

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

V.

DOCKET No. 25-0552

Department of Human Services

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter came before an Appeals Officer on May 8, 2025. The hearing was reconvened on June 2, 2025, to allow DHS time to submit additional evidence and to allow the Appellant sufficient time to review the newly submitted evidence, and the Appellant declined the option of a video hearing for both hearings. The Appellant, [REDACTED] (hereinafter the “Appellant”), initiated this matter to appeal the denial of a Request for Replacement of Food Purchased with Supplemental Nutrition Assistance Program (SNAP) Benefits (hereinafter “SNAP-55”) made by the Department of Human Services (DHS). DHS testified that the Appellant’s Appeal should be dismissed because it is untimely, and the SNAP-55 was properly denied because it was incomplete. The Appellant testified that the Appeal is timely because she never received a denial notice. The Appellant further testified that because the SNAP-55 form does not state that a relative can verify food loss, the denial of her SNAP-55 is incorrect. For the reasons discussed in more detail below, the Appellant’s Appeal is denied.

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 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. TIMELINESS

DHS testified that the Appellant's Appeal is untimely because her SNAP-55 was denied in January 2024 and her Appeal was not filed until January 2025. The Appellant testified that her Appeal is timely because she was never formally notified of her SNAP-55 denial, and she only learned that it was denied after her Appeal was filed. DHS testified that when a SNAP-55 is denied, applicants typically receive a phone call from DHS to notify them of the denial. The Appellant testified that she never received a phone call informing her of her SNAP-55 denial. DHS conceded in their testimony, that a denial notice was never sent to the Appellant. Furthermore, DHS failed to provide any evidence to show that the Appellant was ever informed of any deadline to file an appeal of her SNAP-55 denial. Therefore, because it is more likely than not that the Appellant was never notified of her SNAP-55 denial nor of any deadline to file an appeal of her SNAP-55 denial, the Appellant's Appeal is considered timely, and the merits of the Appellant's Appeal will be discussed below.

IV. ISSUE

Did DHS correctly deny the Appellant's SNAP-55 in compliance with Federal and State Policy?

V. STANDARD OF PROOF

It is well settled that in formal or informal adjudications modeled on the Federal Administrative Procedures Act, the initial burdens of production and persuasion rest with the moving part. See (2 Richard J. Pierce, Administrative Law Treaties §10.7 (2002)). Unless otherwise specified, a preponderance of the evidence is generally required to prevail. See (*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)).

VI. PARTIES AND EXHIBITS

Eligibility Technician, Jesus Rafael Martinez, attended the May 8, 2025, hearing and provided testimony. Eligibility Technician Brandon Klibanoff, attended the June 2, 2025, hearing, provided testimony, and submitted the following exhibit into evidence:

Exhibit #1 – SNAP-55, Date Received: January 30, 2024.

The Appellant was present and testified on her own behalf. The Appellant submitted the following exhibit into evidence:

Exhibit #2 – Electronic Appeal, Date: January 6, 2025.

VII. RELEVANT LAW/REGULATIONS

In cases in which food purchased with SNAP benefits is destroyed in a disaster or household misfortune affecting a participating household, that household may be eligible for replacement of the actual value of loss, not to exceed one month's SNAP allotment, if the loss is reported verbally or in writing within ten days and the household's disaster is verified with a signed and completed DHS SNAP-55 form within ten days from the reported date of the loss. See (218-RICR-20-00-1.22(A)).

The household must provide verification of the food loss. This shall be verified through a collateral contact, documentation from a community agency including, but not limited to, the fire department or the Red Cross, a note from a landlord, or the power company attesting to an outage or other event. See (218-RICR-20-00-1.22(A)(3)(c)).

The SNAP-55 form has been revised to include a page on the back side of the form which can be completed by an individual who can attest to the food loss, such as a landlord, housing authority, Community Action Agency or neighbor. When signed, this can be used as acceptable verification of food loss. See (SNAP Benefit Replacement Process Transmittal 14-26).

If for any reason the agency is unable to process a request for replacement of food loss, the agency should complete and mail the household a SNAP-55C Replacement Request Denial Notice, indicating the reason for denial. If the agency was unable to verify the circumstances relating to the loss of food, SNAP-55 can be denied. See (SNAP Benefit Replacement Process Transmittal 14-26).

VIII. FINDINGS OF FACT

1. The Appellant submitted a SNAP-55 to DHS in January 2024.
2. The second page of the SNAP-55 was left incomplete.
3. DHS denied the Appellant's SNAP-55 in January 2024 because it was unable to verify the circumstances relating to the loss of food, as the second page of the SNAP-55 was left incomplete.

IX. DISCUSSION

As stated above, in cases in which food purchased with SNAP benefits is destroyed in a disaster or household misfortune affecting a participating household, that household may be eligible for replacement of the actual value of loss, not to exceed one month's SNAP allotment, if the loss is reported verbally or in writing within ten days and the household's disaster is verified with a signed and completed DHS SNAP-55 form within ten days from the reported date of the loss. The SNAP-55 form has been revised to include a page on the back side of the form which can be completed by an individual who can attest to the food loss, such as a landlord, housing authority, Community Action Agency or neighbor. When signed, this can be used as acceptable verification of food loss. If the agency is unable to verify the circumstances relating to the loss of food, SNAP-55 can be denied. DHS testified that the Appellant's

SNAP-55 was correctly denied because the second page was left blank, therefore, DHS was unable to verify the circumstances relating to the loss of the Appellant's food.

The Appellant testified that she has an issue with the second page of the SNAP-55 because it does not specifically state that a relative can verify food loss. While the SNAP-55 does not specifically state that a relative can verify food loss, it does state that "Verification may be provided by anyone outside the SNAP household with knowledge of food loss including but not limited to, landlords, staff of community agencies, fire departments, housing authorities, and neighbors." Because the SNAP-55 clearly states that anyone outside of the SNAP household with knowledge of food loss can attest to food loss, it is not necessary to list relatives as a potential example. Furthermore, the SNAP-55 clearly states that the list of possible food loss verifiers is not limited to the examples provided in the notice.

To approve the Appellant's SNAP-55, DHS must be able to verify the Appellant's food loss. The SNAP-55 submitted to DHS by the Appellant clearly shows that the second page was left blank. Because the second page of the SNAP-55 was incomplete, DHS was unable to verify the Appellant's food loss. Because DHS was unable to verify the Appellant's food loss, there is a preponderance of evidence to show that DHS correctly denied the Appellant's SNAP-55 in compliance with Federal and State Policy.

X. CONCLUSION OF LAW

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

1. To approve a SNAP-55, DHS must be able to verify the circumstances relating the applicant's loss of food.
2. The Appellant did not complete the second page of the SNAP-55.
3. Because the Appellant did not complete the second page of the SNAP-55, DHS was unable to verify the Appellant's food loss.
4. DHS correctly denied the Appellant's SNAP-55 in compliance with Federal and State Policy.

XI. 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 sufficient evidence to support DHS' denial of the Appellant's SNAP-55.

APPEAL DENIED

/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.

CERTIFICATION

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to

[REDACTED]; copies were sent, via email, to

[REDACTED], Kisten Cornford, the DHS Policy Office at

dhs.policyquestions@dhs.ri.gov, and the DHS Appeals Unit at DHS.Appeals@dhs.ri.gov on this

5th day of June, 2025.

Diana Furtado