42-7.2-6.1 and in the RI Code of Regulations

(RICR) 210-RICR-10-05-2 to be the principal entity responsible for appeals and hearings related to DHS programs, including the SNAP program. 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 Appellant's SNAP was closed because DHS requested information regarding his self-employment which DHS maintains he did not provide. The issue is whether the termination of SNAP benefits was done in compliance with State and Federal regulations.

IV. PARTIES AND EXHIBITS

Present for the Agency was Glenda Ramos, Eligibility Technician III, ("ETIII"), who presented testimony regarding the case. DHS offered the following evidence which were entered into the record of hearing:

- DHS Exhibit #1- Additional Documentation Request (ADR) dated February 26, 2024.
- DHS Exhibit #2- Eligibility Determination Results showing SNAP benefits for months December 2021 through September 1, 2024.
- DHS Exhibit #3- Self Employment Ledger for dates January 29, 2024, through February 24, 2024, dated March 2, 2024.

The Appellant appeared for the Hearing and testified on his own behalf. The Appellant submitted the above documents with his Appeal request, they have been submitted by DHS.

V. RELEVANT LAW/REGULATIONS

EOHHS is charged with being the principal entity for legal service functions, oversight of rulemaking, law interpretation and related duties of itself and four agencies under its jurisdiction, one of which is DHS. 210-RICR-10-05-2.1(1)(B).

SNAP regulation 218-RICR-1.7(A)(2) states that an applicant/recipient may file an appeal concerning (a) a decision or delay in a decision rendered by an agency representative; (b) how the agency has delivered services; and/or (c) some aspect of the financial, medical, social services, or food assistance programs.

SNAP regulation 218-RICR-20-00-1.6.5(A), entitled “Income changes”, states “at recertification, all income will be considered outdated and shall require updated verification to determine the accuracy of the information as outlined within this section when determining eligibility for continuing benefits.”

Federal SNAP regulation 7-C.F.R. 273.2(c)(5) states, in part, “The State agency shall provide each household at the time of application... and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process....At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the time period the documents should cover.

Federal SNAP regulation 7-C.F.R. 273.11(a)(ji), entitled “Action on households with special circumstances”, states “if a household’s self-employment enterprise has been in existence for less than a year, the income from that self-employment enterprise must be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.”

VI. FINDINGS OF FACT

1. DHS terminated the Appellant's SNAP effective April 1, 2024, without providing him with any written notification of the closure.
2. The Appellant was not sent an ADR that was specific to his self-employment.
3. ETIII testified that the Appellant contacted the Agency on February 27, 2024, after he missed his scheduled interview for SNAP the previous day. He informed the DHS representative that he was now working in a self-employment capacity for [REDACTED], which is a home delivery service for items sold by [REDACTED].
4. ETIII testified that per the case note in the Appellant's case, on February 27, 2024, the Appellant was informed by a DHS representative that he needed to submit three (3) months of his self-employment income, but he only submitted one month of ledgers and did not provide receipts for his claimed expenses.
5. The Appellant testified that he had missed his original interview was because he received the interview notice the day after the scheduled interview on February 26, 2024. He called DHS as soon as he realized that he had missed the interview appointment, on February 27, 2024.
6. Subsequent to speaking with DHS, the Appellant received a Request for Additional Documentation dated February 26, 2024, requesting the last four (4) weeks of paystubs from [REDACTED]. This verification was due by March 7, 2024.
7. The Appellant testified that on February 27, 2024, he was told to provide one (1) self-employment ledger, which he then submitted for period January 29, 2024, through February 24, 2024.

8. The Appellant testified that DHS subsequently informed him that he needed to submit three (3) months' worth of ledgers.
9. The Appellant did re-apply for SNAP benefits on July 22, 2024, while waiting for the hearing date. He provided his 2023 tax return with the application. As of the date of the hearing, his SNAP case was pending authorization based on the information that he had provided.

VII. DISCUSSION

There is no dispute between the parties that the Appellant's SNAP case was terminated effective April 1, 2024, and that the Appellant did not receive a termination notice that accurately reflected that he was closed for not providing requested verification of income.

DHS concedes that while the Appellant missed his scheduled SNAP interview on February 26, 2024, an Agency representative conducted an interview with him on February 27, 2024, and verbally requested additional information regarding his newly reported self-employment income. There are discrepancies in the record as to what the Appellant was told to submit. The Appellant states that he was told to submit one (1) month of income; DHS's response to this appeal was that DHS requested three (3) months of income and he only provided two (2); and the case note states that the Appellant was to submit three (3) months of income. DHS did not send a written request to the Appellant for the self-employment income information. The only written request for information was sent to the Appellant prior to the interview and was inaccurate because it requested verification of earned income from his previous employer. The parties concede that the Appellant provided verification of one (1) month of self-employment income.

The Agency was not able to produce a policy or regulation that stipulated how many months of self-employment are needed to calculate an Appellant's income for SNAP purposes. A review of the Federal SNAP regulations finds that since the Appellant had been self-employed for less than a year, his self-employment income must be averaged over the time his self-employment business was in operation and the monthly amount projected for the coming year.

Because the Appellant had recently become self-employed, per the Federal regulations the Agency should have inquired about how many months he had been self-employed and followed the appropriate steps as outlined in the regulations by averaging the months and using that as the projected income for the year. Therefore, DHS should have inquired as to how many months the Appellant had been self-employed and requested the income information/documentation necessary to determine the amount of the Appellant's self-employment income in accordance with the Federal regulation.

Had the Appellant's self-employment income been calculated properly in accordance with the Federal regulation, there would not have been a need for the Appellant to submit a new application and verifications.

VIII. CONCLUSION OF LAW

After careful consideration of the testimony and evidence presented at the Administrative Hearing, it is clear by a preponderance of evidence:

1. DHS failed to provide the Appellant with a written request for documentation of income.
2. DHS failed to provide the Appellant with a written notice of SNAP closure for failing to provide documentation of income.

3. The State regulations are silent as to the amount of verification required to determine self-employment income for SNAP purposes.
4. DHS did not follow the Federal SNAP regulation that outlines how a newly self-employed person's self-employment income should be treated and calculated for SNAP purposes.

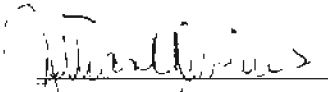
IX. DECISION

Based on the foregoing Findings of Fact, Conclusions of Law, evidence, and testimony it is found that a final order be entered that DHS's termination of the Appellant's SNAP benefits effective April 1, 2024, was not in compliance with the SNAP regulations and is thereby invalid.

APPEAL GRANTED

ACTION FOR DHS

Within thirty (30) days of this decision, DHS is to re-open the Appellant's SNAP case back to the date of closure, and after obtaining the required self-employment information in accordance with the Federal SNAP regulations, redetermine the Appellant's ongoing SNAP eligibility by prorating his self-employment income and not utilizing his 2023 tax return and issue a proper Benefit Decision Notice to the Appellant.



Jillian R. Rivers

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 the Appellant at [REDACTED], and DHS Representatives Glenda Ramos, Laura Larrivee, DHS Appeals Unit, and DHS Policy Office on this 25th day of September, 2024.

Rebecca A. Allen