

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

[REDACTED]
[REDACTED]

DOCKET No.

V.

24-2988

Department of Human Services

DECISION

INTRODUCTION

A telephonic hearing on the above-entitled matter came before an Appeals Officer on August 28, 2024, at 9:00 AM. The Appellant, [REDACTED], initiated this matter to appeal the Supplemental Nutrition Assistance Program (SNAP) closure made by the Department of Human Services (DHS). The Appellant submitted her six-month interim report with new pay stubs at which time DHS denied her for SNAP benefits for being over the gross income limit. For the reasons discussed in more detail below, the Appellant's appeal is granted.

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 SNAP benefits for being over the gross income limit 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 the Appellant and DHS Eligibility Technician Brandon Klibanoff. The following exhibits were presented as evidence:

- DHS Exhibits:
 - Benefits Decision Notice issued to the Appellant on April 20, 2024.
 - RI Bridges Earned Income – Pay Details printout for the Appellant’s case.
 - RI Bridges SNAP – Gross Income printout for the Appellant’s case.
 - RI Bridges Eligibility Determination Results printout for the Appellant’s case.

- Appellant Exhibits:

- [REDACTED] Payslips (paystubs) for payment dates of:

| | | |
|----------------|---------------|---------------|
| March 31, 2024 | May 15, 2024 | June 30, 2024 |
| April 15, 2024 | May 31, 2024 | July 15, 2024 |
| April 30, 2024 | June 15, 2024 | July 31, 2024 |

RELEVANT LAW/REGULATIONS

SNAP is an income-based program. As such the amount of benefits received is based, in part, on income. 218-RICR-20-00-1.5.2 sets a gross income limit of 185% of the Federal Poverty Level for a categorically eligible household. For a household of three (3) this amounts to \$3,833.00 a month. 218-RICR-20-00-1.15(E)(Table IV).

Since the income being used is generally for a future period, the certification period, an anticipated income calculation is made for SNAP. Generally, the previous thirty (30) days are used to project anticipated wages. However, a longer period, such as ninety (90) days, can be used if it will provide a more accurate picture of income. Past income is not used for any month in which a change in income has occurred or can be anticipated. If some monies are uncertain to be received, they are not considered in the projection of income. 218-RICR-20-00-1.6.8(C) & 1.15(A)(1).

When income is received bi-weekly, that being every other week, a bi-weekly average of the income is multiplied by 2.1666 to calculate a monthly projection. 218-RICR-20-00-1.6.8(C)(5). This is to account for that there will be two extra payments over a course of a year. When a person is paid semi-monthly, there is no extra payments in the year that need to be calculated. As such, a straight average of the pays is sufficient without any multiplier.

OBJECTIONS AND MOTIONS

No objections or motions were made in this matter.

FINDINGS OF FACT

1. The Appellant is categorically eligible for SNAP.
2. The Appellant's household is a household of three (3).

3. The Appellant is paid semi-monthly. This results in two payments every month. The first covers the first through the fifteenth of the month. The second covers the sixteenth to the end of the month.
4. This differs from being paid bi-weekly (receiving payments every two weeks).
5. The Appellant was paid on March 31, 2024, in the gross amount of \$1,870.08. This consisted of \$1,733.33 of regular salary, \$127.50 in overtime, \$2.00 in premium pay retroactive income, & \$7.25 in imputed income.
6. The Appellant was paid on April 15, 2024, in the gross amount of \$1,984.02. This consisted of \$1,789.58 of regular salary, \$133.19 in overtime, \$4.00 in premium pay retroactive income, \$50.00 in a virtual stipend, and \$7.25 of imputed income.
7. The Appellant earned overtime in two other pay periods that were submitted. In both cases these were less than \$5 each for the pay period.
8. The RI Bridges SNAP – Gross Income printout shows that the Appellant’s gross income projection was \$4,544.00 from her sole source of income at [REDACTED]
9. The RI Bridges Earned Income – Pay Details shows that the Appellant’s income was entered as bi-weekly. That the projection period being used is thirty (30) days consisting of March 15, 2024, through April 14, 2024.
 - a. That the Appellant was paid on February 29, 2024, in the gross amount of \$1,832.58.
 - h. That the Appellant was paid on March 15, 2024, in the gross amount of \$2,324.38.
 - c. That the Appellant was paid on March 31, 2024, in the gross amount of \$1,870.08.
 - d. The April 15, 2024, paystub is not showed as being entered into RI Bridges.
 - e. That all the entered paystubs were reflective of the Appellant’s typical pay.

