

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

[REDACTED]

v.

Rhode Island Department of Human  
Services

DOCKET No. 23-6099

& No. 24-3107

**DECISION**

**I. INTRODUCTION**

A telephonic hearing on the above-entitled matter was conducted by an Appeals Officer on July 11, 2024. The Appellant, [REDACTED], (hereinafter “the Appellant”), initiated this matter to appeal a decision made regarding her Supplemental Nutrition Assistance Program (hereinafter “SNAP”) and Medicaid Premium Payment Program (hereinafter “MPP”) cases made by the Department of Human Services (hereinafter “DHS”). The Appellant’s SNAP case was closed effective May 1, 2024 due to failure to submit verifications in a timely manner and her MPP case was closed effective November 1, 2023 due to failure to submit her renewal forms in a timely manner. She is in disagreement with the decision and filed this appeal seeking relief from DHS in of reinstatement of her benefits.

## II. JURISDICTION

The Executive Office of Health and Human Services (hereinafter “EOHHS”) is authorized and designated by R.I. General Laws (hereinafter “R.I.G.L.”) §42-7.2-6.1 and in the RI Code of Regulations (hereinafter “RICR”) 210-RICR-10-05-2 to be the principal 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.

## III. ISSUE

The issue is whether the closure of the Appellant’s SNAP and MPP cases was done in compliance with Federal and State policy.

## 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 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 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 A2d 87 (R.I. 2006)).

## **V. PARTIES AND EXHIBITS**

Present for the Agency was Brandon Klibanoff, Eligibility Technician III, (hereinafter “ETIII”), who presented testimony regarding the case. DHS offered the following evidence, with no objections, which was entered into the record of hearing:

- DHS Exhibit #1- Benefit Decision Notice for MPP closure dated October 16, 2023.
- DHS Exhibit #2- Benefit Decision Notice for SNAP closure dated April 15, 2024.
- DHS Exhibit #2- Eligibility Determination Results showing SNAP and MPP benefits since the year 2016.
- DHS Exhibit #3- Additional Documentation Request (hereinafter “ADR”) dated April 2, 2024 for both SNAP and MPP.
- DHS Exhibit #4- ADR dated May 7, 2024 for SNAP only.
- DHS Unearned Income- Details page showing Appellant has/had a pension at some point.

The Appellant appeared for the Hearing. She was assisted by her Resident Service Coordinator (hereinafter “RSC”), [REDACTED].

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

EOHHS is charged with being the principal entity for legal service functions, oversight of rulemaking, law interpretation and related duties of itself and four agencies, one of which is DHS, under its jurisdiction. 210-RICR-10-05-2.1(1)(B).

SNAP regulation 218-RICR-20-00-1.6.5(A), entitled “Income changes”, states “at recertification, all income will be considered outdated and shall require updated verification to determine the accuracy of the information as outlined within this section when determining eligibility for continuing benefits.”

SNAP regulation 7-C.F.R 273.2(C)(5) states, in part, “The State agency shall provide each household at the time of ... and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process...”.

Medicaid regulation 210-RICR-40-00-2.5(A)(3), entitled “Beneficiary Responsibilities”, states “Cooperation- Medicaid members must provide any documents that otherwise cannot be obtained related to any eligibility factors subject to change when requested by the Medicaid agency. The information must be provided within the timeframe specified by the agency in the notice to the Medicaid member stating the basis for making the agency’s request.”

## **VII. FINDINGS OF FACT**

1. On or about April 2, 2024, an ADR was sent to the Appellant requesting verification of her unearned income. This documentation was due on April 12, 2024 for SNAP and April 17, 2024 for MPP. The documentation for RSDI was submitted, but not proof of a pension that she had previously been receiving.
2. On or about April 15, 2024, a Benefit Decision Notice was sent to the Appellant informing her that her SNAP benefits were closing effective May 1, 2024, due to the fact that she did not submit the required verifications in a timely manner.
3. On May 7, 2024, the Appellant had spoken to a worker at DHS, who re-instated her SNAP, and another ADR was sent requesting proof of the Appellant’s pension. This verification due by May 17, 2024 and was for SNAP.

4. RSC testified that she dropped the documentation in a drop box at the Pawtucket Regional Office. She stated that she had not obtained a receipt or a copy with a date stamp on it.
5. The Appellant testified that she receives a small pension from when she was a live-in nanny in France many years ago. (Submitted documents indicate that it was for the amount of \$55.96). She testified that every year she gets mailed a form from the agency in France (it sounded as if it might be similar to retirement benefits, but she was unclear exactly who administered the pension), however she did not get one this year, and they are attempting to resolve the issue but because it's an international issue they have been having a difficult time getting a response from anyone.

## **VIII. DISCUSSION**

The Appellant concedes that she has not been able to obtain documentation of what her most recent pension amount should be as she stated that she has not gotten the pension deposit in a little while.

The Agency did it's due diligence in sending Requests for Additional Documentation. The Appellant also attempted to rectify the situation by pursuing the only avenues that she is aware of.

While it is unfortunate that the Appellant is unable to obtain and provide documentation of her pension amount, or that it has stopped, State and Federal regulations were followed correctly. The Appellant will need to obtain the documentation regarding the pension. She was provided with some options by the Agency representative of a couple of agencies that may be able to assist her.

**IX. CONCLUSION OF LAW**

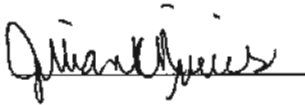
After careful consideration of the testimony and evidence presented at the Administrative Hearing, this Hearings Officer concludes:

1. DHS did act in accordance with State and Federal policies when closing the Appellant's SNAP and MPP programs for failure to send in required verifications in a timely manner.

**X. 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 SNAP and MPP programs.

**APPEAL DENIED**



Jillian R. Rivers

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]  
[REDACTED] 4 ; copies were sent, via email, to  
DHS Representatives Brandon Klibanoff, DHS Appeals, and DHS.PolicyQuestions@dhs.ri.gov on this  
16<sup>th</sup> day of JULY, 2024.

Jamara Mendell