

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

[REDACTED]

V.

DOCKET No. 25-1465

DEPARTMENT OF HUMAN
SERVICES

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter was held on July 15, 2025. The Appellant, [REDACTED], declined the option of video. The Appellant initiated this matter to appeal the Department of Human Services' (DHS) closure of her Supplemental Nutrition Assistance Program (SNAP) benefits as of July 1, 2024. For the reasons discussed in more details below, the Appellant's appeal is granted.

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.G.L. § 42-35.1 et. seq., and 210-RICR-10-05-2.

III. ISSUE

The issue before this Appeals Office is whether DHS's denial of the Appellant's SNAP benefits 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

Testifying for DHS was Eligibility Technician III Jessica Fox (Agency), who presented the following exhibits as evidence:

- Exhibit #1: Electronic Appeal dated March 27, 2025.
- Exhibit #2: Appellant's explanation for her appeal dated March 27, 2025.
- Exhibit #3: Benefits Decision Notice (BDN) dated January 6, 2025.
- Exhibit #4: Dismissal letter from EOHHS Appeals Office dated May 12, 2025.

The Appellant was present and was represented by Carole Rowlinson, Esq., of Rhode Island Legal Services (RILS). RILS Intern Miranda Sanchez also attended the hearing. The following exhibits were submitted as evidence by the Appellant:

- Exhibit #1: Outline of Documentation/Evidence dated May 4, 2025.
- Exhibit #2: Notice of Expiration/Renewal Form dated May 1, 2024.
- Exhibit #3: Recertification/Renewal Notice dated May 1, 2024.
- Exhibit #4: Screenshot of Recertification interview call with DHS on June 8, 2024.
- Exhibit #5: Additional Documentation Required (ADR) notice dated June 8, 2024.
- Exhibit #6: Form 1040 of Appellant's 2023 tax return.
- Exhibit #7: Schedule C of tax return for art and design business.
- Exhibit #8: Schedule C of tax return for eBay reselling business.
- Exhibit #9: Renewal Reminder/Update Notice – Notice of Adverse Action dated June 12, 2024.
- Exhibit #10: Able-Bodied Adults without Dependents (ABAWD) notice.
- Exhibit #11: Appointment Notice dated July 25, 2024, for in-person July 31, 2024, Redetermination Appointment.
- Exhibit #12: Appointment Notice dated July 31, 2024, for in-person August 2, 2024, "change/other" Appointment.
- Exhibit #13: Recertification/Renewal Notice for Medicaid dated August 1, 2024.
- Exhibit #14: ADR Notice dated August 2, 2024, requesting check stubs and income from [REDACTED].
- Exhibit #15: BDN for health coverage renewal dated September 5, 2024.
- Exhibit #16: RI Bridges Imaging Cover Sheet, showing September 11, 2024, received date for scanning.
- Exhibit #17: Self-employment ledger dated September 11, 2024.
- Exhibit #18: Self-employment ledger covering January 1, 2024, through September 11, 2024.
- Exhibit #19: DHS Document Drop Off Checklist for SNAP dated December 23, 2024.

- Exhibit #20: DHS Visitor Outreach Sheet December 12, 2024, (self-employment ledgers).
- Exhibit #21: Screen shot of two incoming calls from DHS on January 5, 2025.
- Exhibit #22: BDN approving SNAP dated January 6, 2025.
- Exhibit #23: BDN continued.
- Exhibit #24: Six-month Interim Report (IR) dated April 8, 2025.
- Exhibit #25: Six-month IR Reminder Notice dated May 5, 2025.
- Exhibit #26: SNAP benefit details showing eligibility from July 26, 2023, through June 30, 2024.
- Exhibit #27: SNAP benefit details showing an increase in amount from October 1, 2023, through June 30, 2024.
- Exhibits #28 and #29: Self-employment ledger January 2024.
- Exhibits #30 through #51: Self-employment ledgers from February 2024 through December 2024 (DHS date stamp December 23, 2024).
- Exhibit #52: 2024 income summary excluding self-employment (DHS date stamp December 23, 2024).
- Exhibit #53: Employment letter dated August 7, 2024, from [REDACTED].

