

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

████████████████████

V.

DOCKET No. 24-23

Department of Human Services

**DECISION**

**INTRODUCTION**

A telephonic hearing on the above-entitled matter came before an Appeals Officer on Monday, April 29, 2024, at 11:00 AM. The Appellant, ██████████, initiated this matter to appeal the closure of her benefits, including her Supplemental Nutrition Assistance Program (hereinafter “SNAP”) benefits made by the Department of Human Services (hereinafter “DHS”). A Public Assistance Reporting Information System match (hereinafter a “PARIS match”) occurred on the Appellant’s case. Specifically, it reported that one of the Appellant’s Children, ██████████ (hereinafter the “Child”), was also receiving benefits in Illinois. For the reasons discussed in more details below, the Appellant’s appeal is denied.

**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 closure of the Appellant's benefits was 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 Supervising Eligibility Technician Stephanie Arel and the Petitioner. The following exhibits were presented as evidence:

- DHS Exhibits:
  - Email from DHS to Illinois out-of-state benefit correspondence email address regarding benefits for the Child.
  - Email from Illinois Department of Human Services confirming the Child was active on SNAP in Illinois.
  - Additional Documentation Required Notice (hereinafter "ADR") issued to the Appellant on September 16, 2023.
  - ADR issued to the Appellant on December 15, 2023.

- Benefits Decision Notice issued to the Appellant on December 15, 2023, regarding the closure of the Appellant's SNAP benefits.

### **RELEVANT LAW/REGULATIONS**

To be eligible for benefits in Rhode Island, one must be a resident of Rhode Island. While this does not equate to legal domicile, it requires the individual to be present in Rhode Island and intend to make Rhode Island their residence. For SNAP, one cannot be a resident in two states at the same time. 218-RICR-10-00-1.5, 218-RICR-20-00-1.4.1(A), & 218-RICR-20-00-4.3.1(A)(3)).

If DHS becomes aware of conflicting information, either on the application itself or when compared to other sources, DHS is required to sort out the conflicting information. 218-RICR-10-00-1.3(B)(7), 218-RICR-20-00-1.6.2 & 1.6.7(C), 218-RICR-20-00-1.13.1(E)(3 & 4).

Generally, this would mean that DHS sends out an ADR giving at least ten (10) days to return the necessary documentation. If this does not occur, the applicant's case is closed. Documentary evidence from the household is the preferred method of verification. 218-RICR-10-00-4.3.2, 218-RICR-20-00-1.6.3(A)(1), 218-RICR-20-00-4.10.3(A)(2), & 218-RICR-20-00-4.4.2(C).

### **OBJECTIONS AND MOTIONS**

No objections or motions were made in this matter.

### **FINDINGS OF FACT**

1. The Child was flagged as having benefits in Illinois though a PARIS match.
2. An ADR was issued to the Appellant on September 16, 2023, & again on December 15, 2023, requesting verification of the Child's residency.
3. The Appellant's SNAP benefits were closed effective January 1, 2024, onwards for not providing the required information timely. The Appellant was adamant that she was tired of verifying the Child's residency and did not provide verification related to the ADRs.

4. DHS did not receive any verification of the Child's residency.
5. The Appellant testified that she believes someone was using the Child's Social Security Number to get benefits. The Appellant testified that she filed a police report with the [REDACTED] Police Department. It did not go anywhere as the use of the Child's Social Security Number was not financially related.
6. The Appellant also believed that she should not have to provide proof of residency for the Child as DHS is paying for part of her daycare costs.
7. DHS reached out to the Illinois Department of Human Services via email who confirmed that the Child was receiving SNAP benefits in Illinois. The Illinois case was scheduled to close on March 31, 2024, due to a mid-point review being due.
8. The Appellant tried reapplying for SNAP in 2024 and was required to verify the Child's residency. She testified that she submitted a copy of the Child's annual physical exam in as proof. This was not submitted back when the ADRs were sent.

## **DISCUSSION**

To be eligible for benefits in Rhode Island, one needs to be a Rhode Island resident. Those who are not a Rhode Island resident are not eligible for benefits in Rhode Island. When an applicant's residency becomes questionable, DHS is required to verify that applicant's residency.

Here the Appellant and her family were originally approved for benefits in Rhode Island. During that time a PARIS match on the Child occurred. This told DHS that the Child was active on SNAP in Illinois. Given that one can only be a resident of one state at a time for SNAP purposes, the match raised questions as to the Child's residency. Was she a resident of Rhode Island or a resident of Illinois? Under various regulations, DHS was required to verify the information related to the Child's residency.

DHS sent the Appellant an ADR requesting documentation verifying the Child's residency. That ADR specify that if verification was not returned by the due date the Appellant's case would close. DHS





**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 Marianne Nerbonne, Stephanie Arel, Denise Tatro, and DHS Policy Unit at [DHS.PolicyQuestions@dhs.ri.gov](mailto:DHS.PolicyQuestions@dhs.ri.gov) on this 15<sup>th</sup> day of May, 2024.

Nana Pameyo