

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

Docket 25-3854

v.

Department of Human Services

DECISION

I. INTRODUCTION

The Appellant, [REDACTED] initiated this matter to the Executive Office of Health and Human Services ("EOHHS") to dispute a Rhode Island Works ("RIW") decision made by the Department of Human Services ("DHS"). The Appellant sought to have the decision overturned. An administrative hearing was conducted on the matter via Microsoft Teams on October 21, 2025, the Appellant declined the video option. For the reasons discussed in this decision, the Appellant's appeal is granted.

II. JURISDICTION

EOHHS is designated by R.I. Gen. Laws §42-7.2-6.1(2) to be the entity responsible for legal services including applying and interpreting the law, hearings and appeals, administrative adjudication duties and related functions of the state departments of children, youth and families, the department of health, the department of human services, and the department of behavioral healthcare, developmental disabilities and hospitals. Administrative hearing procedures are held in accordance with the Administrative Procedures Act (R.I. Gen. Laws §42-35.1 et. seq.).

III. ISSUES

The issues are whether or not the Appellant failed to participate in an agreed upon individual employment plan, without good cause and did DHS terminate RIW cash assistance benefits in accordance with 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. (Id.). 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 Eligibility Technician III Jesus R. Martinez, who submitted evidence marked as follows: Exhibit A appeal form submitted by Appellant; Exhibit B July 25, 2025, BDN; Exhibit C RIW policy excerpts.

The Appellant appeared and testified on their own behalf.

VI. RELEVANT LAW/REGULATIONS

Per the Rhode Island Code of Regulations (“RICR”) 218-RICR-20-00-2.1.2 the purpose of the RIW Program is to provide financial and employment assistance to eligible pregnant persons and parents (or caregivers) with children and to ensure children’s healthy growth and development by providing access to necessary services.

RIW assists working families with children who have insufficient income to meet their needs for food, shelter, clothing, childcare, and medical care and to provide families with parents who are unemployed with both financial assistance and employment assistance, so the adult

member(s) of the family can enter or re-enter the workplace, with necessary supports. This shall include developing and implementing child support payment and enforcement, case management that includes employment planning, employment services, and necessary social and human services supports, cash assistance, food assistance, childcare subsidies and medical assistance for eligible children and families in need. (218-RICR-20-00-2.1.3).

A nonexempt RIW Program participant who fails without good cause to participate in an assigned work activity component or otherwise refuses without good cause to comply with their employment plan or with any other work opportunity, including but not limited to attendance at DHS or vendor appointments such as initial interview, orientation, all assessments including behavioral health, job readiness, job search, education or vocational training, is subject to sanction and possible closure as described in § 2.11.9 of this Part.. (218-RICR-20-00-2.10).

RIW cash assistance shall be reduced whenever any participant, without good cause, fails to enter into or follow an individual employment plan; attend a required appointment or assessment; or comply with any other requirements for the receipt of cash assistance. Benefits shall be restored to the full amount beginning with the month following the month in which the parent demonstrates compliance with the terms of their existing individual employment plan. (218-RICR-20-00-2.11.9(A)(B)).

Per the Code of Federal Regulations (“CFR”), 42 CFR 431.246 the agency must promptly make corrective payments, retroactive to the date an incorrect action was taken, and, if appropriate, provide for admission or readmission of an individual to a facility if the hearing decision is favorable to the applicant or beneficiary; or the agency decides in the applicant's or beneficiary's favor before the hearing.

VII. FINDINGS OF FACTS

1. On April 15, 2025, DHS conducted an RIW assessment interview via telephone with the Appellant:

- i. Personal issues and the self-employment were discussed.
- ii. A protection from child support order was added to the case.
- iii. The Appellant telephonically signed an individual employment plan and agreed to participate in the Equus work training program for 20 hours per week.

2. The Appellant collected RIW cash assistance benefits starting April 1, 2025, and ending as of August 15, 2025.

3. On July 25, 2025, Equus notified DHS that the Appellant failed participate in the program. DHS sent the Appellant a benefits decision notice (“BDN”), that informed:

- i. A parent in the household has been sanctioned for at least three months, the entire household will be ineligible for RIW cash assistance until the sanction has been resolved.
- ii. RIW benefits were ending on August 15, 2025, for failure to meet interview requirements and failure to comply with work requirements, without exemption or good cause.
- iii. If good cause existed to contact DHS within 10 days.
- iv. Appeal rights and timelines were included.

