

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

V.

DOCKET No. 24-4108

DEPARTMENT OF HUMAN
SERVICES

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter was held on August 19, 2024. [REDACTED] (Appellant) initiated this matter to appeal the closure of her Supplemental Nutrition Assistance Program (SNAP) case by the Department of Human Services (DHS). For the reasons discussed in more details below, the Appellant's appeal is denied.

II. JURISDICTION

The Executive Office of Health and Human Services (EOHHS) is authorized and designated by RIGL § 42-7.2-6.1 and EOHHS regulation 210-RICR-10-05-2 to be the entity responsible for appeals and hearings related to human services. The administrative hearing was held in accordance with the Administrative Procedures Act, RIGL § 42-35.1 et. seq., and EOHHS regulation 210-RICR-10-05-2.

III. ISSUE

At issue is whether DHS properly closed the Appellant's SNAP case in accordance with Federal and Departmental policy as set forth below.

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 Eligibility Technician Christine Santos (DHS Representative) who provided testimony regarding the case. The Appellant attended the hearing, along with her daughter, [REDACTED] (Daughter), who testified on her behalf. A different individual was listed as the Appellant’s Authorized Representative (AR), and he did not attend the hearing. The following exhibits were presented as evidence:

- DHS Exhibits:

- Exhibit #1: Appeal filed on DHS portal on July 2, 2024, regarding Appellant’s SNAP eligibility (referred to as “2” by DHS)

- Exhibit #2: Eligibility results screen (referred to as “3” by DHS)

- Exhibit #3: June 20, 2024, Benefits Decision Notice (BDN), sent to the Appellant’s physical address (referred to as “4” by DHS)

- Appellant Exhibits:

- Exhibit #1: July 5, 2024, Hearing Abandonment Notice, sent to AR’s physical address and email

VI. RELEVANT LAW/REGULATIONS

All SNAP households are subject to interim reporting requirements, with the exception of: households with no earnings and in which all members are elderly or disabled (ESAP households), and households including migrant and seasonal farmworkers. See 218-RICR-20-00-1 § 1.13.2.A. In the fifth month of certification, households subject to interim reporting will receive an Interim Report (IR) Form in the mail, and households must complete the form in its entirety and mail the form along with the required verifications back to the agency by the fifth (5th) day of the sixth (6th) month of certification. See 218-RICR-20-00-1 § 1.13.2.B(3). Failure to return the IR will result in closure of SNAP benefits. See 218-RICR-20-00-1 § 1.13.2.B(3)(b).

VII. FINDINGS OF FACT

1. The DHS Representative testified that the IR was sent to the Appellant and her AR on May 8, 2024.
2. A BDN dated June 20, 2024, was mailed to the Appellant and her AR, informing the Appellant that her SNAP benefits were being terminated as of July 1, 2024, for failing to return the IR.
3. The Appellant filed an appeal via the DHS portal on July 2, 2024, regarding her July 1, 2024, SNAP benefit termination. She stated in the appeal that the IR was not available on her portal dashboard through HealthyRhode.RI.gov, and that nothing has changed.
4. The Appellant's Daughter testified she was not appealing the SNAP closure due to the IR not being returned, but the "series of communications" sent to them that led them to believe filing an appeal was the path they needed to take to restore SNAP.
5. The Daughter testified they were not informed that they should have re-applied for SNAP, and now SNAP benefits have been delayed a month and a half.

6. The Daughter testified they received an Abandonment Notice, dated July 5, 2024, for failing to show for a hearing that day. She testified they emailed EOHHS on July 17, 2024, which was the day they actually received the Abandonment Notice, explaining they missed the hearing because they never received notice of it. She also testified that they thought the Abandonment Notice was related to the July 2, 2024, appeal filing. They learned at the August 19, 2024, hearing that the July 5, 2024, hearing was associated with an earlier appeal filed, not the July 2, 2024, appeal.
7. The July 5, 2024, Abandonment Notice was sent to the AR's physical address and email.
8. The July 5, 2024, hearing was rescheduled to August 19, 2024, and featured three appeals, two of which were withdrawn.

VIII. DISCUSSION

The Daughter did not dispute that the IR was not submitted, and instead took issue with the "communication confusion" involving the Appellant's SNAP benefits. While they did file the appeal two days after the SNAP benefit closure, and wrote on the appeal form that the IR was not available on the portal, and that nothing had changed, DHS needs an actual IR to process a case. 218-RICR-20-00-1 § 1.13.2.B(2) and 218-RICR-20-00-1 § 1.13.2.B(3) outline what a household must do with the IR they receive in the mail, timelines for returning it, and how failure to return it will result in closure of SNAP benefits.

It is the Appellant's responsibility to submit the IR. The Appellant should have called DHS or visited a DHS office to ask questions about the IR, as they were interested in resuming benefits immediately.

While the Daughter testified they planned to re-apply for SNAP, she felt it should have been clearer as to what her mother needed to do to get her SNAP benefits back. Information about contacting DHS, and the appeal process was included on the June 20, 2024, BDN starting on page 8. It states a

client's Appeal Rights, saying "you may have the right to appeal and have an Administrative Fair Hearing if you disagree with our decisions," and "Call us to discuss the benefit decision. Contact us at the telephone number at the top of the first page of this notice." Page 1 of the BDN includes the DHS Call Center number, 1-855-MY-RI-DHS (1-855-697-4347). The Appellant could have called the number to discuss her case to start the process of returning the IR.

During an appeal, an administrative hearing is held to review a contested agency action – the action in this case was the SNAP closure due to the IR not being returned. See 210-RICR-10-05-2 § 2.1.2 and § 2.1.4.A. The IR was clearly not returned to DHS, despite it being sent to the Appellant and her AR by mail on May 8, 2024, and again was not submitted after the June 20, 2024, BDN was sent informing the Appellant her SNAP benefits will close July 1, 2024, due to the IR not being returned. As for confusion regarding communications, the onus is on the Appellant to ensure her paperwork is provided to DHS in a timely manner in order to receive benefits. Filing an appeal is a correct step to take to attempt to resume closed or denied benefits if an Appellant feels the Agency was incorrect in its action. But in this case, the Agency closure was not being challenged.

IX. CONCLUSION OF LAW

After careful review of the testimony and evidence present at the Administrative Hearing, this Appeals Officer concludes that the Appellant did not return her IR before the deadline, and her benefits correctly closed as of July 1, 2024.

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 the appeal is denied.

Lori Stabile

Lori Stabile

Appeals Officer

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 RIG 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 [REDACTED]; copies were sent, via email, to [REDACTED], the DHS Appeals Unit, and DHS Policy Office, on this 23rd day of September, 2024.

Ethan Lopez