

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

v.

DOCKET NO. 24-2628

DEPARTMENT OF HUMAN SERVICES

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter was held on August 28, 2024. [REDACTED] (“Appellant”) initiated this matter to appeal the Department of Human Services (“DHS”) closure of the Supplemental Nutrition Assistance Program (“SNAP”) benefits effective May 1, 2024, due to the household income exceeding the limit. The Appellant disagrees with the closure and is seeking to have SNAP eligibility approved back to the date of closure. Based on the evidence presented, and as 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.G.L. § 42-7.2-6.1 and EOHHS regulations 210-RICR-10-05-2 to be the entity responsible for appeals and hearings related to SNAP. 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 issue is whether DHS’s closure of the Appellant’s SNAP benefits is in compliance with SNAP regulations.

IV. PARTIES AND EXHIBITS

Brandon Klibanoff, DHS Eligibility Technician III (“DHS Representative”) appeared on behalf of DHS and provided testimony regarding the case. DHS provided the following exhibits into evidence:

- Exhibit #1- Benefit Decision Notice date April 14, 2024.
- Exhibit #2 - RIBridges eligibility results.
- Exhibit #3 – SNAP gross income calculation.

The Appellant was present and testified on his own behalf. [REDACTED], the Appellant’s father, also appeared and testified. The Appellant presented the following exhibits into evidence:

- Exhibit #1 - January -April 2024 Self-employment ledgers
- Exhibit #2- 2023 Tax return

V. RELEVANT LAW/REGULATIONS

SNAP regulations require verification of income to determine eligibility for SNAP benefits. See 218-RICR-20-00-1.6.1(A)(1)(a). Verification is the use of third (3rd) party information or documentation to establish the accuracy of statements on the application. The preferred method of verification is documentary evidence. See 218-RICR-20-00-1.6.3(A).

Self-Employment income is the total gross income from a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business, excluding the costs of doing business. See 218-RICR-20-00-1.1.5.2(A)(1)(a)(5).

The gross or net income eligibility standards for the household size are used to determine the household's eligibility according to the characteristics of the household. The gross and net income eligibility standards are based on the Federal income poverty levels. See 218-RICR-20-00-1.1.15(A)(2)(5).

VI. FINDINGS OF FACT

1. The household consists of the Appellant, household of one (1).
2. A SNAP Interim Report was received and processed by DHS in April 2024.
3. DHS calculated the Appellant's monthly income as being \$2,375 based on the Appellant's self-employment ledgers.
4. The income limit for a household of one (1) is \$2,248.
5. A BDN dated April 14, 2024, informed the Appellant that his May SNAP benefits were going to end due to his household income exceeded the limit.
6. The Appellant filed an appeal on April 18, 2024, stating "nothing in my household has changed. I should still be eligible for food assistance. I will upload side 1 and 2 of my self-employment ledgers and 2023 tax returns."
7. According to the Agency testimony:
 - The Appellant is over income based on his self-employment income.
 - Milage is not a useable expense if it is reimbursed.
 - DoorDash provides paystubs and that should be used not the self-employment ledgers.

VII. DISCUSSION

The Agency maintains the Appellant's case closed at Interim due to the Appellant's self-employment income exceeding the limit for SNAP eligibility. The Appellant argues that DHS is not considering his business expenses.

The Appellant provided a copy of his ledgers from January 2024 through March of 2024. Based on the ledgers provided for all three months the Appellant's self-employment income was \$2,086.49 for January, \$1,862.51 for February and \$1,858.13 for March all three months totaling a gross amount of \$5,807.13. To get a monthly average the \$5,807.13 is divided over the three months to get a monthly total of \$1,935.71. To get the weekly total the monthly total was then divided by four (4) totaling \$483.93 weekly. To account for months with five (5) weeks DHS would have to multiply the weekly total of \$483.93 by 4.3333 to get a monthly gross income of \$2,097.00. To note this calculation did not include the business expenses which would have decreased the Appellants income further. Due to the Agency not providing documentation as to what they used to determine his income, the self-employment income was determined based on the evidence the Appellant submitted at the time of the appeal. As such, the Appellant is clearly under the gross income limit of \$2,248 for his household size.

VIII. CONCLUSION OF LAW

After careful review of the testimony and evidence present at the Administrative Hearing, this Appeals Officer concludes DHS did not correctly calculate the Appellant's self-employment income.

IX. DECISION

Based on the foregoing Findings of Facts, Conclusion of Law, and testimony it is found that a final order be entered that DHS redetermine the Appellant's SNAP eligibility for SNAP benefits as of May 1, 2024.

ACTION TO BE TAKEN BY DHS

Before the close of business on October 18, 2024, DHS will redetermine eligibility back to the date of closure using the self-employment ledgers covering months January through March 2024.

APPEAL GRANTED

/s/ Vermont Richardson
Appeals Officer

NOTICE OF APPELLATE 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 [REDACTED] and Authorized Representative [REDACTED]

[REDACTED]; copies were sent via email to [REDACTED]

[REDACTED], Authorized Representative [REDACTED]

[REDACTED], to DHS Appeals Unit and to DHS.PolicyQuestions@dhs.ri.gov

on this 3rd day of October, 2024.

Samara Mendell