

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

████████████████████

V.

DOCKET No. 24-2723

Department of Human Services

DECISION

INTRODUCTION

A telephonic hearing on the above-entitled matter came before an Appeals Officer on June 10, 2024, at 3:00 PM. The record was held open until June 14, 2024, at 4:00 PM to allow the submission and review of additional documents. The Appellant, ██████████, initiated this matter to appeal the Medical Assistance (MA) closure made by the Department of Human Services (DHS). For the reasons discussed in more details below, the Appellant's appeal is denied.

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 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 Officer is whether the closure of the Appellant’s MA by DHS 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) (preponderance standard is the “normal” standard in civil cases). 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 Senior Casework Supervisor Laura Larrivee. The following exhibits were presented as evidence:

- DHS Exhibits:
 - Benefits Decision Notice of November 11, 2023, issued to the Appellant and was included with the agency response to this appeal.
- Appellant Exhibits:
 - Appellant’s W-2 information for 2023 for her job at the [REDACTED].
 - Letter regarding her argument for this appeal.
 - Printout and email of a \$15,114.35 amount due to [REDACTED].
 - Email acting as an addendum to the Appellant’s complaint.

- Confirmation page printout from the Social Security Administration that the Appellant applied for Medicare.
- [REDACTED] Rx bill with a balance of \$53.40 invoiced on May 16, 2024.
- Paystubs from [REDACTED] for the Appellant covering:
 - April 30, 2023, through May 13, 2023,
 - October 1, 2023, through October 14, 2023,
 - January 7, 2024, through January 20, 2024,
 - January 21, 2024, through February 3, 2024,
 - March 31, 2023, through April 13, 2024.
- [REDACTED] letter to the Appellant advising the Appellant that her [REDACTED] coverage is no longer in effect and to provide new coverage information.
- [REDACTED] bills dated May 14, 2024, and June 5, 2024.
- [REDACTED] bill dated May 15, 2024.

RELEVANT LAW/REGULATIONS

To qualify for MA under the Modified Adjusted Gross Income category (MA-MAGI), one needs to be under the income limits. For a single adult over the age of 19, who is not pregnant, or is not a parent/caregiver to a young child, the limit is set at 133% of the Federal Poverty Level (FPL) with an additional 5% disregard for those over the standard. 210-RICR-30-00-5.5 (A). For 2023, this amounted to \$1,616 a month before the disregard and \$1,677 a month after the disregard. See 88 FR 3424. The gross amount is used when evaluating income.

DHS' eligibility system is tied into several different sources of information. Among these is the State Wage Information Collection Agency (SWICA) database. This database pulls in wage information for individuals. DHS is required to act on information that is received from SWICA. 210-RICR-30-00-5.12.

OBJECTIONS AND MOTIONS

The hearing started approximately thirty minutes (30 min.) late due to an agency representative coming in late as they were originally unaware of this hearing date due to a communication issue. The Appellant also requested to make the first presentation. DHS had no objections to this request. As such the request was granted.

FINDINGS OF FACT

1. The Appellant moved three to five years ago. The Appellant testified that she called the DHS Call Center when she moved to update her address. She thought she successfully updated her address. DHS testified that they do not have any case notes showing the Appellant called to update her address. Her address was not updated until April of 2024 when she reapplied.
2. In the Fall of 2023, the Appellant was due for a recertification. DHS testified that it was mailed out to the address of record for the Appellant. This was the Appellant's old address. DHS testified that they never got the recertification back.
3. DHS also got a SWICA hit for the Appellant. This reported that the Appellant was working and had earned income.
4. SWICA reported that the Appellant was making \$2,133 per month in gross wages from the [REDACTED]. The Appellant disputes this figure.
5. DHS testified that the \$2,133 per month put her over the income limits for MA-MAGI.
6. The Appellant's case was closed. The official reason for the closure is the Appellant is over income for MA-MAGI effective on December 1, 2023, based on information received on November 11, 2023.
7. The Appellant testified that she never received a notice of the termination. DHS still had the Appellant's old address as the address of record at that time it was sent out.

8. Several of the Appellant's paystubs were submitted. The Appellant is paid bi-weekly and receives between \$200 and \$1,400, gross, based on the provided paystubs and how many hours she can work those weeks. Of note, the Appellant grossed \$1,400 for the pay period of October 1, 2023, through October 14, 2023. The Appellant grosses \$200 an hour.
9. The Appellant submitted several medical bills that are unpaid but believe they would have been covered if she was active on Medicaid.

DISCUSSION

Before a decision can be made in a matter, there needs to be a clear understanding of what is being appealed. DHS testified that the Appellant was due for a recertification that she failed to return which caused her case to close. DHS also testified that the Appellant was over income at the time which contributed to her closure. Reviewing the Benefits Decision Notice that was submitted as part of the agency response to the appeal, it clearly shows that the Appellant was denied for being over income.

To be eligible for MA-MAGI, one needs to be under the income limits. The record is devoid of any evidence that the Appellant is a parent/caregiver to someone under the age of 18, is pregnant, or is under the age of 19 herself. As such the Appellant would be subject to the 133% FPL income limit. This means that the Appellant's monthly income would need to be under \$1,677 a month after accounting for the additional 5% FPL income disregard.

DHS testified that the Appellant's income, per a November 2023 SWICA hit, amounted to \$2,133 a month. This figure is over the \$1,677 a month income limit. The Appellant disputed that this is the correct amount.

In support the Appellant submitted several paystubs to show that she is below the income limit. Most of these paystubs fall in the \$200-\$800 range for two weeks of work. However, the Appellant submitted a paystub covering October 1, 2023, through October 14, 2023. This was the only paystub provided dated around the termination decision. That paystub showed the Appellant grossed \$1,400 for

those two weeks. This already put the Appellant close to the \$1,677 a month limit to qualify for MA-MAGI and there would still be half a month left to go. Effectively the Appellant would need to earn less than \$278 dollars. Given that the Appellant earns \$200 an hour, gross, this means she could work at most 1.39 hours in October to stay under the limit. Most of the provided paystubs show at least two (2) hours, or more, are worked a pay period. While the Appellant work hours vary based on her health, this October paystub implies this was a better month for her. It also supports that the SWICA information received by DHS would likely be accurate or close to accurate. All in all, supporting a conclusion that the Appellant was over income for MA-MAGI with her October pays causing DHS to properly close her case based on being over income.

CONCLUSION OF LAW

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

1. The Appellant was closed for being over income.
2. The Appellant was over income starting in October 2023.

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 sufficient evidence to support the closure of the Appellant's MA-MAGI.

APPEAL DENIED

Shawn J. Masse

Shawn J. Masse

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 DHS Policy at DHS.PolicyQuestions@dhs.ri.gov, DHS Representatives at DHS.Appeals@dhs.ri.gov, Laura Larrivee, and [REDACTED] on this

15th day of JUNE, 2024.