4. The Executive Hearing Office (“EHO”) received the Appellant’s appeal request on August 25, 2025.

5. The Appellant testified:

- i. They agreed to participate in the Equus program in a phone conversation with DHS.
- ii. Due to self-employment and numerous personal issues, they were not able to comply.
- iii. All attempts to make DHS aware of the reasons for non-participation were unsuccessful.

VIII. DISCUSSION

DHS testified that actions taken to terminate RIW benefits were made in compliance with regulations. A telephonic assessment was conducted when the Appellant applied for cash assistance, the Appellant agreed to participate in the Equus training program and telephonically signed the individual employment plan. DHS's position is that the cash assistance portion of RIW is contingent upon compliance with the agreed upon plan, the Appellant failed to do so, therefore, DHS sanctioned the Appellant and closed the cash assistance benefits.

The Appellant testified they recalled the phone call with DHS but was not aware that was an assessment. While the Appellant admitted they did receive the monetary benefits of the RIW program, they did not realize they had to participate in the Equus program to continue collecting these benefits. The Appellant was under the misconception that participation in the Equus program was for CCAP benefits, which they did not use. The Appellant set forth several scenarios of why they could not comply, such as continued issues with their co-parent, self-employment and other personal issues, but this was never communicated to DHS.

In review of DHS's actions in this matter, the BDN was reviewed. The first closure reason was that the Appellant failed to meet interview requirements, to which there was no

evidence or testimony by DHS that supported this reason. In fact, DHS testified to the contrary and read into the record the case notes from the assessment interview.

The second closure reason was failure to comply with work requirements, without exemption or good cause. RIW regulations mandate that all parents are required to enter and participate in an employment plan to receive cash assistance, unless otherwise exempt. The Appellant raised several issues that could have constituted as good cause for failure to participate. There are situations in which an individual can be exempt from participation, but regulations are clear that good cause needs to be documented and established with DHS. The Appellant had 10 days following the notice of adverse action to contact DHS to do so, and they did not. The Appellant clearly agreed to a plan and failed to participate, without good cause.

The remaining issue that needs to be decided is if DHS correctly terminated the cash assistance benefits. DHS testified that due to the Appellant's non-compliance with the plan they are ineligible for cash benefits, but the regulations cited on the notice, nor the regulations submitted into evidence by DHS supported this position. In fact, the regulations provided were emergency rules active during COVID19, but were updated as of February 27, 2022, and are now outdated and do not apply.

The BDN sent to the Appellant, contained outdated language regarding a "full family sanction". Prior regulation 218-RICR-20-00-2.11.9(D) did state that when a family's benefit was reduced due to a sanction for a period of three months, the cash assistance for the entire family was terminated, but this language was removed from RIW policy as of January 16, 2025. The current regulation, do not provide guidance on closing cash assistance benefits due to non-compliance but rather state that non-compliance with RIW plans result in a sanction and that reduced benefits continue until the first of the month following when the parent complies with

DHS or provides good cause. Therefore, DHS's termination of the Appellant's cash assistance was not in accordance with regulations.

IX. CONCLUSION OF LAW

After review of the administrative record, I conclude the following reasons for this decision:

The evidence did support that the Appellant failed to comply with work requirements, without exemption or good cause and that DHS's actions to sanction and reduce the Appellant's RIW cash assistance was in accordance with 218-RICR-20-00-2.11.9(A).

The evidence did not support that the Appellant failed to comply with interview requirements, the termination of RIW cash assistance benefits due to non-compliance or that DHS complied with 218-RICR-20-00-2.1.9(B) regarding the continuation of reduced (sanctioned) benefits until such time the parent demonstrates compliance with the terms of their individual employment plan.

X. DECISION

Based on the foregoing Findings of Facts, Conclusion of Law and testimony it is ordered that this appeal is granted, and DHS's decision is overturned.

DHS shall restore the Appellant's RIW cash assistance benefits, at a reduced sanctioned rate retroactive to the closure date of August 16, 2025, and issue any owed benefit, forthwith. DHS will have 30 days to complete these actions.

The decision is final. If you are dissatisfied or aggrieved by this decision, see the attached time sensitive notice of appellate rights.

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

NOTICE OF APPELLANT RIGHTS

This Final Order constitutes a final order of the Departments of Human Services pursuant to the RI General Laws §42-15-12. 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] and via email to [REDACTED]; copies were sent electronically to DHS representatives of the DHS Appeals Unit, the DHS Policy Unit, Kirsten Cornford and Jesus R. Martinez.

On this 13th day of November, 2025.

