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

[redacted]

V. DOCKET No. 26-1366

DEPARTMENT OF HUMAN SERVICES

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter was held on August 19, 2026. The Appellant, [redacted], initiated this matter to appeal the Supplemental Nutrition Assistance Program (SNAP) denial made in case number [redacted] by the Department of Human Services (DHS). The Appellant was denied SNAP because she resides in a nursing home. 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. General Laws § 42-7.2-6.1 and the Rhode Island Code of Regulations (RICR) 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 210-RICR-10-05-2.

III. ISSUE

The issue before this Appeals Office is whether the denial of the Appellant's SNAP was done in compliance with federal and state policy.

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 (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. 2 Richard J. Pierce, Administrative Law Treatise § 10.7 (2002) & see Lyons v. Rhode Island Pub. Employees Council 94, 559 A.2d 130, 134 (R.I. 1989). 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

Present for DHS was Eligibility Technician III Stephen Gossman (Agency) who provided testimony regarding the case. The Appellant was present and represented by Carole Rowlinson, Esq. The following exhibits were presented as evidence:

- DHS Exhibits:
    - Exhibit #1: DHS Transmittal #24-05 – SNAP – Special Rules and Exceptions for Residents of Institutions, dated March 1, 2024.
    - Exhibit #2: Paper appeal dated February 27, 2026, and electronic appeal dated March 2, 2026.
    - Exhibit #3: Benefits Decision Notice (BDN) dated December 24, 2025.
    - Exhibit #4: Screenshots from DHS eligibility system.
    - Exhibit #5: Provider Medical Statement (PM-1) dated November 7, 2025.

- Exhibit #6: DHS-2 Application for LTSS signed November 6, 2025, and BDN dated February 4, 2026.
- Exhibit #7: Change form and Authorization to Obtain or Release Confidential Information.

- Appellant Exhibits:
  - Exhibit #1: Letter from LPN at [redacted] stating the Appellant purchases and eats food separately. Appellant bank statements from January 2026 through July 2026.
  - Exhibit #2: Information about Gastroesophageal Reflux Disorder (GERD) and February 2026 progress notes from [redacted].

VI. RELEVANT LAW/REGULATIONS

According to federal and state SNAP regulations, individuals are considered residents of an institution when the institution provides them with the majority of their meals (over 50 percent of three meals daily) as part of the institution's normal services. Title 7 C.F. R. § 273.1(b)(7)(vi) and 218-RICR-20-00-1.2.8(A) Residents of institutions are not eligible for participation in the SNAP program. 218-RICR-20-00-1.2.8(A). Individuals who do not elect to receive the majority of their meals (over 50 percent) of three meals daily from the facility, such as an Assisted Living Facility, would not be considered residents of an institution and would, therefore, be entitled to receive SNAP benefits. 218-RICR-20-00-1.2.8 (A)(1).

According to DHS Transmittal #24-05 – SNAP – Special Rules and Exceptions for Residents of Institutions, if an individual is living in an institution such as a hospital, nursing home, prison, mental health facility or other institution for more than 30 days where they receive over 50 percent of three daily meals as part of the institution's normal services, they are considered a resident of the institution and do not qualify for SNAP. Exceptions to the institution rule are as follows: public or private nonprofit shelters for the homeless, drug/alcohol residential treatment and rehabilitation centers, shelters for domestic

violence victims, federally subsidized housing for the elderly, and blind or disabled group home residents. These exceptions also are outlined in Title 7 C.F. R. § 273.1(b)(7)(vi).

VII. FINDINGS OF FACT

1. An application for long-term services and supports (LTSS) for the Appellant was submitted on November 18, 2025. The Appellant was admitted to the [redacted] nursing facility on October 24, 2025.
2. The Appellant was a SNAP recipient. As a result of the LTSS application process, the Appellant's residency was updated to nursing home, and the Appellant's SNAP was closed effective February 1, 2026, the Agency testified.
3. The Agency testified that because residents of institutions are not eligible for participation in the SNAP program, the Appellant's SNAP was closed due to residency. The Agency testified that the residency issue was reviewed by the DHS Policy Office, which agreed with the SNAP denial.
4. The denial was outlined in a December 24, 2025, BDN that stated the Appellant's SNAP would close February 1, 2026, because residents of institutions are not eligible for participation in the SNAP program. The regulation cited was 218-RICR-20-00-1.2.8.
5. The Agency testified that the Appellant could re-apply for SNAP with a doctor's note that states the Appellant needs SNAP because her specific dietary needs cannot be met by [redacted] The Attorney argued that state regulations do not state anything about doctor's notes needed for dietary needs. A note from an LPN at [redacted] was provided as evidence, and it stated that the Appellant purchases her food and eats separately, but does not say the percentage of meals she purchases on her own, or that she does so because the facility cannot meet her dietary needs.
6. The PM-1, a document that was included in the LTSS application, has a section pertaining to diet, stating only that the Appellant has a "reg diet" or "regular diet," the Agency testified.

