

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

██████████

v.

DOCKET NO. 24-511

DEPARTMENT OF HUMAN SERVICES

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter was held on August 8, 2024. The matter was initiated on behalf of the Appellant to appeal the Long-Term Care and Social Supports (“LTSS”) case denial made by the Department of Human Services (“DHS”). DHS’s position is that the Appellant’s LTSS case was denied due to the fact that Appellant’s resources exceed the resource limit for Medicaid eligibility. Based on the evidence presented, and as discussed in more detail below, the Appellant’s appeal is dismissed.

II. 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 regulations 210-RICR-10-05-2 to be the entity responsible for appeals and hearings related to SNAP. 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.

III. ISSUES

The issues on appeal are whether the Appellant 1) filed her appeal timely and 2) was correctly denied LTSS due to resources.

IV. PARTIES AND EXHIBITS

Jeremy Ulbin DHS Eligibility Technician III appeared on behalf of DHS and provided testimony regarding the case. The Agency offered the following exhibits into evidence at hearing:

- Exhibit #1 - Appeal form received November 24, 2023.
- Exhibit #2 - Benefit Decision Notice (“BDN”) dated July 10, 2023.
- Exhibit #3- RIBridges eligibility results.
- Exhibit #4 – Asset Verification Services (“AVS”) results.

██████████, the Appellant’s Authorized Representative (“AR”), appeared at hearing and testified on behalf of the Appellant. The AR did not offer any documentary evidence.

V. RELEVANT LAW/REGULATIONS

210-RICR-10-05-2.2.1(A)(1)(a) indicates that notices must include language regarding how long one has to file an appeal. 210-RICR-10-05-2.2.1(A)(9) specifies Medicaid appeals must be filed within thirty (30) days of the contested action. The thirty (30) days begins five (5) days after the mailing date of the intended agency action.

VI. FINDINGS OF FACTS

1. The Appellant filed an application on April 27, 2023, for LTSS services to assist with payment to ██████████ (“NF”).

2. On July 10, 2023, DHS mailed a BDN to the Appellant's address of record informing her that she had been denied because her countable resources were over the allowable amount for LTSS.
3. According to the AR's testimony:
 - The NF raised concerns that the balance in the Appellant's bank account exceeded the resource limit for eligibility. In response, the AR provided the NF with documentation of a joint account she shares with the Appellant.
 - The joint account helps cover the Appellant's expenses.
 - The AR was advised by the NF to file an appeal as the NF disagreed with the July BDN.
4. With the assistance of the NF, the appeal form was completed by the AR. It was received by DHS on November 24, 2023.

VII. DISCUSSION

For there to be a decision based on the merits, first, the appeal must be filed timely. Appeals must be filed within thirty (30) days of the contested action. The thirty (30) days begins five (5) days after the mailing date of the intended agency action. See 210-RICR-10-05-2.2.1(A)(9).

A BDN dated July 10, 2023, advised the Appellant that her April 27, 2023, application for LTSS was denied because her countable resources were above the eligibility limit. Based on the regulations, the appeal should have been filed by August 15, 2023. See 210-RICR-10-05-2.2.1(A)(9). Given the appeal was filed on November 24, 2023, the appeal was filed approximately three (3) months late. Accordingly, the EOHHS Administrative Appeals Office does not have jurisdiction to hear the merits of the appeal.

VIII. CONCLUSION OF LAW

After careful review of the testimony and evidence presented at the Administrative Hearing, it is clear that:

1. The AR was given proper notice as to the Agency action taken and the Appellant's right to appeal.
2. The AR failed to appeal within the time frame required.

IX. DECISION

Based on the foregoing Findings of Fact, Conclusions of Law, evidence, and testimony it was found, that a final order be entered that the Appellant's appeal was not submitted timely. Therefore, this appeal is dismissed.

APPEAL DISMISSED

/s/ Vermont Richardson
EOHHS APPEALS OFFICER

NOTICE OF APPELLANT 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] and to Authorized Representative [REDACTED]; copies were sent via email to [REDACTED] and to DHS Representatives Rose Leandre, Rebecca Cahoon, Robert Paliotta, Glenda Ramos, Iwona Ramian, esq., DHS Appeals Unit and DHS.PolicyQuestions@dhs.ri.gov this 5th day of September, 2024.

A handwritten signature in black ink, appearing to read "Cathy [unclear]", written over a horizontal line.