

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

Docket Number: 24-486

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 an adverse decision regarding the Supplemental Nutritional Assistance Program (SNAP). For the reasons discussed in detail below, this appeal request is granted in part and denied in part.

**III. ISSUES**

The issue before this Appeals Officer was whether or not appropriate changes were made to the Appellant’s SNAP benefits 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**

Per SNAP policy 218-RICR-20-00-1.5.7(B) households that contain an elderly/disabled member who claim to have medical expenses of more than thirty-five dollars (\$35.00) will be given a standard medical deduction of one hundred eighty-three dollars (\$183.00). At initial application or when an active case containing a qualifying member reports medical expenses, the agency must verify if monthly medical expenses are more than thirty-five dollars (\$35.00). If the household fails to verify any medical expenses, the household is not entitled to a Standard

Medical Deduction. If total medical costs for the qualifying member are more than thirty-five dollars (\$35.00) per month, allow the appropriate deduction.

## **VII. FINDINGS OF FACTS**

1. On December 14, 2023, DHS sent the Appellant a Benefits Decision Notice that informed SNAP benefits decreased as of January 1, 2024, due to an increase in unearned income.

2. On January 12, 2024, the Appellant filed an appeal request with EOHHS, the Appellant disputed the new benefit amount of \$39.00.

3. The Agency filed a response to the Appellant's appeal, that noted medical bills had not been documented.

4. The Agency testified that the Appellant's income in December 2023, was \$1,502.00, with housing expenses of \$401.00 and an old medical expense of \$25.83.

5. The Appellant added she has a \$65,000 medical expense from October 2023.

## **VIII. DISCUSSION**

The Agency appeared at this hearing and stated that the change to the SNAP benefits was "probably because of the COLA," but was clearly unsure and was otherwise unable to provide any support for this position. There was also an "old" medical expense, that the Agency stated should have been taken out of the calculation but was unable to provide further details.

Although DHS testified to the income and housing expense figures for December, and the Appellant confirmed those figures, neither party provided any information about the new income amount for January. Accordingly, there is no way to determine if DHS calculated this benefit change correctly without any figures to compare.

The Appellant disputed the medical expenses and reported several thousand dollars in bills that had been reported to DHS. Neither party presented any documentary evidence for this hearing, which put both parties at a disadvantage. From the review of the Administrative record it was clear that the Appellant reported medical expenses to DHS, as the Agency mentioned them in their initial response to the electronic appeal. It could not be determined if the Agency took the necessary steps to verify such expenses, in order to determine the Appellant's medical deduction amount.

**IX. CONCLUSION OF LAW**

After review, this Appeals Officer concluded the following reason for the decision rendered: Per SNAP regulations (218-RICR-20-00-1.5.7(B)(2)), when a qualifying member reports medical expenses, the agency must verify the medical expenses to determine if the household is eligible for a medical deduction, there is no evidence of such actions taken by the Agency.

**X. DECISION**

Based on the foregoing Findings of Facts and Conclusion of Law, and testimony it is the order of this Appeals Officer that:

This appeal is denied in part, as there is not enough information in the Administrative record to determine if the Agency made this change in accordance with regulations.

The appeal is granted in part, as the Agency is to take the following actions on the matter:

- DHS is ordered to verify the Appellant's monthly medical expenses.
- DHS shall apply such deduction and determine eligibility retroactive to the

request date of this appeal January 12, 2024.

- SNAP benefits (if any) owed to the Appellant, also retroactive to January 12, 2024, shall be issue forthwith.

- The Agency will have sixty days to complete these actions, by the end of business on September 9, 2024.

**APPEAL GRANTED IN PART AND DENIED IN PART**

*/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 [REDACTED]; 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  
[Signature]