

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

Docket Number: 24-0806

V.

Department of Human Services

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 is the Department of Human Services (“DHS” or “the Department”). 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 EOHHS regarding the Supplement Nutrition Assistance Program (“SNAP”). Although this appeal was also requested for Health Coverage, it was clarified in a pre-hearing conference that the Appellant did not intend to appeal Health Coverage. The Appellant disagreed with the current amount of SNAP benefits and sought an administrative review and decision regarding the matter.

A telephonic hearing on the above-entitled matter was conducted on July 31, 2024. For the reasons discussed in this decision, the Appellant’s appeal is denied.

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 Christine Santos, Eligibility Technician. The Department submitted four documents as their evidence: The first two documents were the Appellant’s appeal request form and the Hearing Notice sent to the Appellant by EOHHS both of which are already part of the Administrative record. The third document was a copy of a blank SNAP renewal form sent to the Appellant from DHS on January 12, 2024, and was not relevant to this matter. The fourth document was a printout from the Department’s eligibility system and was marked as Exhibit 1.

The Appellant appeared but did not testify. The Appellant presented [REDACTED], who spoke on the Appellant’s behalf.

The Administrative record contained the appeal request form, the electronic appeal that included DHS’s response, and various letters sent to the Appellant by EOHHS.

VI. RELEVANT LAW/REGULATIONS

R.I. General Laws 40-6 designates DHS as the principal agency of the State responsible to administer SNAP. Federal Regulations issued pursuant to the act are contained in 7 Code of Federal Regulations (“C.F.R.”) Parts 271 through 282. SNAP benefits are processed by DHS based on the household’s information and according to the rules and regulations that govern the program and are authorized by the Food and Nutrition Act of 2008 (as amended through Pub. Law 116-94). SNAP regulations in Rhode Island are conducted in accordance with Rhode Island Code of Regulations (“RICR”) 218-RICR-20-00-1.

The amount of SNAP benefits a household is eligible for is based on the US Department of Agriculture’s (“USDA”) Thrifty Food Plan, which is an estimate of how much it costs to buy food to prepare nutritious, low-cost meals for one’s household. The USDA issues an annual memorandum that provides the SNAP fiscal year cost-of-living adjustments, SNAP maximum allotments, income eligibility standards and deductions. The income eligibility standards are based on the Federal Poverty Level (“FPL”) and are updated each October 1.

Per SNAP regulations, households that contain an elderly or disabled member are categorically eligible for SNAP and must only meet the net income eligibility standard to be eligible for SNAP benefits. Categorically eligible households of one (1) and two (2) person(s) that do not meet the net income standard are still eligible for the minimum monthly benefit of twenty-three dollars (\$23.00). A household under these same circumstances that was more three (3) members or more would be ineligible for benefits. (218-RICR-20-00-1.15(A)).

VII. FINDINGS OF FACTS

1. The Appellant was active on SNAP benefits since September 1, 2019 and had always received the minimum benefit. (Exhibit 1).

2. The Appellant submitted an Appeal Request Form on January 20, 2024, the reason stated for the appeal was “SNAP benefits may be denied because of an increase in income. The increase occurred because of an increase in minimum wages not because of additional wages.”

3. The Department and the Appellant agreed on following monthly household information: earned income total of \$1,305.00, unearned income total of \$1,174.00, child support expense of \$84.00, rent of \$250.00 and the Standard Utility Allowance was being applied.

VIII. DISCUSSION

DHS maintained that SNAP benefits were processed in compliance with policy and testified that the Appellant was over the net income limit for SNAP but was still eligible for the minimum benefit as they were categorically eligible.

The Appellant testified that their rent is increasing soon and wanted an increase in SNAP benefits. The Department explained that any future changes need to be reported and processed according to program rules. The Appellant agreed with DHS as to the financial information in their records but requested a review by this Appeal’s Officer for accuracy, as they disagreed with the amount of SNAP benefits they are being issued.

To determine SNAP eligibility for this household, the net income is calculated then compared to the net income standard for the household’s family size. (RICR-210-20-00-1.15(D)). The Appellant’s gross monthly earned and unearned income was added together for a total gross income was \$2,479.00. The total earned income was then multiplied by 20%, for an earned income disregard of \$261.00. This was then subtracted from the total gross for an adjusted gross income (“AGI”) of \$2,218.00.

All households are eligible for a standard deduction of 8.31% of the FPL or \$198.00 for a household of one, this deduction was applied which then yielded an AGI of \$2,020.00. The Appellant's child support obligation of \$84.00 was subtracted for an AGI of \$1,936.00. The Appellant had a housing expense of \$250.00 and an SUA credit of \$789.00, for a total shelter expense of \$1,039.00. Half of the Appellant's AGI, \$968.00 was then subtracted from the total shelter expenses of \$1,039.00, for an excess shelter cost of \$71.00. The excess shelter cost was then subtracted from the AGI for a net income of \$1,865.00.

For the Appellant's household of one member net income must fall below 100% of the FPL or \$1,215.00. As the Appellant's income after allowable deductions was \$1,865.00, under normal program rules, this Appellant was ineligible for SNAP.

IX. CONCLUSION OF LAW

After review of the Administrative record, this Appeals Officer concluded that the evidence did support that the Department processed the Appellant's benefits in accordance with regulations, as although the Appellant's net income exceeded program limits, due to the categorically eligible factor, the Appellant was being issued the minimum SNAP benefit. (218-RICR-20-00-1.15(A)).

X. DECISION

Based on the foregoing Findings of Facts, Conclusion of Law, evidence, and testimony it is the decision of this Appeals Officer that the Appellants appeal is denied.

/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

_____;

_____ and via email at _____;

copies were sent electronically to agency representatives of the DHS Appeals Unit and the DHS

policy unit 8th day of August, 2024.

