

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

Docket Number: 24-2358

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**

The Appellant initiated this matter to EOHHS to dispute an agency decision regarding Supplement Nutrition Assistance Program (“SNAP”). A telephonic hearing on the above-entitled matter was conducted on July 31, 2024. For the reasons discussed in this decision, the Appellant’s 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**

The Department was represented by Michaela Miller, Senior Casework Supervisor.

The Appellant appeared and testified on their own behalf.

The Administrative record contained the appeal request form, the electronic appeal that included DHS’s response, and various letters sent to the Appellant by EOHHS.

#### **VI. RELEVANT LAW/REGULATIONS**

R.I. General Laws 40-6 designates DHS as the principal agency of the State responsible to administer SNAP. Federal Regulations issued pursuant to the act are contained in 7 Code of Federal Regulations (“C.F.R.”) Parts 271 through 282. SNAP benefits are processed by DHS based on the household’s information and according to the rules and regulations that govern the program and are authorized by the Food and Nutrition Act of 2008 (as amended through Pub. Law 116-94). SNAP regulations in Rhode Island are conducted in accordance with Rhode Island Code of Regulations (“RICR”) 218-RICR-20-00-1.

Per SNAP regulations shelter costs include continuing charges for the shelter occupied by the household, including rent, mortgage or other charges leading to the ownership of shelter, such as loan repayments for the purchase of a mobile home, including interest on such payments. Payments on a second mortgage and home equity loans are allowable shelter costs. Property

taxes, State and local assessments, and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings. Charges for heating, cooling, and cooking fuel; electricity; water and sewer; garbage and trash collection; the basic service for one telephone. Charges for certain repairs and for condominium owners, the entire condominium fee is allowable as a shelter costs. (218-RICR-20-00-1.5.7(A)(e)).

Per SNAP regulations the following types of income are considered unearned income and are countable for SNAP benefits: federal assistance payments, pensions, social security, child support and alimony, educational loans and grants, managed income, garnishments, grants, income from excluded household members, rental income, certain vendor payments, trust withdrawals, deemed income from an alien sponsor, income from individuals disqualified from snap in the household, foster care payments and substantial lottery and gambling winnings. (218-RICR-20-00-1.5.2(A)(2)).

## **VII. FINDINGS OF FACTS**

1. The Appellant was active on SNAP benefits and due a change in circumstances SNAP decreased as of April 1, 2024.

2. The Appellant submitted an Appeal Request Form on April 3, 2024, the reason stated for the appeal was, “the reasons listed for the SNAP benefit change are erroneous. I have not had a decrease in housing or utility expenses nor has my income increased. As a 56-year-old disabled woman with sever digestive complications, I eat a lot of specialized (prescribed) foods that are no low-priced. I truly need the benefits in order to maintain my health and make ends meet.”

## **VIII. DISCUSSION**

DHS maintained that SNAP benefits were processed in compliance with policy, no

documentary evidence was presented but the Department testified to the information in their records. Before this change, in the Appellant's SNAP calculation a credit was being applied for a storage unit expense that was being incurred. When this information was reviewed, it was determined to be an error, as this was not an allowable SNAP shelter expense, and it was removed. The Department also was not counting the Appellant's alimony payments in the budget calculation, this was determined to be an error and the payments were added as countable unearned income.

The Appellant argued that there was no change in circumstances and did not understand why, when correct information had always been reported to DHS these errors had been made. That question was not addressed by DHS, but they did testify that when the case was reviewed and the errors were found, they had to be corrected. Therefore, causing the decrease in SNAP benefits.

#### **IX. CONCLUSION OF LAW**

After review of the Administrative record, this Appeals Officer concluded that the evidence did support that the Department processed the Appellant's benefits in accordance with regulations. Per 218-RICR-20-00-1.5.2(A)(2) alimony payments are countable unearned income and per 218-RICR-20-00-1.5.7(A)(e) storage unit fees are not listed as an allowable shelter expense.

#### **X. DECISION**

Based on the foregoing Findings of Facts, Conclusion of Law, and testimony it is the order of this Appeals Officer that the Agency's actions and decision in this matter are final, the Appellant's request for relief cannot be granted and this appeal is, 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

\_\_\_\_\_ and via email at

\_\_\_\_\_ ; copies were sent electronically to agency representatives Julie

Neuman, Christine Mitchell, Michaela Miller, Vania Rebollo, Denise Tatro and the DHS policy

unit 23<sup>rd</sup> day of AUGUST, 2024.

Amelia McKeen