

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

Docket Number: 24-3483

V.

Department of Human Services

DECISION

I. JURISDICTION

The Executive Office of Health and Human Services (hereinafter "EOHHS") is designated by R.I. Gen. Laws § 42-7.2-6.1(2) to be the entity responsible for appeals and hearings related to the Department of Human Services (hereinafter "DHS"); hearings are held in accordance with the Administrative Procedures Act. (R.I. Gen. Laws § 42-35.1 et. seq.).

II. INTRODUCTION

A telephonic hearing on the above-entitled matter was conducted on June 26, 2024. The Appellant initiated this matter to appeal Health Coverage benefits. For the reasons discussed in detail below, this appeal is denied.

III. ISSUES

The issue before this Appeals Officer was whether or not the Appellants benefits were processed in accordance with Federal and State regulations.

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 the 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 standard 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 A.2d 87 (R.I. 2006)).

V. PARTIES AND EXHIBITS

Present for DHS was Supervising Eligibility Technician, Christine Mitchell. The Appellant appeared and represented herself. The Administrative record contained the appeal request form submitted by the Appellant, the Benefits Decision Notice sent by DHS, the Agency’s response to appeal and various letters sent to the Appellant by EOHHS.

VI. RELEVANT LAW/REGULATIONS

In September 2016, the State implemented its new integrated eligibility system (hereinafter “IES”) which has the capacity to crosswalk with the State’s health insurance marketplace, HealthsourceRI.gov (HSRI) and, through a single application process, evaluate eligibility for publicly financed health coverage and needs-based programs administered by DHS and other EOHHS agencies. The State adopted the “No Wrong Door” policy that offers consumers multiple application points which all lead to the State’s IES. Applications can be

submitted thru the self-service portal or a paper application that is submitted via mail, fax, email or delivered in person to a DHS field office. (210-RICR-40-00-2.1, 2.2(A))

VII. FINDINGS OF FACTS

1. On May 13, 2024 the Appellant filed an appeal request with EOHHS.
2. The Appellant testified she thought she filed an application for Health Coverage.
3. The Agency testified there was not an application on file for the Appellant for Health Coverage.

VIII. DISCUSSION

This appeal was filed by the Appellant for the Agency's lack of the action to process an application for Health Coverage. The Agency testified DHS was unable to process such application as the Appellant had not filed an application. The Appellant did provide any details as to where, when or how the application was submitted.

IX. CONCLUSION OF LAW

After review of the Administrative record, this Appeals Office concluded the following reason for the decision rendered: Per 210-RICR-40-00-2 an application must be submitted by an individual requesting Health Coverage for the Agency to determine benefits, there is not sufficient evidence to determine the Appellant did indeed file an application.

X. DECISION

Based on the foregoing Findings of Facts and Conclusion of Law, and testimony it is the order of this Appeals Officer that: The relief requested by the Appellant cannot be granted and this appeal request is denied.

APPEAL DENIED

/s/Holly Young | Appeals Officer | Executive Office of Health and Human Services

NOTICE OF APPELLATE 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

_____ ; copies were sent via

email to Agency representatives Julie Neuman, Christine Mitchell, Michaela Miller, Vania

Rebollo, Denise Tatro and DHS.PolicyQuestions@dhs.ri.gov 15th day of

July, 2024
Erin J. White