

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

[REDACTED]

V.

DOCKET No.

24-4416

Department of Human Services

DECISION

INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter came before an Appeals Officer on September 30, 2024, at 1:00 PM. The Appellant, [REDACTED], initiated this matter to appeal the Supplemental Nutrition Assistance Program (SNAP) benefit calculation made by the Department of Human Services (DHS). The Appellant is arguing that DHS is miscalculating her SNAP benefits by not properly deducting her medical expenses. 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 calculation of the Appellant's SNAP benefits 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

In attendance was the Appellant and DHS Eligibility Technician Glenda Ramos. The following exhibits were presented as evidence:

- Benefits Decision Notice issued to the Appellant on or about June 18, 2024.
- Eligibility Determination Results from the Appellant's case through July of 2024.
- SNAP – Net Income/Benefit Calculation printout for the Appellant's SNAP benefits for July of 2024.
- Eligibility Determination Results from the Appellant's case through October of 2024.
- The Appellant's Social Security award letter for 2024.
- Letter regarding the Appellant's new rent amount.
- Benefits Decision Notice issued to the Appellant on or about August 31, 2024.
- Benefits Decision Notice issued to the Appellant on or about September 5, 2024.
- Quick Note issued to the Appellant on or about September 17, 2024.

- Various medical expenses and payments, including expenses from/payments to:
 - [REDACTED].
 - [REDACTED].
 - [REDACTED].
 - [REDACTED].
 - [REDACTED].
 - [REDACTED].
 - [REDACTED].
 - [REDACTED].
 - [REDACTED].
 - [REDACTED].
 - [REDACTED].

RELEVANT LAW/REGULATIONS

A household which is compose of only elderly and/or disabled members may be certified for SNAP for an extended period. This is referred to as ESAP. 218-RICR-20-00-1.23.5(A) assigns a thirty-six (36) month certification period. However, under 7 C.F.R. § 273.10(f)(1), this is limited to twenty-four (24) months.

Those certified under ESAP may have medical expenses. DHS will electronically verify if a household member pays Medicare premiums. If a household has at least \$35.00 a month of medical expenses, they are entitled to the standard medical deduction. This is set at \$183.00 a month. If the household's monthly medical expenses exceed \$218.00 per month, the household can elect to verify actual medical expenses and use that amount, less \$35.00, instead of the standard medical deduction. 218-RICR-20-00-1.6.4(A)(1) & 218-RICR-20-00-1.15(D)(1)(d). If an ESAP household elects to claim actual medical expenses, they must submit verification of these expenses to DHS. The failure to verify medical expenses will cause the deduction not to be applied to the household's case. 218-RICR-20-00-1.23.5(C).

One-time medical expenses that are reported during the certification period can be taken either as a one-time (i.e., one (1) month) deduction, or have the expense averaged. For ESAP households with twenty-four (24) month certification period, expenses in the first twelve (12) months can be averaged over the remaining of the first twelve (12) months of the certification period or over the remainder of the certification period. For expenses in the second twelve (12) months, expenses can be averaged over the remainder of the certification period. The choice of averaging or taking the expense as a one-time deduction is with the household. 218-RICR-20-00-1.5.7(A)(5)(e).

OBJECTIONS AND MOTIONS

No objections or motions were made in this matter.

FINDINGS OF FACT

1. The Appellant is approved for SNAP under ESAP.
2. The Appellant was last recertified in March of 2023.
3. The Appellant will be due to recertify again in March of 2025.
4. The Appellant is paying \$174.70 per month for her Medicare Part-B premiums. This is showing as a monthly medical expense on the Appellant's SNAP calculation.
5. DHS currently has just over \$1,000.00 of one-time medical bills for the current certification period. These are being averaged over the remaining months in the certification period following when they were reported. This amounts to just over \$46.00 per month being counted as a medical expense for July 2024.
6. The Appellant incurred a \$145.00 medical bill for dental services from [REDACTED]. This expense was for services on March 9, 2023. DHS has this as an allowable medical expense for the Appellant's SNAP benefits. DHS is giving the Appellant a \$6.30 credit per month. This is consistent with the expense being applied for the remainder of the Appellant's certification period (i.e., twenty-three (23) months).

DISCUSSION

Medical expenses are an allowable deduction as part of the SNAP calculation. When someone has a one-time medical expense, the expense can be averaged over the remaining of the certification period. 218-RICR-20-00-1.5.7(A)(5)(e).

In reviewing the Appellant's SNAP medical expense deduction, the first question is what dates does the Appellant's certification period cover. The Appellant is currently eighty (80) years old and only receives Social Security Benefits. Due to her elderly status and lack of earned income (e.g., job income), the Appellant qualifies for SNAP under ESAP. This means she would have a twenty-four (24) month certification period. DHS' testimony confirmed this with the last certification occurring in March of 2023 and the Appellant not being due again till March of 2025.

With the certification period established, a review of how DHS applied the medical expenses can occur. The Appellant is currently paying \$174.70 a month to cover her Medicare Part-B premiums. This is reflected on the SNAP – Net Income/Benefit Calculation as being considered. The full amount is being counted for the month. The remaining expenses reported are one-time expenses. SNAP policy allows one-time expenses to be averaged over the certification period or taken as a one-time deduction. In reviewing the SNAP – Net Income/Benefit Calculation, it appears that DHS is averaging these expenses across the remainder of the certification period.

For example, the Appellant had some dental work with [REDACTED]. This occurred on March 9, 2023. The Appellant incurred a debt of \$145.00 for the services. The SNAP – Net Income/Benefit Calculation reflects that this \$145.00 expense is being counted as a valid medical expense. DHS is allocating \$6.30 a month for the expense. Since, the expense occurred in mid-March of 2023, the first month it could count for would be April of 2023. This would amount to twenty-three (23) months remaining in the certification period. Taking the \$145 debt and dividing it over twenty-three (23) months equates to \$6.30 a month after rounding to a whole penny. In effect the Appellant is getting

twenty-three (23) \$6.30 monthly credits for the expense instead of one (1) \$145.00 month credit. This averaging is consistent with SNAP policy in handling one-time medical expenses.

CONCLUSION OF LAW

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

1. DHS processed the Appellant's one-time medical expenses by averaging them over the remainder of the certification period.
2. Averaging one-time medical expense over the remainder of the certification period is permitted under 218-RICR-20-00-1.5.7(A)(5)(e).

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 allocation of the Appellant's medical expenses. The SNAP household can elect how they want their medical expenses deducted. With the Appellant's certification being due for renewal in March 2025, the Appellant can elect those new one-time medical expenses be counted as one-time deductions (i.e., count for the full amount for one month), counted for the first twelve (12) months of the certification period, or counted for the remainder of the certification period, (i.e., count a smaller amount for multiple months).

APPEAL DENIED

/s/ Shawn J. Masse

Shawn J. Masse

Appeals Officer

