

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

[REDACTED]

v.

Rhode Island Department of Human
Services

DOCKET No. 25-0480

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter was conducted on April 14, 2025.

[REDACTED] (Appellant), initiated this matter to appeal a decision made regarding her Supplemental Nutrition Assistance Program (SNAP) case made by the Department of Human Services (DHS), due to her failure to verify information in a timely manner. For the reasons discussed in detail below, the Appellant's appeal is granted.

II. JURISDICTION

The Executive Office of Health and Human Services (EOHHS) is authorized and designated R.I.G.L. §42-7.2-6.1 and in RICR 210-RICR-10-05-2 to be the principal entity responsible for appeals and hearings related to DHS programs. The administrative hearing was held in accordance with the Administrative Procedures Act, R.I.G.L. §42-35-1 and EOHHS regulation 210-RICR-10-05-2.

III. ISSUE

The issue is whether the closure of the Appellant's SNAP was done in compliance with Federal and State policy.

IV. PARTIES AND EXHIBITS

Present for DHS was Jessica Fox, Eligibility Technician III, who presented testimony regarding the case. DHS offered the following evidence, with no objections, which was entered into the record of hearing:

- Exhibit #1 - Appeal request form received January 27, 2025.
- Exhibit #2 - Benefits Decision Notice (BDN) dated January 3, 2025.
- Exhibit #3 - New Hire Notice dated November 27, 2024.
- Exhibit #4 - Additional Documentation Request (ADR) dated November 26, 2024.
- Exhibit #5 - Electronic Document Inquiry and Re-Index search results for the period of November 1, 2024, through March 31, 2025,
- Exhibit #6 - Document received November 26, 2024, labeled "Paystub."
- Exhibit #7 - Document received December 5, 2024, labeled "Income-Employment Document."
- Exhibit #8- Document received January 23, 2025, labeled "Expenses."
- Exhibit #9- Document received January 23, 2025, labeled "Income-Employment Document".
- Exhibit #10 - Document received January 23, 2025, labeled "Paystub."
- Exhibit #11 - Document received January 30, 2025, labeled "Other."

The Appellant appeared for the Hearing. She had no witnesses and offered the following exhibits as evidence, which was entered into the record of hearing:

- Exhibit #1 - E-mail to DHS on December 1, 2024, at 11:27:34 A.M.
- Exhibit #2 - E-mail to DHS on January 23, 2025, at 5:58 A.M.
- Exhibit #3 – E-mail to DHS on January 29, 2025, at 8:53A.M.
- Exhibit #4 – Notice regarding Appellant’s ability to use the DHS Portal (following breach) dated January 25, 2025.

The Appellant previously submitted pay stubs that were duplicates of what was entered by DHS, therefore they were not entered into the record again. In addition, the record of hearing was held open so the Appellant could send in additional receipts from DHS ScanIndex showing that she had submitted her documents timely. However, they were the same documents that she had previously submitted and therefore had no further bearing on the appeal.

V. RELEVANT LAW/REGULATIONS

EOHHS is charged with being the principal entity for legal service functions, oversight of rulemaking, law interpretation, and related duties of itself and the four agencies under its jurisdiction, which includes DHS. 210-RICR-10-05-2.1(1)(B).

Prior to any action to reduce or terminate a household’s benefits within the certification period, the agency must provide the household timely and adequate advance notice before the adverse action is taken. 218-RICR-20-00-1.14.(B)(1).

The notice of adverse actions is considered timely if the advance notice period conforms to the adequate notice period of the public assistance caseload, provided that the period includes

at least ten days from the date the notice is mailed to the date to the date upon which the action becomes effective. 218-RICR-20-00-1.14(B)(3).

Likewise, Federal SNAP regulation 7 C.F.R. § 273.13(a)(1) states, in part, “The notice of adverse action shall be considered timely if the advance notice period conforms to that period of time defined by the State agency as an adequate notice period for its public assistance caseload, provided that the period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective”.

VI. FINDINGS OF FACT

1. DHS received a New Hire Hit on or about November 26, 2024, showing that the Appellant had new employment at [REDACTED]. An ADR was sent to the Appellant on November 26, 2024, requesting verification of these earnings, which was due on December 6, 2024.
2. On or about January 3, 2025, a BDN was mailed to the Appellant advising her that her SNAP benefits were ending effective December 1, 2024, for failure to submit required information in a timely manner.
3. The verification of her earnings from [REDACTED] was not received until January 25, 2025, when it was scanned in by the Appellant.
4. The State cited regulation 218-RICR-20-00-1 § 1.3.7 on the January 3, 2025, BDN, which relates to denying an application prior to the thirtieth day. The adverse action was not a denial of an application, but rather a closing due to documentation not being returned timely.
5. There is no documentary evidence from either DHS or the Appellant showing that the Appellant sent the requested documents to DHS by the due date or prior to

January 3, 2025. The evidence shows that the requested documents were received between January 23, 2025, and January 27, 2025, which was well beyond the due date of December 6, 2024.

VII. DISCUSSION

The Appellant filed an appeal because her SNAP closed due to not returning requested verifications in a timely manner. She became aware of this when she received a BDN dated January 3, 2025, with an effective closure date of December 1, 2024.

Evidence provided by DHS does not show that these documents were submitted by the due date, in fact the Appellant sent them after she received her closure notice dated January 3, 2025.

While the evidence clearly shows that the Appellant did not submit the required documentation until after the due date, the BDN does not accurately reflect the reason for the closure. The stated reason on the January 3, 2025, BDN is that she failed to provide required information in a timely manner, however, the State cited regulation 218-RICR-20-00 § 1.1.3.7, which relates to denying an application prior to the thirtieth day. This was not an action related to an application, but rather regarding timeliness of receiving requested verifications.

Furthermore, the BDN did not provide the 10-day advance notice of adverse action, i.e. the termination of the Appellant's SNAP. Therefore, she was not afforded the right to appeal prior to the adverse action taking place, and she was also not afforded the right to request aid pending in a timely manner.

VIII. CONCLUSION OF LAW

After careful consideration of the testimony and evidence presented at the Administrative Hearing, this Hearings Officer concludes:

1. DHS did not comply with the appropriate regulations for giving adequate notice of an adverse action, i.e. the termination of the Appellant's SNAP benefits.
2. DHS denied the Appellant the opportunity to file an appeal within the 10-day adverse action period.

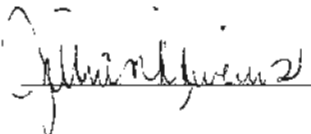
IX. DECISION

Based on the foregoing Findings of Fact, Conclusions of Law, evidence, and testimony it is found that a final order be entered that DHS did not comply with the requirements of the applicable policy and regulations for the termination of the Appellant's SNAP benefits.

APPEAL GRANTED

ACTION FOR DHS

Within 30 days of the decision, DHS is to re-open the Appellant's SNAP case back to the date of closure, December 1, 2024, obtain the appropriate verifications, and redetermine the Appellant's eligibility based on her circumstances at the time of the closure date, December 1, 2025.



Jillian R. Rivers

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]
[REDACTED]; copies were sent, via email, to the Appellant at [REDACTED]; DHS Representatives Jessica Fox, Kirsten Comford, the DHS Appeals Unit, and the DHS Policy Unit on this 28th day of April, 2025.