VI. TRAVEL OF THE CASE

The Appeal was filed on March 27, 2025. A hearing was scheduled on May 12, 2025. After an informal pre-hearing conference, the Hearing Officer determined that the appeal was untimely, and a Dismissal Letter – Untimely Appeal letter was sent on May 12, 2025, to the Appellant. No hearing was held at that time. It informed her that it appeared her request for an appeal was untimely because she was notified of DHS' actions on June 12, 2024, and her Appeal was received on March 27, 2025. It stated the Appeal would be dismissed if no additional information was provided to dispute the dismissal within 15 days of receipt of the letter. On May 22, 2025, the Appellant submitted additional evidence in support of

the timely appeal, and stated she did not receive any decision from DHS regarding her request for retroactive benefits. The initial Hearing Officer determined that there was sufficient evidence to refute the untimely letter. Accordingly, the Appeal was rescheduled for a hearing on July 15, 2025.

VII. TIMELINESS

The Agency argued that the appeal was untimely and submitted at Hearing as evidence the Dismissal Letter previously sent to the Appellant from the Appeals Office that stated SNAP appeals must be filed within 90 days.

Because the Appellant's request for retroactive benefits was not addressed in the January 6, 2025, BDN she received that approved her for SNAP, the initial Hearing Officer rescheduled the hearing for that issue to be heard on its merits. The Code of Federal Regulations § 273.15 Fair hearings section (g) states: "A household shall be allowed to request a hearing on any action by the State agency or loss of benefits which occurred in the prior 90 days. Action by the State agency shall include a denial of a request for restoration of any benefits lost more than 90 days but less than a year prior to the request." Accordingly, the Appeal of the retroactive benefits is considered timely.

VIII. RELEVANT LAW/REGULATIONS

SNAP regulations state the Agency must complete the recertification process if the household meets all requirements and finishes the necessary processing steps, and approve or deny timely applications for recertification prior to the end of the household's current certification period. Any eligible household must be provided an opportunity to participate by its normal issuance cycle in the month following the end of its current certification period. 218-RICR-20-00-1.7(A).

The household loses its right to uninterrupted benefits for failure to attend any interview scheduled on or after the deadline for timely filing of the application for recertification, or to submit all necessary verification within the timeframe established by the agency as long as the timeframe elapses after the deadline for filing a timely application for recertification. 218-RICR-20-00-1.7(A)(1).

Although a household loses its right to uninterrupted benefits for such failures, the household must not be denied at that time, unless it refused to cooperate, or the certification period has lapsed. If the household loses its right to uninterrupted benefits due to such failures but is otherwise eligible after correcting such failures, the agency must, at a minimum, provide benefits within 30 days after the date the application was filed. 218-RICR-20-00-1.7(A)(1)(a)&(b).

Denials, including those for failure to complete the interview or provide missing verification, must be completed either by the end of the current certification period or within 30 days after the date the application was filed as long as the household has had adequate time for providing missing verification. 218-RICR-20-00-1.7(A)(1)(c).

The agency must act to provide uninterrupted benefits to any household determined eligible after the household has timely filed an application, attended an interview in accordance with the requirements in this section, and submitted all the necessary verification. 218-RICR-20-00-1.7(E)(1). The agency must take action to provide uninterrupted benefits within the following time standards even if, to meet these standards, the agency must provide an opportunity to participate outside the normal issuance cycle. For households that have met all the required application procedures, the agency must approve or deny the application and notify the household of its determination by the end of the current recertification period. 218-RICR-20-00-1.7(E)(2)(a). For households determined eligible, the agency must provide an opportunity to participate by the household's normal issuance cycle in the month following the end of its current certification period. A household that has timely submitted an application for recertification or Interim Report Form but, due to agency error, is not determined eligible in sufficient time to provide for issuance by the household's next normal issuance cycle must receive an immediate opportunity to participate upon being determined eligible. 218-RICR-20-00-1.7(E)(2)(b) & (b)(2). Such households are entitled to a restoration of lost benefits if, as a result of such error, the household was unable to participate for the month following the expiration of the Interim Report timeframes or certification period. 218-RICR-20-00-1.7(E)(2)(b)(3).