7. The Appellant testified that obtaining the correct food has been a struggle at [redacted], and its employees do not care about her dietary needs or her food allergies. The Appellant testified she was diagnosed with GERD and diabetes after being evaluated by the [redacted] physician. The Appellant testified she cannot have greasy or salty food, nor can she eat cucumbers or pork products. She testified that the [redacted] staff ignore her dietary restrictions and will give her a doughnut, hot dog or ham sandwich.
8. The Appellant testified that she spends anywhere from $25 to $100 daily for food. She testified that she needs assistance with food preparation because what she purchases often has to be microwaved or put it in the air fryer, unless she orders take-out Chinese, a vegetable pizza or calzone – the latter can cost $38 with delivery fees. The Appellant testified that she also pays a family member to make her specific dishes such as curry chicken.
9. The record was held open for the Appellant to provide copies of her bank statements to show how much she is spending on food, the letter from the CNA, and information on her diagnoses and allergies. Allergies listed on the document from [redacted] include chocolate, cucumber and mango. Pork is not listed.

VIII. DISCUSSION

Federal SNAP regulations state that residents of an institution who are provided with the majority of their meals (over 50 percent) as part of the institution's normal services are ineligible for SNAP. Title 7 C.F. R. § 273.1(b)(7)(vi). The regulation states that the only individuals who are exempt and can qualify for SNAP are: elderly and must live in federally subsidized housing, narcotic addicts or alcoholics who reside at a rehabilitation facility or treatment center, blind or disabled individuals who live in a group home, battered women and their children living in a shelter for battered women and children, and residents of homeless shelters. The Appellant does not fall into any of these exempt categories.

State SNAP regulations make an exception only for those living in assisted living facilities if those residents do not elect to receive the majority (over 50 percent) of their meals there. 218-RICR-20-00-1.2.8 (A)(1).

In this case, the Appellant received SNAP before she became a resident at [redacted], a nursing facility, in October 2025. She learned she would lose her SNAP in February 2026 because she lives in a nursing home, which is considered an institution. The Appellant argues that she needs SNAP because [redacted] employees refuse to accommodate her dietary requirements and she must buy her own food. The Appellant's medical conditions of diabetes and GERD were diagnosed by the [redacted] physician, and she also has food allergies. The Appellant's claim that the nursing home, who has residents with various dietary needs, and whose own physician diagnosed the Appellant's medical conditions requiring specific diets, would blatantly disregard her dietary restrictions is not credible. [redacted] is aware of her chocolate, cucumber and mango allergies because they are listed in her nursing home progress notes. However, pork products are not listed, which explains why employees give her ham sandwiches and hot dogs despite her saying she cannot eat them. Still, the Appellant has presented no evidence that [redacted] is unable to provide a diet that takes into account her allergies, diabetes and GERD.

During the hearing, the Agency suggested the Appellant should re-apply for SNAP and include all of the medical evidence she has to support her claim that she needs SNAP to meet her dietary needs.

IX. CONCLUSION OF LAW

After careful review of the testimony and evidence presented at the administrative hearing, this Appeals Officer concludes that DHS correctly closed the Appellant's SNAP case because she is living in a nursing facility, which meets the definition of an institution, and residents of institutions are not eligible for participation in the SNAP program. Nursing home residents do not have the ability to opt-out of the food service, like an assisted living facility resident does. Individuals of institutions are considered

residents when the facility provides them with the majority – over 50 percent – of their meals as part of its normal services. Moreover, the Appellant did not raise the issue of the facility being unable or unwilling to accommodate her dietary needs until after this Appeal was filed.

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 support DHS' closure of the Appellant's SNAP because of her residency at [redacted].

APPEAL DENIED

/s/ Lori Stabile

Lori Stabile

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 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 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 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, 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 Carole Rowlinson, Esq., Rhode Island Legal Services, 56 Pine St., Suite 400, Providence, Rhode Island, 02903; copies were sent, via email, to [redacted], Carole Rowlinson at crowlinson@rils.org, the DHS Appeals Unit, DHS Policy Office and Kirsten Comford on this 10th day of September, 2026.