

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

[REDACTED]

V.

DOCKET No. 24-2349

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 Supplemental Nutrition Assistance Program (SNAP) benefit reduction made by the Department of Human Services (DHS). An earlier appeal (docket #24-1438) for her Rhode Island Works (RIW) benefit reduction was also heard at the same time. A separate decision for the RIW reductions will be issued. For the reasons discussed in more details below, the Appellant's appeal is granted.

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.

ISSUE

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

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.

RELEVANT LAW/REGULATIONS

Countable income for SNAP includes RIW cash benefits, SSI benefits, SSP benefits, and RSDI benefits. 218-RICR-20-00-1.5.2 (A)(2). The total countable income is reduced by a standard deduction, any countable medical expenses, and any countable child support expenses. This results in the households' SNAP AGI amount. 218-RICR-20-00-1.15 (D). The standard deduction for a household of six (6) is \$279.00. 218-RICR-20-00-1.5.7 (A)(6)(b)(2).

The SNAP households countable shelter expenses are reduced by half of the households' SNAP AGI amount. This results in the excess shelter costs. This excess shelter amount is reduced from the households SNAP AGI to yield the households SNAP net income. 218-RICR-20-00-1.15.1 (D).

Regulations set a maximum SNAP allotment based on household size. For a household of six (6) this is set at \$1,386.00 a month. Thirty percent (30%) of the households' SNAP net income is reduced from the maximum SNAP allotment to determine the benefit amount to be paid out. 218-RICR-20-00-1.15.1 (D).

OBJECTIONS, MOTIONS, & JUDICIAL NOTICE

No objections or motions were made in this matter. However, during the hearing, the DHS representative declared the hearing 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.

Relevant to this decision are the findings made in the RIW matter that was heard with this SNAP appeal. That companion decision, issued in docket #24-1438, is hereby incorporated by reference. Notice should be taken of that decision, specifically of the ruling that the Appellant's is ineligible for RIW benefits for April 2024 onwards due to excessive household income.

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. As of January 1, 2024, the Appellant was receiving \$1,020.00 per month in RSDI benefits. This is based on the SOLQ report.
4. 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.
5. 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.
6. DHS used \$154.00 of RIW income for April 2024 and \$929.00 of RIW income for May 2024 onwards in calculating the Appellant's SNAP benefit amount.
7. The Appellant is appealing her SNAP benefits based on the March 26, 2024, Benefits Decision Notice. This appeal was received on April 3, 2024.

DISCUSSION

SNAP Benefits

Since RIW benefits are countable income in determining SNAP benefits, a ruling on the RIW that differs from what the agency used would result in the original SNAP calculation being incorrect. A

review of the agency evidence shows that \$154.00 of RIW income was used to calculate the SNAP benefits for April 2024. Because this tribunal ruled in docket #24-1438 that the Appellant is not entitled to RIW benefits for April, the SNAP calculation made by the agency is incorrect. The SNAP calculation for May onwards shows \$929.00 of RIW income was counted. Because this tribunal ruled that the Appellant is not entitled to RIW benefits for May onwards, the SNAP calculation made by the agency is incorrect.

The SNAP calculations for both periods also show that the three (3) children's RSDI were not used as income. Because such income is countable for SNAP purposes, the agency's original SNAP calculation is incorrect.

Aid Pending

The Appellant raised an issue that she was not given the full amount of SNAP benefits under aid pending for May and June 2024. For May 2024, the Appellant asserts that she is owed approximately \$223 in SNAP benefits under aid pending. This amount approximately doubles for June 2024. Aid pending only extends to the completion of the matter, i.e., the issuance of this decision. Aid pending monies more than the actual benefits entitled to are subject to collection. Therefore, at this juncture it is more practical to have DHS issue the correct benefits then to sort out the Aid Pending amount and risk a collection on those monies or an aid pending supplement and a second supplement for the decision.

CONCLUSION OF LAW

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

1. The SNAP benefits are reliant on the amount of income in the household, including RSDI and RIW benefits.

2. The ruling on RIW benefits in docket #24-1438 differs from the that the agency used resulting in an incorrect SNAP calculation by the agency. The lack of the children's RSDI income in the SNAP calculation also yields an incorrect SNAP calculation by the agency.

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 not sufficient evidence to support the SNAP benefits reduction made by DHS. DHS to recalculate the Appellant's SNAP benefits for April 2024 onwards based after the Appellant's RIW benefits are updated in accordance with the decision in docket # 24-1438 and within ten (10) business days of the certification of this decision.

APPEAL GRANTED

Shawn J. Masse

Shawn J. Masse - Appeals Officer