IX. FINDINGS OF FACT

1. The Appellant discovered that her previous SNAP case closed only when she re-applied for benefits in December 2024. The DHS worker encouraged her to file an appeal.
2. The Appellant testified that she had been communicating with DHS for several months about her Recertification, which was submitted timely on May 29, 2024. The Appellant further testified that she responded timely to DHS' request for additional information and documentation, and was repeatedly reassured that her previous SNAP case was pending supervisor approval, when it actually closed. DHS did not dispute the Appellant's testimony.
3. The Appellant was reminded to renew in a Notice of Expiration/Renewal Form dated May 1, 2024, that stated her benefits would end June 30, 2024, unless she renewed.
4. In an effort to renew her benefits, the Appellant had a phone interview, attended two in-person interviews and submitted documentation, including self-employment ledgers for 2024, her 2023 tax return, and her last day of work letter from the [REDACTED], as part of the Recertification process.
5. During her phone interview for her recertification on June 8, 2024, the Appellant testified that she was told that due to her fluctuating self-employment income and work with various employers, she should submit her tax return. An ADR was then sent that same day, requesting her self-employment payments by June 18, 2024. An income tax return and self-employment ledger were listed as acceptable documents to submit to DHS.
6. The Appellant testified that she brought in her 2023 tax return to DHS before the due date. The Agency did not dispute that the Appellant submitted the requested tax information timely.
7. Another Renewal Reminder/Update Notice – Notice of Adverse Action, dated June 12, 2024, was sent to the Appellant, stating the SNAP renewal had been received, but the renewal process was not complete, and that for it to be completed, the Appellant had to complete an interview and submit any documents requested by DHS. The notice states if the renewal process is not completed by June 30, 2024, or if she is found to be ineligible when the renewal is complete, she

would not receive SNAP benefits on July 1, 2024, and the case would close. It stated that if DHS is responsible for a delay in processing the renewal form and she remained eligible, benefits back to the first day of the new certification period would be received.

8. The Appellant testified she again was told by DHS workers when she went into the office to provide more supporting documentation that her case still was pending supervisor approval, so they scheduled her for a July 31, 2024, in-person appointment at the Holden Street office for her Recertification. Her case still was not resolved on July 31, 2024, so another in-person appointment was scheduled for August 2, 2024.
9. The Appellant then received another ADR, dated August 2, 2024, asking her to provide missing check stubs (pay checks representative of the last four weeks of income) and income from working (for employment with the [REDACTED]; an employer/letter statement, or four recent paystubs), by August 12, 2024. The ADR states "we need you to submit additional documents to determine your eligibility or keep your benefits for SNAP."
10. Attorney Rowlinson stated that when the Appellant received the ADR dated August 2, 2024, she believed her SNAP case was still open. The Appellant had not received a notice stating her SNAP case was closed for failing to provide information requested. In addition, there would be no reason for an ADR to be sent on a closed case. Yet another indication that the Appellant's SNAP case was still open.
11. The Appellant testified she provided the information requested prior to the August 12 due date. The Agency did not dispute her testimony.
12. The Appellant testified that during the time she believed her case was pending supervisor approval, she worked a full season as a lifeguard for the [REDACTED] and as a waitress from late August until mid-November, and that she reported all the earnings by bringing in her paystubs to the scan office, along with last day of work letters for the lifeguard and waitress jobs, as well as self-employment ledgers.

