

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

Docket: 26-0332

v.

Department of Human Services

**APPEAL REQUEST DECISION**

**I. INTRODUCTION**

On December 24, 2025, Brenda J. Culpepper ("Appellant") filed an APPEAL REQUEST appeal [REDACTED] regarding a Department of Human Services' ("DHS") HEALTH COVERAGE BENEFITS DECISION NOTICE ("BDN") issued in case [REDACTED] dated November 15, 2025. A pre-hearing conference was conducted on March 10, 2026, via Microsoft Teams, the Appellant declined the video option. For reasons discussed in this decision, the Appellant's appeal request is denied.

**II. JURISDICTION**

Per R.I. Gen. Laws §42-7.2 EOHHS is to serve as the principal agency for managing the departments of children, youth and families; health; human services; behavioral healthcare; developmental disabilities and hospitals. As such, EOHHS is responsible for legal services including applying and interpreting the law, hearings and appeals, administrative adjudication duties and related functions of said state agencies.

**III. ISSUES**

The preliminary issue was 1) does EOHHS have jurisdiction in this matter in order to allow this hearing to go forward and rule on the merits, and if so, 2) were the actions taken 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**

DHS Eligibility Technician III Heidy Mena-Torres and the Appellant were present. The Administrative record contains the appeal request form, the BDN sent by DHS, and correspondence sent from the Executive Hearing Office (“EHO”) to the Appellant.

**VI. RELEVANT LAW/REGULATIONS**

It is the responsibility of the EHO to review all appeal requests that are received to determine that it has been submitted in accordance with the applicable procedures and filing requirements and applicable federal and state laws, regulations and/or rules. The appeal date determines if the appeal was submitted in accordance with applicable timelines. If mailed, the appeal date is the date the form or letter is first received by either the EHO or the Agency. Upon receipt of an appeal request that fails to meet the requirements set forth by applicable federal or state laws, regulations or rules the EHO must promptly and without undue delay, send written notice informing the affected party that the appeal request has not been accepted, the reasons for

determining the appeal request is incomplete and if there is any cure for the defects in the appeal request and applicable timelines to respond. (210-RICR-10-05-2.2.1(A)).

Regulations define an adverse action as a final agency action subject to appeal, including but not limited to any decision resulting in a change, limitation, termination, or denial of eligibility, the scope, amount, duration or delivery of assistance (210-RICR-10-05-2.1.4). For most health and human services programs, an appeal filed properly will result in a scheduled hearing. Circumstances that shall prove an opportunity for a hearing is when an affected party believes that an agency has acted erroneously in terminating, suspending, or reducing eligibility, or delaying the delivery of and/or terminating, suspending, or reducing the scope, amount, or duration of assistance. (210-RICR-10-05-2.1.7(a)(2)).

## **VII. FINDINGS OF FACTS**

1. The BDN sent by DHS informed the Appellant that as of December 1, 2025, as an eligible individual of health coverage they were transitioned to a different program, from a childless adult to that of coverage for low income for aged and disabled individuals.

2. The Appellant filed this appeal because they want their previous coverage.

3. The Appellant stated they have not experienced any changes, limitations, terminations or denial in utilizing their health coverage benefits since the changes were made by DHS on December 1, 2025.

4. DHS confirmed the BDN was sent as the Appellant was transferred to a different program of Medicaid that offers the same services and coverage, this was not an adverse decision but was necessary based on the Appellant's individual characteristics.

### **VIII. DISCUSSION**

This appeal was scheduled based on the preliminary information reported on the appeal request form. Per EOHHS rules appeals need to be submitted within guidelines, when an Appellant believes the agency has erroneously terminated, suspended, or reduced eligibility, these circumstances shall prove an opportunity for a hearing. The Appellant agrees this change by DHS has had no impact on their health care eligibility, nor was there any lapses in coverage, they were confused by the decision and therefore wanted, "their old coverage back." As the Appellant has not experienced any adverse actions as a result of DHS's actions, these circumstances do not prove an opportunity for a hearing. Therefore, as this appeal was not submitted within the guidelines that govern appeals, this office does not have jurisdiction to hear this matter.

### **IX. CONCLUSION OF LAW**

After review of the Administrative record, the Appellant agrees they have not been adversely affected by DHS's actions (210-RICR-10-05-2.1.4(A)(4)), therefore this appeal 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).

### **X. DECISION**

Based on the administrative record, EOHHS does not have jurisdiction in this matter to allow this hearing to go forward and rule on the merits, therefore, the Appellant's Appeal Request is denied, and there will not be a hearing to address the merits of the appeal.

### **APPEAL REQUEST DENIED**

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

### **NOTICE OF APPELLATE RIGHTS**

This decision is a final order under R.I.G.L. § 42-35-12. Under R.I.G.L. § 42-35-15, this Order may be appealed to court within thirty (30) days of the mailing of this decision. Such appeal, if taken, must be completed by filing a complaint in 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.

Appeals are generally filed in the Providence County Superior Court. However, appeals affecting or concerning children under the age of eighteen (18) and/or appeals of a DCYF action may need to be filed in Providence Family Court. If you have any questions about which court a complaint for appeal should be made, you should seek the advice of an attorney, Rhode Island Legal Services, or the clerk of the court where you wish to file your appeal. The courts' contact information can be found on the judiciary's website (<https://www.courts.ri.gov>). Copies of the appeal must be served upon all parties in your case within ten (10) days of the filing of your appeal.

If you exercise any of these appellate rights, please inform the BOHHS appeals office of this so we can prepare a copy of the record for the court. You can contact the Appeals Office at [OHHS.AppealsOffice@ohhs.ri.gov](mailto:OHHS.AppealsOffice@ohhs.ri.gov), 401.462.2132 (Phone), 401.462.0458 (Fax), or at 3 West Road, Virks Building, Cranston, RI 02908.

CERTIFICATION

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to [REDACTED] and by email to [REDACTED]; copies were sent electronically to representatives of the DHS Policy Unit, the DHS Appeals Unit, Kirsten Cornford, and Heidy MenaTorres, on this 23<sup>rd</sup> day of MARCH, 2026.

[Handwritten Signature]