

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

V.

DOCKET No. 24-58

Department of Human Services

**DECISION**

**I. INTRODUCTION**

A telephonic hearing on the above-entitled matter came before an Appeals Officer on August 20, 2024, at 2:00 PM. The Appellant, [REDACTED] (hereinafter "Appellant"), initiated this matter to appeal the closure of her Modified Adjusted Gross Income Medicaid ("MAGI") in October 2023, as stated in the Benefit Decision Notice ("BDN") dated August 20, 2023, issued by the Department of Human Services ("DHS"). DHS' position is that the Appellant's MAGI case was correctly closed in October 2023 because the Appellant and the Appellant's Authorized Representative, [REDACTED] (hereinafter "Authorized Representative") were sent a request for additional information notice on July 1, 2023, and the Appellant did not provide the requested additional information before the August 1, 2023, deadline, as stated in the notice. The Appellant's position is that neither the Appellant nor the Appellant's Authorized Representative recall receiving a request for additional information notice in July 2023, nor the BDN dated August 20, 2023, and that because the Appellant immediately uploaded verification of her residency when she discovered that her MAGI case closed in October 2023, her MAGI case should be reinstated as of October 2023. For the reasons discussed in more detail below the Appellant's Appeal is granted.

**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 regulation 210-RICR-10-05-2 to be the entity responsible for appeals and hearings related to DHS and EOHHS 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.

**III. ISSUE**

Did DHS correctly determine the Appellant’s eligibility for MAGI in October 2023?

**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. See (2 Richard J. Pierce, *Administrative Law Treaties* §10.7 (2002) & *Lyons v. Rhode Island Pub. Employees Council 94*, 559 A.2d 1130, 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. When there is no direct evidence on a particular issue, a fair preponderance of the evidence may be supported by circumstantial evidence. See (*Narragansett Electric Co. vs. Carbone*, 898 A.2d 87 (R.I. 2006)).

**V. PARTIES AND EXHIBITS**

Present for DHS was Eligibility Technician, Christine Santos. Christine Santos provided testimony and submitted the following exhibits as evidence:

Exhibit #1 – Hearing Appointment Reschedule Notice, Date: July 30, 2024.

Exhibit #2 – Appeal Information for Appeal Id: [REDACTED]

Exhibit #3 – BDN, Date: December 5, 2023.

Exhibit #4 – Eligibility Determination Results for Case Number: [REDACTED]

Exhibit #5 – Recertification/Renewal Notice, Date: July 1, 2023.

Exhibit #6 – BDN, Date: August 20, 2023.

The Appellant attended the hearing, provided testimony, and was represented by the Appellant’s attorney, [REDACTED] (hereinafter, “Attorney [REDACTED]”). The Authorized Representative also attended the hearing and provided testimony.

## **VI. RELEVANT LAW/REGULATIONS**

As a condition of eligibility, the Medicaid beneficiary must meet certain cooperation requirements, such as providing the information needed for an eligibility determination. Failure to cooperate may result in a denial of eligibility or case closure. See (210-RICR-10-00-1.6(A)). Medicaid members must provide any documentation that otherwise cannot be obtained related to any eligibility factors subject to change when requested by the State. The information must be provided within the timeframe specified by the State in the notice to the Medicaid member stating the basis for making the agency’s request. See (210-RICR-30-00-3.2.3(A)(3)).

EOHHS is responsible for notifying an applicant, in writing, of an eligibility determination. If eligibility has been denied, the notice to the applicant sets forth the reasons for the denial along with the applicable legal citations. See (210-RICR-10-00-1.4(C)).

## **VII. FINDINGS OF FACT**

1. DHS testified that on July 1, 2023, it sent both the Appellant and the Authorized Representative a request for additional documentation notice, asking the Appellant to verify her residency before August 1, 2023.
2. DHS testified that because the Appellant did not provide verification of her residency prior to August 1, 2023, her MAGI case was closed effective October 1, 2023.

