

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

[REDACTED]

V.

DOCKET No. 25-3737

Department of Human Services

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter came before an Appeals Officer on October 14, 2025, with the Department of Human Services (DHS) and [REDACTED] (hereinafter the “Appellant”). The Appellant declined the option of a video hearing. The Appellant initiated this matter to appeal the start date of their Child Care Assistance Program (CCAP) eligibility as stated in the July 17, 2025, Benefit Decision Notice. 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. ISSUE

Did DHS correctly determine the start date for the Appellant's CCAP eligibility?

IV. 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).

V. PARTIES AND EXHIBITS

Eligibility Technician, Brandon Klibanoff, attending the hearing on DHS' behalf and provided testimony. The following exhibits were offered as evidence by DHS:

Exhibit #1 – July 17, 2025, Benefit Decision Notice.

Exhibit #2 – Application for CCAP, Received: June 27, 2025.

Exhibit #3 – CCAP Eligibility Determination Results.

The Appellant was present and testified on their own behalf. The Appellant provided the following exhibit as evidence:

Exhibit 4 – August 12, 2025, Electronic Appeal.

VI. RELEVANT LAW/REGULATIONS

The date a signed application is date stamped as received by the DHS office, or the date an application is submitted online, is the application date. The application period is the period when eligibility for the CCAP is determined by the DHS staff. The period begins on the application date and extends for 30 days. 218-RICR-20-00-4.4.2(A & B).

The date DHS determines to be the earliest date a family can begin receiving the CCAP authorized childcare services is the initial eligibility, or care start date. This date may or may not be the same as the application date. The certification period for the CCAP authorized services shall begin on the initial eligibility date and shall continue for a period of no less than 24 months from the date of authorization of benefits. Any childcare services utilized prior to the initial eligibility shall be deemed unauthorized. 218-RICR-20-00-4.4.2(D)(2).

VII. FINDINGS OF FACT

1. DHS received the Appellant's CCAP application on June 27, 2025.
2. DHS approved the Appellant's application and determined the Appellant's start date for CCAP to be June 22, 2025.
3. DHS testified that their policy regarding CCAP start dates is that eligibility for CCAP starts on the Sunday immediately preceding the application date.

VIII. DISCUSSION

As stated above, the date a signed application is date stamped as received by the DHS office, or the date an application is submitted online, is the application date. The date DHS determines to be the earliest date a family can begin receiving the CCAP authorized childcare services is the initial eligibility, or care start date, and this date may or may not be the same as the application date. Lastly, any childcare services utilized prior to the initial eligibility shall be deemed unauthorized.

The Appellant did not dispute that their application was received by DHS on June 27, 2025. The Appellant testified that they would like CCAP eligibility to be granted retroactively back to June 9, 2025, but they failed to cite any regulation to support this request. The Appellant also testified that a DHS worker in Middletown initially told them that CCAP eligibility could be granted retroactively, however the Appellant then conceded that they should have requested further clarification as to how far back retroactive benefits may be granted. According to the Appellant's testimony, they struggled to find the time to submit their CCAP application before June 27, 2025, due to scheduling conflicts with their new job, technical issues with logging into the DHS Customer Portal, and their reluctance to send the application through the mail. Despite the obstacles cited by the Appellant, it is ultimately their responsibility to submit their CCAP application in a timely manner, if they wish to receive CCAP as soon as possible.

The CCAP eligibility start date may or may not be the same as the application date. DHS testified that their policy regarding CCAP eligibility start dates is to provide retroactive CCAP coverage going back to the Sunday immediately preceding the application date. Because June 22, 2025, is the Sunday immediately preceding the application date of June 27, 2025, there is a preponderance of evidence to show that DHS correctly determined the start date for the Appellant's CCAP eligibility.

IX. CONCLUSION OF LAW

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

1. DHS received the Appellant's CCAP application on June 27, 2025.
2. DHS granted the Appellant retroactive CCAP eligibility back to June 22, 2025.
3. There is a preponderance of evidence to show that DHS correctly determined the start date for the Appellant's CCAP eligibility.

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 show that DHS correctly determined the Appellant's start date for their CCAP eligibility.

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]

[REDACTED], Kirsten Cornford, the DHS Appeals Unit at

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

15th day of October, 2025.

Samara McKeenell