

STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

ADMINISTRATIVE DECISION

DOCKET: 26-1606

V.

DEPARTMENT OF HUMAN SERVICES

I. INTRODUCTION

On February 5, 2026, the Department of Human Services ("DHS") issued [REDACTED] ("Appellant") a BENEFITS DECISION NOTICE ("BDN") that informed the Appellant's Rhode Island Works ("RIW") benefits application was denied. On February 27, 2026, the Appellant filed APPEAL REQUEST [REDACTED] in RI Bridges case [REDACTED] to dispute the decision.

An administrative hearing was held in accordance with the Administrative Procedures Act ("APA") (R.I. Gen. Laws §42-35.) on May 26, 2026, via Microsoft Teams, the Appellant declined the video option. For reasons discussed in this decision, the Appellant's appeal request is denied in part and granted in part.

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 issue is whether or not the actions taken by DHS to the Appellant's RIW application were done in compliance with regulations.

IV. STANDARD OF PROOF

It is well settled that in formal or informal adjudications modeled on the Federal APA, 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 was represented by Eligibility Technician III Stephen Gossman, the following evidence was submitted by DHS: exhibit 1 RIW application and exhibit 2 Benefits Decision Notice ("BDN"). The Appellant appeared and testified on their own behalf; their appeal request form was marked as exhibit A.

VI. RELEVANT LAW/REGULATIONS

The RIW Program establishes the legal basis for a welfare to work program to assist needy families to prepare for, accept and retain employment with necessary supports, as quickly as possible, and is the law through which the Federal assistance program, Temporary Assistance for Needy Families, is available to families in Rhode Island who meet program eligibility criteria. DHS is charged with the responsibility of setting forth the eligibility requirements

established in law. The rules of the RIW program can be found in the Rhode Island Code of Regulations (“RICR”) 218-RICR-20-00-2.

Per 218-RICR-20-00-2.6 applicants and/or recipients of cash assistance shall be subject to a maximum lifetime limit of 60 months of cash received, from May 1, 1997. (@2.6(A)). An individual approaching their time limit, or who has met or exceeded the time limit, is notified that they may request a reassessment to determine whether they may meet the criteria for an extension beyond the time limit. Individuals are required to complete an application for RIW Program Hardship Extension. (@2.6.2).

When DHS receives a request for a hardship reassessment, the DHS worker must promptly determine whether or not the individual meets the criteria for an extension to the time limit. The reassessment must also determine the extent to which their ability to work is affected by the applicable criteria. (218-RICR-20-00-2.6.4(B)).

VII. FINDINGS OF FACTS

1. The Appellant applied for RIW benefits on January 30, 2026, for herself and her 13-year-old child.
2. The Appellant has exceeded the RIW lifetime limit of 60 months.
3. An Employment and Career Advisor (“ECA”) noted in DHS’s internal records on February 5, 2026, the Appellant has “no significant barrier” and DHS denied the RIW application.
4. The BDN informed the Appellant of the denial due to the time limit and that, “if you have applied for a hardship extension to the time limits for RIW cash assistance, you will receive a decision within 30 days from the date the Department of Human Services received your completed hardship application.”

5. The legal bases on the BDN are 218-RICR-20-00-2.2.6 and 218-RICR-20-00-2; 2.4.1 and 2.5.3.

6. The Appellant disputes DHS's decision and while agrees she talked to an ECA, denies an "assessment" was completed.

7. During this appeal process DHS spoke with the Appellant and mailed a CIB medical form to document medical issues disclosed by the Appellant.

8. The Appellant is seeking a determination that her hardship reasons of transportation, health issues and other reasons that prevent work meets the criteria for a hardship extension for cash assistance.

VIII. DISCUSSION

The legal bases that apply to hardship extensions and time limits are found in RIW policy section 218-RICR-00-2.2.6, which is one of the three listed on the BDN. The other two sections listed were 2.4.1 of people included in the assistance unit and 2.5.3 regarding eligibility factor of relationship, neither of these are relevant to DHS's decision.

The original DHS worker that made the determination of this decision on February 5, 2026, was not present. Therefore, DHS could not provide any firsthand testimony of the re-assessment or determination. The ECA's internal case note, however, was read into the record by DHS and it is the Agency's position that the decision to deny the Appellant's RIW application due to the 60-month time limit is correct. To support this decision, DHS presented Appellant's DHS2 application and BDN. DHS instructed the Appellant to file a new application for a hardship extension.

If this hardship extension denial was completed by DHS according to regulations, there should be a RI Works Program Hardship Extension application, a hardship application decision

issued by DHS and documentation of the ECA's re-assessment with the Appellant that documented the hardship reason(s) and an explanation of why those reasons do not meet the hardship criteria; the record was void of these documents and information. Additionally, DHS was given advance notice of this proceeding and could have presented the ECA to testify and provide details missing from the case note.

The Appellant disputes DHS's representation that a hardship assessment was completed. DHS's only relevant evidence on this issue was a three-word decision made in a case note by an ECA. Per APA rules when there is no direct evidence on an issue, the focus of the evidence then turns to circumstantial evidence. The evidence of the Appellant's testimony that the ECA did not ask any hardship reasons or request any documentation, and the fact that when the Appellant told the DHS appeals representative the hardship reasons, he immediately took action and mailed out a form to document the reasons, is more convincing to support the Appellant's dispute that a hardship assessment was not completed, and more convincing than DHS's testimony.

The Appellant's request that this tribunal decide that her hardship reasons meet DHS's criteria for a hardship extension will not be granted. But, based on the preponderance of the evidence standard the Appellant has met the burden of proof that supports that DHS did not process her hardship extension application according to RIW program rules and regulations. Therefore, this case is remanded back to DHS to reinstate the application and process the hardship extension application according to program rules and regulations.

IX. CONCLUSION OF LAW

After reviewing the administrative record, I conclude the following for the decision rendered, DHS did not comply with State regulation 218-RICR-20-00-2.6.2 (A) regarding hardship extensions.

X. DECISION

Based on the foregoing Findings of Facts, Conclusion of Law, and testimony it is found that a final order be entered:

The Appellant's request for a determination that her hardship reasons meet the criteria for a RIW hardship extension is denied.

DHS shall, without undue delay, reinstate the Appellant's RIW application retroactively to the denial date of January 30, 2026, comply with all applicable requirements of a hardship extension determination and if found eligible, issue any benefits owed forthwith.

APPEAL DENIED IN PART AND GRANTED IN PART

/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 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

_____ and electronically to _____.

Copies were sent electronically to DHS representatives of the DHS Appeals Unit, the DHS

Policy Unit, Stephen Gossman and Kirsten Cornford, on this 5th day of

June, 2020.

Marilyn E. Jacobs