

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

[REDACTED]

Docket #: 26-0425

V.

Case #: [REDACTED]

Department of Human Services

Appeal #: [REDACTED]

DECISION

INTRODUCTION

The Appellant [REDACTED], initiated this matter to appeal the Child Care Assistance Program (CCAP) denial made by the Department of Human Services (DHS). A Microsoft Teams hearing in this matter occurred on Wednesday, April 15, 2026, at 11:00 AM. The Appellant did not elect the option of a video hearing. For the reasons discussed in more detail below, the Appellant's appeal is denied.

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 entity responsible for appeals and hearings related to DHS programs. The administrative hearing was held in accordance with 210-RICR-10-05-2 and the Administrative Procedures Act (R.I.G.L. § 42-35.1 et. seq.).

ISSUE

The issue is whether the denial of the Appellant's household's CCAP application was done in compliance with federal and state regulations.

## **STANDARD OF PROOF**

It is well settled that in adjudications modeled on the Federal Administrative Procedures Act, generally, a preponderance of the evidence is required to prevail. This means that for each element to be proven, the factfinder must believe that the facts asserted are more probably true than false. 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). 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).

## **PARTIES AND EXHIBITS**

The Appellant and DHS Eligibility Technician III Jesus Rafael Martinez attended the hearing. The following exhibits were presented as evidence:

- RI DHS Self Service Statement of Need
- Paystubs for the Appellant’s regular wages issued on January 30, 2026, & February 13, 2026
- Paystub for the Appellant’s bonus wages issued on January 30, 2026
- Paystubs for the Appellant’s husband’s regular wages issued on February 2, 2026, & February 13, 2026
- Additional Documentation Required noticed dated September 25, 2025
- Benefits Decision Notice dated January 5, 2026
- Birth certificate of the Appellant’s youngest child
- RI Bridges Update an Appeal screen printout
- Select provisions from 218-RICR-20-00-4
- Appellant’s email with a copy of the CCAP Family Co-Share Levels – 2026 Annual Federal Poverty Level chart

## **RELEVANT LAW/REGULATIONS**

An application for CCAP is good for 30 days from the application date and only while it is pending a determination by DHS. If DHS does not have all the necessary information to process an application, DHS will send an Additional Documentation Required notice advising the applicant of what is needed. If the information needed is not turned in on time, the case will be denied. Once a case is denied for failing to return the documents requested, a new application will need to be submitted to get on CCAP. 218-RICR-20-00-4.4.2 (B) & (C)(1) & 218-RICR-20-00-4.9.1 (A)(1)(b).

## **FINDINGS OF FACT**

The Appellant recently had a second child and is paying for childcare for both children. The Appellant applied for CCAP to help with the cost of childcare. On September 25, 2025, DHS issued the Appellant an Additional Documentation Required notice requesting verification of the relationship of the Appellant's oldest child and income from working/paystubs for the Appellant's husband. These documents were due by October 10, 2025. The documentation for the husband's income was never turned in. On January 5, 2026, DHS issued a Benefits Decision Notice denying the Appellant's CCAP application for not turning in documentation. On the Benefits Decision Notice, the DHS worker added the note that paystubs and rental income were not provided.

At hearing DHS argued that the closure was correct for not turning in paystubs and verification of rental income. In addition, DHS argues that even if the closure was incorrect, the Appellant's household is over income and should remain denied. The Appellant provided for the hearing current paystubs for the household and a copy of the income guidelines for CCAP. The Appellant argued that they are under income, at least when looking annually.

## **DISCUSSION**

This case is regarding the request for documents and the failure to timely provide such documents. Under CCAP rules, DHS can request documentation it needs to verify the eligibility of an

applicant. Here the Appellant was requested to provide verification of their husband's income and verification of the relationship of their oldest child. The Appellant was later denied CCAP for the failure to provide verification of the husband's income and verification of rental income. Verification of the Appellant's husband's income from September/October 2025 was never provided to DHS and was not included with the appeal. Providing verification of current income with the appeal process does not cure the failure to turn in documents by the due date. As such the case denial was correct.

The DHS worker who issued the Benefit Decision Notice wrote on the notice that the denial was also related to failure to provide rental income verification. This was not requested in the Additional Documentation Required notice. As such, it cannot be used as grounds to close the case. Furthermore, DHS argues that the Appellant is over income for CCAP. Even if this is true, it is a premature issue for this tribunal. DHS denied the Appellant for not turning in documentation to verify income. This appeal focuses on the request for documentation and the failure to turn it in. When, if at all, DHS issues a determination (i.e., a Benefits Determination Notice) denying CCAP on over-income grounds, that issue could then be appealed creating jurisdiction with EOHHS to hear the matter.

### **CONCLUSION OF LAW**

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

1. DHS correctly denied the case for failure to provide verification of the Appellant's husband's income.
2. Closure for not providing rental income is inappropriate without an Additional Documentation Required notice requesting the verification first.
3. The issue of being over income is outside the scope of this appeal.

**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 support the denial of the Appellant's CCAP application.

**APPEAL DENIED**

*/s/ Shawn J. Masse*

Shawn J. Masse

Appeals Officer

**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 EOHHS 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]; copies were sent, via email, to [REDACTED], the DHS Appeals Unit at [DHS.Appeals@dhs.ri.gov](mailto:DHS.Appeals@dhs.ri.gov), the DHS Policy Unit at [DHS.PolicyQuestions@dhs.ri.gov](mailto:DHS.PolicyQuestions@dhs.ri.gov), Kirsten Cornford, and Laura Larrivee on this 20th day of April, 2026.

  
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