

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

██████████ (Appellant)

V.

DOCKET NO: 24-4871

DEPARTMENT OF HUMAN SERVICES
(DHS or the Department)

DECISION

I. JURISDICTION

The Executive Office of Health and Human Services (“EOHHS”) is designated by R.I. Gen. Laws § 42-7.2-6.1(2) to be the entity responsible for legal service functions, including appeals and hearings, law interpretation and related duties of itself and four agencies: one of which DHS. Hearings are held in accordance with the Administrative Procedures Act (R.I. Gen. Laws § 42-35.1 et. seq.).

II. INTRODUCTION

The Appellant initiated this matter to the Executive Hearing Office (“EHO”) to dispute an adverse agency action regarding Supplement Nutrition Assistance Program (“SNAP”) benefits. A Microsoft Teams meeting on the above-entitled matter was held September 11, 2024, the Appellant declined the option of a video hearing. For the reasons discussed in this decision, the Appellant’s appeal is granted, as the Departments actions were not in accordance with regulations.

III. ISSUES

The issue before this Appeals Officer was whether or not the Appellant’s benefits were processed in accordance with 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

The Department was represented by Brandon Klibanoff, Eligibility Technician III, Jessica Fox, Eligibility Technician III was also present and observed these proceedings. The Department submitted evidence that was marked as the following exhibits:

- Exhibit 1 The Appellant’s Appeal Request Form.
- Exhibit 2 A Benefits Decision Notice (“BDN”).
- Exhibit 3 EHO’s A printout from DHS’s eligibility system of the Appellant’s SNAP benefits.
- Exhibit 4 A printout of DHS’s SNAP eligibility results.
- Exhibit 5 A printout of SNAP calculations and income limit.
- Exhibit 6 A printout of SNAP income panels from the RI Bridges eligibility system.
- Exhibit 7 Income verification submitted by the Appellant to DHS.

VII. FINDINGS OF FACTS

1. Per Exhibit 5, a BDN was issued on August 7, 2024, it stated the application received July 12, 2024 was denied for SNAP benefits as the household is not eligible as the income exceeds program limits.

2. Exhibit 7, was 4 weeks of wages submitted by the Appellant and used by the Department in the calculation.

3. Per Exhibit 7, written on the income verification was a note under pay issuance date of July 5, 2024, that stated, "gross - 549.16 before reimbursement union fee reimbursement of 122.93 this week."

4. Per Exhibit 5, DHS calculated the Appellant's income at \$3,331.00 monthly, which exceeded the gross monthly income limit of \$3,041.00 for household size of 2.

5. The Appellant disagreed with the Agency decision and submitted an appeal request form to the EHO on August 8, 2024, stating the reason "I am appealing because it says I am over the income limit however in one of the pay stubs I explained in the interview there was a reimbursement from the union (122.90) that is not typically/would not be in my check normally. The original amount is less than the income guidelines for the 4 weeks. I am a single mom who is in school fulltime and need help feeding my child."

6. The Agency's provided this response to the appeal, "Household failed income limits for SNAP benefits. Client's reference to a union reimbursement is unknown, there are no actual paystubs in the ECF."

VIII. DISCUSSION

The Department maintained that SNAP benefits were processed in compliance with

policy. DHS described their Exhibit 7 as “paystubs, cutoffs, or screenshots.” And referred to them as what the prior worker used for the income. The Department testified that things written on paystubs is not verification. The Department admitted that if the whole paystub was submitted it is possible the worker could have seen the reimbursement and possibly adjusted the income. If it was the mistake that was made in a prior pay period and this was a reimbursement it could be deducted if properly documented, but “we have no way of knowing.”

The Appellant disagreed with the Agency and pointed out that the income provided was accepted by the Department and they never requested any additional documentation. The Appellant testified that during the SNAP interview with DHS the reimbursement was discussed with the representative. DHS read a case note from their internal records of that interview into the Administrative record, which did not mention that the reimbursement was discussed.

Per SNAP policy a reimbursement is excluded as income to the extent that they do not exceed actual expenses and do not represent a gain or benefit to the household. The payment must be provided specifically for an identified expense, other than normal living expenses and used for the purpose intended. Although the Department testified if more information was provided by the Appellant, it could have determined if it was to be counted. The Appellant notified the Department in writing of the reimbursement on a document that was accepted as income verification and the information was overlooked. It is the responsibility of the Department to review each piece of information received in the application process and if further information was needed, follow their appropriate procedures to obtain the information, the record was void of any attempts by DHS to further verify this information or to determine if it should be excluded as income.

IX. CONCLUSION OF LAW

After review of the Administrative record, this Appeals Officer concluded that the evidence did not support that the Appellant's SNAP benefits were processed in accordance with regulations.

The Appellant reported a reimbursement of \$122.93 to the Department, the evidence did not support that DHS determined if it should be excluded as income, as set forth in SNAP policy 218-RICR-20-00-1.5.3(A)(9)(a)(C).

X. DECISION

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

DHS shall determine if the reimbursement reported by the Appellant should be excluded as income and redetermine eligibility retroactive to the SNAP application date of July 12, 2024. DHS will have 30 days to complete these actions, or by close of business on November 3, 2024.

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

NOTICE OF APPELLANT RIGHTS

This Final Order constitutes a final order of the Departments of Human Services pursuant to the RI General Laws §42-15-12. Pursuant to RI 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

██████████ ██████████ ██████████ ██████████ ██████████ and via email at

██████████ ██████████; copies were sent electronically to agency representatives of the DHS

Appeals Unit and the DHS policy unit 4th day of October, 2024.

Emily F. [Signature]