3. DHS sent the Appellant a BDN on August 20, 2023, informing the Appellant that her application for MAGI was denied as of October 1, 2023, because the Appellant's family income exceeded the eligibility limit.
4. The Authorized Representative testified that she did not recall getting a request for additional information notice from DHS in July 2023, or the BDN dated August 20, 2023. The Authorized Representative further testified that if she received these notices, she would have immediately brought them to the Appellant's attention.
5. The Appellant testified that she did not recall receiving either a request for additional information notice from DHS in July 2023, or the BDN dated August 20, 2023, and that if she received the two notices, she would have immediately responded to them.
6. The Appellant testified that she first realized she no longer had health insurance on October 5, 2023, when she was almost turned away from a medical appointment due to a lack of health insurance coverage.
7. The Appellant testified that she spoke with someone from HealthSource RI on October 5, 2023, that she sent the HealthSource RI representative a picture of her driver's license to verify her Rhode Island residency that same day, and that HealthSource RI has a record of her conversation with the agency that occurred on October 5, 2023.
8. DHS testified that it received a front copy of the Appellant's driver's license on October 31, 2023, and that the verification was sufficient to verify the Appellant's Rhode Island residency.

## **VIII. DISCUSSION**

DHS' position is that it correctly closed the Appellant's MAGI case in October 2023 because she was sent a request for additional documentation notice requesting verification of her residency by August 1, 2023, and she did not respond to the notice prior to the deadline.

Both the Appellant and the Appellant's Authorized Representative testified that they did not recall receiving either the request for additional documentation notice dated July 1, 2023, or the BDN

dated August 20, 2023, and they both testified that they would have immediately acted on the notices if they received them. During the hearing, the Appellant's responses to questions posed by both Attorney [REDACTED] and DHS were straightforward and direct, and because of the Appellant's forthcoming demeanor while providing her testimony and because the Authorized Representative's testimony about the DHS notices aligned with the Appellant's testimony about the DHS notices, the Appellant's testimony is credible. The Appellant testified that she immediately called someone from HealthSource RI and provided the agency with a picture of her driver's license when she was informed that her MAGI coverage was terminated on October 5, 2023, and that HealthSource RI had records to prove this. The Appellant's credible testimony shows that it is more likely than not that the Appellant would have responded to a request for additional documentation notice immediately, had she received the notice in July 2023.

DHS did not present any evidence showing that the Appellant was sent a request for additional documentation notice on July 1, 2023, or that the Appellant's failure to respond to the notice was the basis for her MAGI case closure in October 2023. Furthermore, the BDN dated August 20, 2023, shows that the Appellant's MAGI case was closed as of October 1, 2023, because the Appellant's family income exceeded the eligibility limit for MAGI. The reason given for the Appellant's MAGI case closure in October 2023 as stated in the BDN dated August 20, 2023, conflicts with DHS' testimony that DHS closed the Appellant's MAGI case in October 2023 due to her failure to respond to a request for additional documentation, therefore, DHS' testimony is not credible. Because the evidence provided by DHS conflicts with DHS' testimony about the Appellant's case closure and because the Appellant's testimony about the notices from DHS is credible, there is not a preponderance of evidence to support DHS' determination of the Appellant's eligibility for MAGI as of October 2023.

#### **IX. CONCLUSION OF LAW**

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

1. There is not a preponderance of evidence to support DHS' determination of the Appellant's eligibility for MAGI as of October 2023.
2. The Appellant verified her Rhode Island residency as of October 2023.

**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 there is insufficient evidence to support DHS' determination of the Appellant's eligibility for MAGI as of October 2023. DHS is to redetermine the Appellant's eligibility for MAGI as of October 2023 as a verified Rhode Island resident.

**APPEAL GRANTED**

*/s/ Jack Peloquin*

Jack Peloquin

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 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 an 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.

