

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

[REDACTED]

V.

DOCKET No. 25-0763

DEPARTMENT OF HUMAN
SERVICES

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter was held April 24, 2025, and the Appellant, [REDACTED], declined the option of a video hearing. The Appellant initiated this matter to appeal the denial of the Supplemental Nutrition Assistance Program (SNAP) made by the Department of Human Services (DHS). The denial was outlined in a Benefits Decision Notice (BDN) dated January 15, 2025, that stated that the Appellant was not eligible for SNAP as of October 1, 2024, because his income exceeded the limit for the program. For the reasons discussed in more details 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. General Laws § 42-7.2-6.1 and the Rhode Island Code of Regulations (RICR) 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. Gen. Laws § 42-35.1 et. seq., and EOHHS regulation 210-RICR-10-05-2.

III. ISSUE

The issue before this Appeals Office is whether the SNAP closure was done in compliance with federal and state policy.

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. 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). 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

DHS was represented by Senior Casework Supervisor Michaela Miller (Senior Supervisor Miller), who testified and presented evidence that was marked as the following exhibits:

- Exhibit #1: Appeal filed by the Appellant received February 10, 2025.
- Exhibit #2: BDN dated January 15, 2025.
- Exhibit #3: Additional Documentation Required (ADR) notice dated August 19, 2024.
- Exhibit #4: 2023 Tax Return.

- Exhibit #5: Eligibility results, gross income calculation from RI Bridges, the State's Integrated Eligibility System.
- Exhibit #6: Unemployment insurance records for the Appellant from June 2024 through October 2024.

The Appellant represented himself and provided testimony. He submitted the following evidence:

- Exhibit #1: Rhode Island Department of Labor and Training Unemployment Insurance 1099-G form showing \$9,328.00 in unemployment compensation in 2024, and a screen shot showing \$389.00 as the estimated weekly payment.

VI. RELEVANT LAW/REGULATIONS

According to 218-RICR-20-00-1.6.1(A)(1), the Agency representative must examine both financial and non-financial requirements provided by applicant households as part of the eligibility process. Financial information includes statements presented by the household on its resources, monthly income, and deductible expenses. In addition, the Agency representative must verify, prior to certification of the household, all factors of eligibility which the Agency representative determines are questionable and affect the household's eligibility and benefit level. The Agency representative uses documentary evidence as the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. The Agency representative accepts any reasonable documentary evidence provided by the household and is primarily concerned with how adequately the verification proves the statements on the application. 218-RICR-20-00-1.6.2(A) & 218-RICR-20-00-1.6.3(A).

Households have an obligation to report all income. The Application for Assistance (DHS-2) asks the household if income from a job is expected, if the household receives income from self-employment, or if the household expects or will receive income from any other source (net capital gains/investment; dividends, interest; and unemployment compensation are among the types of income listed). The application also asks if anyone in the household receives income from rent. In addition, individuals are asked to provide income information on the SNAP recertification form and SNAP interim report form.

Penalties for failing to report income are clearly outlined on the DHS-2, recertification and interim report forms.

Unearned income includes unemployment insurance, and certain rental income (the gross income, minus the cost of doing business, derived from rental property if a household member is not actively engaged in management of the property at least 20 hours a week). 218-RICR-20-00-1.5.2(A)(2)(a)(2)(AA) & (9). Earned income includes total gross income from a self-employment enterprise, along with the ownership of rental property (income derived from the rental property is considered earned income only if a member of the household is actively engaged in management of the property at least an average of 20 hours per week). 218-RICR-20-00-1.5.2(A)(1)(a)(5)(AA). Examples of types of verification for self-employment income include State or Federal income tax returns, self-employment bookkeeping records, or sales and expenditure reports. 218-RICR-20-00-1.6.8(D)(3).

The gross and net income eligibility standards are based on the Federal income poverty levels. 218-RICR-20-00-1.15(A)(5). SNAP-only categorically eligible households that are recipients of a TANF-funded service (the RI DHS TANF Information Publication) must meet the 185 percent gross income standard solely to determine eligibility for expanded categorical eligibility and must meet the net income standards in order to determine the benefit amount. 218-RICR-20-00-1.15(A)(6). In October 2024, the 185 percent maximum gross monthly income standard was \$2,322.00. 218-RICR-20-00-1.15(E)(1)(b)(Table IV).

VII. FINDINGS OF FACT

1. The Appellant, a household of one, received a January 15, 2025, BDN stating that his SNAP benefits were ending as of October 1, 2024, because his income exceeded the limit for the program.
2. The Appellant, filed an appeal on February 10, 2025, stating that DHS used incorrect income to determine his eligibility for SNAP, which resulted in the SNAP benefits denial.