DISCUSSION

The issue in this matter focuses on how the Appellant’s income was projected for the second half of the certification period. DHS argues that the income was correctly calculated; whereas, the Appellant

disagrees. The Appellant believes her overtime should not be counted as it is not regularly occurring and therefore it is not indicative of her usual pay. A review of how the pay stubs were entered into RI Bridges yields that there are discrepancies in how the income was considered and entered to warrant the matter to be re-reviewed by DHS.

The SNAP – Gross Income screen shows the Appellant receives an average of \$4,544.00 a month from [REDACTED]. The two paystubs that the Petitioner received before DHS acted on her case do not support the figure projected by DHS. DHS acted on her case on April 20, 2024. The Appellant would have received her March 31, 2024, and April 15, 2024, paystubs. The March 31, 2024, paystub shows that the Appellant grossed a total of \$1,870.08, including overtime. The April 15, 2024, paystub shows that the Appellant grossed a total of \$1,984.02, including overtime. This combined total would equal \$3,854.10. This would be \$689.90 less than the figure used by DHS.

Reviewing the Earned Income – Pay Details screen provided by DHS show several data discrepancies that likely lead to the overinflated figure used. Three (3) paystubs for 2024 are entered into the system. These include pay dates of February 29, March 15, and March 31, 2024. Missing is the April 15, 2024, paystub that would have been the most recently one available before DHS processed the Appellant's case. With the April paystub not being entered, the most two recent paystubs in RI Bridges would be March 31, 2024, and the March 15, 2024. However, the March 15, 2024, paystub shows a significant increase of over \$450.00 versus the other paystubs she received. Yet, this paystub, which is 24% higher than the next largest paystub, is clearly flagged as reflecting the Appellant's typical pay.

In addition, the [REDACTED] is set as bi-weekly. Because a bi-weekly regime will have two extra payments over the course of a year, a bi-weekly average of pays needs to be multiply by 2.1666. This in effects projects those two extra paystubs across the year. However, the Appellant is paid semi-monthly. While these two pay regimes are similar, a semi-monthly pay regime is going to have two payments less over the year. By incorrectly flagging the Appellant as being paid bi-weekly, an extra 1/6 of the Appellant's paystuh is being incorrectly added to the monthly projection.

If one calculates the March 15, 2024, and March 31, 2024, paystubs as bi-weekly, the resulting figure is within a dollar (\$1) of what was calculated by RI Bridges. The two paystubs combined would total \$4,194.46. Dividing this by 2 would get an average bi-weekly pay amount of \$2,097.213. Multiplying this average by the requisite 2.1666 would yield \$4,543.85. This strongly supports that the calculation made in the Appellant's case was incorrectly done.

Finally, the paystubs list the Appellant's base salary in the upper right portion of the paystub under the date. The April 15, 2024, paystub shows that her base annual salary is \$42,950.00. Dividing this annual salary by twelve (12) months yields a monthly average of \$3,579.17, which further supports that the initial calculation by DHS is likely inaccurate.

Considering the inaccurate calculation, a recalculation by DHS is warranted. With the calculation being redone, it also provides an opportunity for DHS to evaluate if the 30-day projection period is sufficient to accurately project the Appellant's income and to address any income that would not be reasonably certain to be received in the certification period but which is being included in the projection.

CONCLUSION OF LAW

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

1. The projection of the Appellant's income made by DHS is inaccurate. This includes calculating her semi-monthly income as bi-weekly, flagging a non-typical paystub as typical, and not entering the most recent paystub available into the calculation.
2. While a 30-day projection based on recent paystubs is usually acceptable, SNAP policy permits longer projection periods and excludes income that is not reasonably anticipated from the projection.

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 denial of the Appellant's SNAP benefits for being over income. DHS is to redetermine eligibility within ten (10) business days of the certification of this decision. DHS is to also make all necessary corrections to RI Bridges to accurately reflect the Appellant's income. These include 1) that the income reflects a semi-monthly (twice a month) pay regime, 2) that all necessary pay data for the projection period is entered, and 3) consideration of any non-typical pay periods is given appropriate consideration.

APPEAL GRANTED

/s/ Shawn J. Masse

Shawn J. Masse

Appeals Officer