13. The Appellant testified she specifically asked if she should re-apply during one of her in-person appointments and she was told not to because her case was not closed and still pending supervisor approval.
14. In December 2024, the Appellant was still trying to resolve her SNAP case when the DHS system breach occurred. The Appellant testified she went into the scan office at Holden Street on December 23, 2024, to drop off additional documentation.
15. The Appellant returned to the DHS office on December 26, 2024, and she testified that a worker told her to re-apply for benefits as she had been waiting for SNAP since July. She was told the workers could not access the system because of the breach, and could not see anything regarding her history with DHS.
16. The Appellant received a BDN dated January 6, 2025, stating she was approved for SNAP as of December 26, 2024, ongoing, but no mention was made of the retroactive benefit period from July 1, 2024, through December 25, 2024, that she also was seeking.
17. The Agency testified that the only notice regarding a closure that the Appellant would have received was the Renewal Reminder/Update Notice on June 12, 2024, that reminded her that her benefits would end June 30, 2024, unless she completed an interview and submitted documents requested by DHS.
18. The Agency did not dispute any of the Appellant's statements. No evidence was submitted that showed the Agency processed any of the Appellant's documents that she provided, or that any of the documentation was incomplete and would therefore trigger a closure.

X. DISCUSSION

At no point during the Hearing did the Agency state that the Appellant failed to submit her Recertification, comply with the ADRs that were sent requesting information, that she missed the deadlines stated in the notices, or failed to complete her interview requirements, all reasons which would lead to the proper closure of one's SNAP case.

Because DHS continued to schedule appointments for the Appellant related to her Recertification and sent her two additional requests for information, the Appellant understood that her SNAP case was still open and her Recertification was pending supervisor approval, as she had been repeatedly told.

It was only after she re-applied for SNAP in December 2024 that she learned from a DHS worker that the previous Recertification SNAP benefit period she had been seeking was closed. A worker encouraged her to file an appeal for the months of missed benefits.

It is possible that the complexity of the Appellant's individual situation – self-employment income, job changes – was what caused her Recertification to languish, and ultimately resulted in its closing, though no notice was sent to her stating the reasons why.

SNAP regulations clearly state that the Agency must complete the recertification process if the household meets all requirements and finishes the necessary processing steps, and approve or deny timely applications for recertification prior to the end of the household's current certification period. 218-RICR-20-00-1.7(A). The Agency did not provide any evidence that the Appellant failed to complete any aspect of the Recertification process, or provide testimony explaining exactly why her SNAP case closed on July 1, 2024. On the other hand, the Appellant testified and provided documentation that she complied with the Recertification requirements, ADRs and interview requirements.

In the absence of any contradictory information from the Agency and any information at all as to why and when the case closed, this tribunal accepts that the Appellant made every reasonable effort to complete her Recertification, participated in three interviews for her recertification, and submitted all documentation that was asked of her. Therefore, the Agency should redetermine her SNAP eligibility for the period from July 1, 2024, through December 25, 2024.

XI. CONCLUSION OF LAW

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

1. The Appellant timely submitted her Recertification, and complied with interview requirements.
2. The Appellant timely responded to ADRs sent by the Agency, and submitted additional documentation requested to process her case.
3. The Agency failed to process the Recertification in a timely manner, instead sending out several ADRs, making two in-person appointments to address the Recertification with the Appellant, and leading her to believe that her case was pending supervisor approval for months. All the while, no decision appeared to have been reached on the Recertification, which, at some unknown point, closed without explanation.

XII. 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 not sufficient evidence to support DHS' closure of the Appellant's SNAP benefits as the Appellant clearly was trying to comply with Recertification requirements by submitting requested documentation and participating in three SNAP Recertification interviews.

ACTION TO BE TAKEN

DHS has 30 days from the certification of this decision to redetermine eligibility for the Appellant for the period starting July 1, 2024, using the documents the Appellant provided to DHS. The Appellant provided her tax return, pay stubs, a last day of work letter including pay information, and self-employment ledgers. A new Benefits Decision Notice needs to be issued covering the period from July 1, 2024, through December 25, 2024.

APPEAL GRANTED

/s/ Lori Stabile

Lori Stabile

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 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] and Carole Rowlinson, Esq., 56 Pine St., Suite 400, Providence, 02903; copies were sent, via email, to [REDACTED] at [REDACTED] and Carole Rowlinson, Esq., at crowlinson@rits.org, and the DHS Appeals Unit, DHS Policy Office, and Kirsten Cornford on this 22nd day of August, 2025.


