

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

██████████
v.

Rhode Island Department of Human
Services

DOCKET No. 25-1781

DECISION

I. INTRODUCTION

A Microsoft Teams meeting on the above-entitled matter was held on June 17, 2025. The Appellant declined the option of a video hearing. ██████████ (Appellant) initiated this matter to appeal a decision made by the Department of Human Services (DHS) to terminate her Supplemental Nutrition Assistance Program (SNAP) benefits due to her not providing requested documentation 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 by R.I.G.L. §42-7.2-6.1 and 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 termination of the Appellant's SNAP was done in compliance with Federal and State regulations and policies.

IV. PARTIES AND EXHIBITS

Present for DHS was Jesus Martinez, Eligibility Technician III, who testified regarding the case. DHS offered the following evidence, which was entered into the record of hearing:

- DHS Exhibit A: Appeal request form received April 18, 2025.
- DHS Exhibit B: Benefits Decision Notice (BDN) dated April 3, 2025.
- DHS Exhibit C: Additional Documentation Required Notice (ADR) dated February 3, 2025.
- DHS Exhibit D: Eligibility Determination Results effective March 1, 2025.
- DHS Exhibit E: Notice of Expiration/Renewal Form dated December 1, 2024.
- DHS Exhibit F: Select sections of SNAP policy 218-RICR-20-00-1.7.
- DHS Exhibit G: Benefit Decision Notice dated May 6, 2025.

The Appellant attended the hearing and testified on her own behalf.

V. RELEVANT LAW/REGULATIONS

At recertification, all income documentation shall be considered outdated and will require updated verification to determine the accuracy of the information when determining continued eligibility of uninterrupted benefits. 210-RICR-20-00-1.7(D)(2).

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 application was filed as long as the household has had adequate time for providing the missing verification. 218-RICR-20-00-1.7(A)(1)(c).

If the household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the agency shall reopen the case and provide benefits retroactive to the date the household takes the required action.

218-RICR-20-00-1.7(D)(3)(c)

7 C. F. R. §273.14(e)(2) also states, in part, “If a household takes the required action after the end of the certification period but within 30 days after the end of the certification period, the State agency shall reopen the case and provide benefits retroactive to the date the household takes the required action.”

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 action is taken. The notice of adverse action is considered timely if it is provided at least ten days from the date the notice is mailed to the date upon which the action becomes effective. 218-RICR-20-00-1.14(B)(1&3).

7 C. F. R. § 273.13(a)(1) mirrors the State policy stating “The notice of adverse action shall be considered timely if the advance notice period conforms to that period of time designated by the State agency... 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. The Appellant’s recertification packet was received on December 18, 2024.

2. The Appellant was interviewed by a DHS eligibility technician on January 11, 2025.
3. An ADR was sent to the Appellant on February 3, 2025, requesting verification of her self-employment income. This verification was due by March 5, 2025.
4. The Appellant did send in one paystub in a timely manner but had not sent the second pay stub in a timely manner, as it was not received until March 25, 2025.
5. On May 6, 2025, a BDN was sent to the Appellant advising her that her household was terminating her SNAP benefits effective March 1, 2025, due to not submitting the required information within the specified time frame. It is noted that the policy that was cited on the BDN was 218-RICR-20-00-1.3.7.
6. The Appellant is a self-employed contractor, and she receives a pay check from her employer every two weeks.
7. The Appellant's employer resides in Florida half of the year, and at times it is difficult for her to reach him. She submitted her second paystub as soon as she received it.
8. The Appellant did not know that her SNAP benefits had ended until April 18, 2025, when she called to inquire about the balance on her benefit card and was alerted that it had been closed. She contacted DHS and was advised that she had not sent in her second paystub timely. It was at that time that she filed her appeal.
9. She then received a BDN dated May 6, 2025, informing her that her SNAP benefits were ending because she failed to submit all of her information in a timely manner. She did not receive any written notification prior to this BDN.

VII. DISCUSSION

DHS stands by its position that the Appellant did not submit the necessary verifications in a timely manner, therefore the closure of her SNAP case was correct. While the Appellant concedes that she sent her second paystub in late, there are several issues noted with the way the closure was handled by DHS.

The Appellant submitted the second required paystub on March 25, 2025. Her SNAP case closed effective March 1, 2025. Because she was within 30 days of the case closure, DHS should have re-opened the case effective the date that the second verification was received and processed the case. If she was found to be eligible, benefits should have been restored and provided to her retroactively to March 25, 2025. 218-RICR-20-00-1.7(d)(3)(c).

The BDN that was sent to the Appellant cited policy 218-RICR-20-00-1.3.7. This policy applies to denying a recertification application prior to the 30th day. The closure was actually done because she failed to return required verifications in a timely manner. In addition, the recertification application was not denied prior to the 30th day, in fact it was denied several months after the recertification application was received, on December 18, 2024.

Finally, and most significantly, the BDN was sent on May 6, 2025, with an effective closure date of March 1, 2025. This notice is not in compliance with Federal or State regulations surrounding timeliness of notice of adverse action. The Appellant was not notified that her SNAP benefits were ending until 67 days after the adverse action took place. This is well beyond the ten day advance notice period that is required.

Due to the fact that the BDN was sent to the Appellant after her SNAP benefits were already closed, she was not afforded the opportunity to appeal in a timely manner or to attempt to rectify the situation prior to the termination.

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 Federal and State regulations to reopen and process the Appellant's SNAP case back to the date she submitted her verification, March 26, 2025.
2. DHS did not comply with the appropriate Federal and State regulations for giving adequate notice of an adverse action, i.e. the termination of the Appellant's SNAP benefits.
3. DHS did not cite the correct State policy on the BDN that was sent to the Appellant.

IX. DECISION

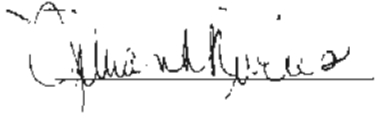
Based on the foregoing Findings of Fact, Conclusions of Law, evidence, and testimony it is found that a final order be entered that DHS did not comply with the requirements of the applicable Federal and State regulations and policies when terminating the Appellant's SNAP benefits.

APPEAL GRANTED

ACTION FOR DHS

Within 30 days of the decision, DHS is to re-open the Appellant's SNAP case back to March 1, 2025. Because she did not receive a notice of adverse action, the benefit allotment that

she would have received for March 2025 should be granted. DHS is to process the recertification effective March 25, 2025, with the updated verifications and render a decision on her SNAP recertification in accordance with SNAP regulations. The Appellant retains the right to appeal that subsequent DHS decision.

A handwritten signature in black ink, appearing to read "Jillian R. Rivers", written over a horizontal line.

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]; copies were sent, via email, to the Appellant at [REDACTED]; and to DHS Representatives Jesus Martinez, Kirsten Cornford, Laura Larrivee, the DHS Appeals Unit, and the DHS Policy Office on this 27th day of June, 2025.

