

**STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES (EOHHS)**

██████████ (Appellant)

Docket: 25-2703

v.

Department of Human Services (DHS)

DECISION

I. INTRODUCTION

A pre-hearing conference was conducted on this matter on July 8, 2025, via Microsoft Teams, the Appellant declined the video option. The Appellant initiated this matter to the Executive Office of Health and Human Services (“EOHHS”) to dispute an issue with Supplemental Nutrition Assistance Program (“SNAP”) benefits. For reasons discussed in this decision, the Appellant’s appeal is untimely and therefore the appeal is denied.

II. JURISDICTION

EOHHS is designated by R.I. Gen. Laws § 42-7.2-6.1(2) to be the entity responsible for legal service functions, including appeals and hearings, law interpretation and related duties of itself and four agencies: one of which is DHS. Per the Rhode Island Code of Regulations (“RICR”) EOHHS is responsible for legal services including applying and interpreting the law, oversight of the rule making process, and administrative duties for all publicly funded health and human services programs. (210-RICR-10-05-2.1.1(B)).

III. ISSUES

The preliminary issue before this Appeals Officer was whether 1) the appeal was filed timely in order to allow this hearing to go forward and rule on the merits, and if timely, 2) were the actions taken by DHS in compliance with federal and state regulations.

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. 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

The Appellant was present. The Administrative record consisted of the appeal request form, the BDN from DHS and correspondence sent from the Executive Hearing Office to the Appellant.

VI. RELEVANT LAW/REGULATIONS

According to the Code of Federal Regulations, (“CFR”) regarding SNAP benefits 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. In addition, at any time within a certification period a household may request a fair hearing to dispute its current level of benefits. (7 CFR 273.15(g)).

VII. FINDINGS OF FACTS

1. DHS sent a BDN on January 3, 2025, that informed that the November 25, 2024, SNAP application was denied.

2. The Appellant requested an appeal on June 9, 2025

3. The Appellant's appeal explanation was "I applied for food stamps in past (Aug or Sept 2024). I received a call on my first day of clinical. I cannot answer the phone at school or clinical. When I was called back, I was in class. I ran out to answer but I did not get it in time. When I called back, I could not reach anyone. It's completely impossible to reach someone via phone or email. When I recently tried to re-apply I couldn't do it online or phone. I am a full time student working part time. I would like the opportunity to reapply please."

VIII. DISCUSSION

This appeal was scheduled based on the preliminary information reported on the appeal request form. At the pre-hearing it was discovered that the appeal was filed outside of the guidelines for a timely appeal.

Per regulations the Appellant had 90 days from the time DHS decided the application to request an appeal. The BDN was sent on January 3, 2025, therefore an appeal request would have had to be received by April 3, 2025, for it to be timely. The Appellant did not request an appeal until June 9, 2025.

An appeal request must be filed in a timely manner. If an appeal is filed untimely, there may still be a hearing if there is sufficient evidence that the Appellant was not noticed of actions taken by the Agency or if the notice was improperly served and constitutes a violation of due process rights. The Appellant did not raise any such issues. As the Appellant failed to respond

within the allotted timeframe and there are no circumstances present which show a violation of due process rights, this appeal will not be allowed to proceed.

IX. CONCLUSION OF LAW

After review of the Administrative record, the reason for this decision is that your appeal request was submitted outside of the 90-day SNAP guideline to request a timely appeal.

X. DECISION

It has been determined that your appeal request has not been submitted in accordance with the applicable procedures and filing requirements or applicable federal and state laws, regulations and/or rules. (210-RICR-10-05-2.2.1(A)(7)).

It is ordered that this appeal is denied, as such there will not be a hearing to address the merits of the appeal.

/s/Holly Young | Appeals Officer | Executive Office of Health and Human Services

NOTICE OF APPELLATE RIGHTS

This Final Order constitutes a final order. 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 the enforcement of this order. The agency may grant, or the review 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 via email to [REDACTED] copies were sent electronically to representatives of the DHS Policy Unit, the DHS Appeals Unit and Kirsten Cornford, on this 9TH day of

JULY, 2025.

E. M. [Signature]