3. The Appellant testified that the 2023 tax return that he provided to DHS did not accurately reflect his 2024 income. In 2024, unemployment benefits and rental income were his only income sources.
4. The Appellant testified that he attempted to rectify the issue before the hearing by contacting DHS to inform them that the income was incorrect, but the case was not changed.
5. Senior Supervisor Miller testified:
 - a. The Appellant submitted his SNAP Interim Report (IR) on August 19, 2024.
 - b. Self-employment income was reported on the IR, but no verification was provided.
 - c. DHS sent the Appellant an ADR on August 19, 2024, requesting income information; the ADR was due by August 29, 2024.
 - d. The ADR, which was sent to an incorrect address that the Appellant previously used belonging to his mother, stated that an income tax return or self-employment ledger could be provided as verification.
 - e. DHS closed the case in October 2024 because the Appellant did not respond to the ADR.
 - f. DHS sent the Appellant a SNAP denial notice that informed him benefits ended as of October 1, 2024, for failure to provide the requested information.
 - g. The Appellant submitted his 2023 tax return on October 30, 2024, which was later used to calculate his benefits.
6. An informal hearing was held on January 14, 2025, between the Appellant, DHS and the Appeals Office. DHS agreed to redetermine eligibility back to the October 2024 closure date based on the information in the case. The tax return information had not been acted upon prior to this date because it was sent in after the case closed.
7. The Appellant's case was updated on January 15, 2025, using the 2023 tax return information. Per Senior Supervisor Miller, that was the only income information provided by the Appellant. SNAP benefits were denied when the case was updated, as his total \$3,152.00 income exceeded the gross monthly income limit of \$2,322.00 for a household of one for the program.

8. The Appellant's total income was calculated by DHS at \$3,152.00 per month as follows:
 - a. Annual real estate income of \$17,590.00 as listed in the tax return's Schedule C.
 - b. This annual figure was averaged by DHS for a monthly self-employment income of \$1,466.00.
 - c. Unemployment benefits income of \$1,686.00 a month.
9. The record was held open until the close of business on May 12, 2025, for both the Appellant and DHS to provide information regarding the unemployment benefits the Appellant received, specifically the weekly amount and duration of the benefits, as these benefits were included in DHS' gross income calculation, but no documentation regarding the amount had been provided by either side prior to the hearing. Each side submitted evidence by the deadline, showing the weekly unemployment insurance amount was \$389.00. DHS provided information that showed the Appellant received unemployment benefits from June 2024 through October 2024.
10. The Appellant testified he received \$1,000.00 per month of rental income starting in October 2024.

VIII. DISCUSSION

It is understandable why DHS used the 2023 tax return to redetermine eligibility for the Appellant because it was the document that he submitted as proof of his self-employment income. The Appellant testified he thought he had to submit the 2023 tax return and did not know it would be used to determine his 2024 income, and faulted the DHS workers for not changing his case after he said it was incorrect. In response, Senior Supervisor Miller testified that DHS could not just change the case based on his statement that he had no income, stating that verifications were still needed.

The Appellant did not submit any alternative documentation to support that the income was incorrect, and it appears that it only became an issue after he was told he was over the income limit for SNAP in January 2025.

There would be no reason for DHS to doubt the income on the tax return submitted by the Appellant. It is unclear to this Appeals Officer why he provided the 2023 tax return without any explanation as to why it was no longer valid, and without any other documentation to show what his current income status was, especially since he was collecting rent in October 2024, the same month he submitted the 2023 tax return.

The Appellant blamed DHS for this issue dragging on for months but the Appellant also had a responsibility to provide accurate income information – as stated on the DHS-2 application that he filled out initially for SNAP benefits.

Even if the tax return had not been used, it appears the Appellant would have been over the income limit in October given the rental income of \$1,000 he testified he received, and his \$1,686.00 in unemployment benefits, which totals \$2,686.00, again exceeding the gross income limit for a household of one at \$2,322.00.

If DHS is given a document in response to an ADR, it is the agency's responsibility to then process it, which it did in this case. It is unfortunate that there was miscommunication between the two sides, but this tribunal can only address the issue under appeal, which is the closure of the Appellant's case due to him being over income. Given the information DHS received, their action was correct.

IX. CONCLUSION OF LAW

After careful review of the testimony and evidence presented at the Administrative hearing, this Appeals Officer concludes:

1. The Appellant submitted his 2023 tax return in response to DHS' request for proof of self-employment income.
2. DHS processed his SNAP case using the 2023 tax return.
3. The Appellant was determined to be over income for the month of October 2024, and his case was properly closed, given the information DHS had at the time.

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 sufficient evidence to support DHS' closure of the Appellant's SNAP case.

APPEAL DENIED

/s/ Lori Stabile

Lori Stabile

EOHHS 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 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], and DHS representatives Kirsten Cornford, Michaela Miller, Christine Mitchell, Julie Neuman, Vania Rebollo, Denise Tatro, Jeremy Ulbin, and the DHS Policy Office on this 19th day of May, 2025.

Amara M. Mendell