

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

Docket Number: 24-0830

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 to dispute an adverse action taken by DHS. The matter arose from actions taken regarding benefits for Supplement Nutrition Assistance Program (“SNAP”). The Appellant disagreed with DHS’s decision to deny SNAP benefits. The Appellant sought to have the denial overturned.

A telephonic hearing on the above-entitled matter was conducted on July 23, 2024. For the reasons in this decision, the Appellant’s appeal is granted.

**III. ISSUES**

The issue before this Appeals Officer was whether or not the Appellant’s benefits were processed in accordance with SNAP 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 Kilbanoff, Eligibility Technician.

The Petitioner appeared and testified on their own behalf.

The Administrative record contained the appeal request form and paystub submitted by the Appellant, the denial notice from DHS, 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. This estimate changes every year to keep pace with food prices. 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 the USDA Broad-based categorical eligibility policy, all households that meet 185% of the gross income standard and their net income is 100% of the FPL are eligible for SNAP.

Per SNAP policy due to anticipated changes, a household may be eligible for the month of application, but ineligible in subsequent months. A household may be ineligible for the month of application, but eligible in the subsequent month due to anticipated changes in circumstance. Even though denied in the month of application, the household does not have to reapply in the subsequent month. The same application shall be used for the denial for the month of application and the determination of eligibility for the subsequent months. (218-RICR-20-00-1.15.1(B)).

## **VII. FINDINGS OF FACTS**

1. The Appellant submitted an application for SNAP benefits to DHS on January 11, 2024. DHS testified the Appellant's income was calculated as follows:

- Earned income total for the month of January 2024 of \$2,401.00 was based on the year-to-date total on the January 25, 2024, paystub.
- Unearned income total of \$1,924 was based on an unemployment benefits award letter dated January 4, 2024, which verified a weekly benefit amount of \$666.00.

- For a total monthly gross income was \$4,324.00, which was more than the monthly standard of \$3,041, for a household of two.

2. DHS denied the application on January 22, 2024, and sent the Appellant a Benefits Decision Notice, that informed the household was not eligible as the income exceeds program limits.

3. The Appellant filed an appeal that was received by EOHHS on January 29, 2024, the January 25, 2024, paystub was also received with the appeal.

4. According to the SNAP 2023 annual cost of living adjustment chart (that was accessed from the Departments website) for a family size of two, 185% of the FPL was \$3,041.00.

## **VIII. DISCUSSION**

DHS maintained that the SNAP application was processed in compliance with policy and cited 218-RICR-20-00-1 to support their decision.

The Appellant disagreed with the earned income total used in the Department's calculation. The last actual day of work was not testified to, but the Appellant did state the January 25, 2024, paystub was the last one received. The paystub reflected a year-to-date total gross amount of \$976.70, this verified the Appellant's total wages for the month of January. The Department testified to a monthly earned income total of \$2,401.00, it was unknown and not further expanded upon how they arrived at this figure. The evidence supports that the Appellant's earned income for the application month of January 2024, was \$976.00.

The Appellant also disagreed with the Department on the unearned income total used in their calculation. Although the Appellant agreed she was collecting \$666.00 per week of unemployment benefits, that amount multiplied by 4.3333 (per Department standards) yields a

monthly total of \$2,886.00. The Department testified to a monthly unearned income total of \$1,924.00, but, again, it was unknown and not further expanded upon how they arrived at this figure. The evidence supports that the Appellant's unearned income total for the application month of January 2024, was \$2,886.00.

The Appellant provided credible testimony, as it was corroborated by the paystuh submitted with the appeal and agreed with by DHS's testimony as to the award letter in their file. In February 2024, the Appellant's total income was from unemployment benefits only, and was \$2,886.00. DHS did not offer any information as to the eligibility results for the month following the application month or if the application was reevaluated for that month due to the change of circumstances in the Appellant's income.

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

After review of the Administrative record, this Appeals Officer concluded the following reasons for the decision rendered:

The evidence did support that the Department processed the Appellant's benefits in accordance with regulations for the application month of January 2024. As the household's unearned income of \$2,886.00 and earned income of \$976.00 totaled \$3,863.00 and was not below 185% of the FPL or \$3,041.00, resulting in a correct denial.

The evidence did not support that the Department processed the Appellant's benefits in accordance with regulations for the month following the application month of February 2024. Due to the change in circumstances the Appellant's total monthly income was now \$2,886.00 and below 185% of the FPL or \$3,041.00, therefore the Appellant should have been eligible for SNAP benefits.

**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 request for relief and appeal is granted; the Agency is to take the following actions on the matter:

- DHS is ordered to redetermine SNAP benefits retroactive to February 1, 2024.
- SNAP benefits owed, retroactive to February 1, 2024, shall be issued forthwith.
- DHS will have sixty days to complete these actions, by the end of business on September 30, 2024.

**APPEAL GRANTED**

*/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 DHS

Appeals Unit and the DHS policy unit 1<sup>st</sup> day of AUGUST,  
2024.

*Amelia M. Kenneally*