

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

v.

DOCKET No. 26-1608

DEPARTMENT OF HUMAN SERVICES

DECISION

I. INTRODUCTION

A Hearing Officer convened a Microsoft Teams audio hearing in the above-entitled matter on June 10, 2026. The Appellant, [REDACTED], did not elect the option of a video hearing. This matter was initiated to appeal the decision made by the Department of Human Services (DHS) denying the Appellant's Childcare Assistance Program (CCAP) application. 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 Rhode Island General Law (R.I.G.L.) § 42-7.2-6.1 and EOHHS regulation 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 is whether DHS denied the CCAP application in compliance with State and Federal regulations.



IV. STANDARD OF PROOF

It is well settled that in 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) & *Lyons v. Rhode Island Pub. Employees Council 94*, 559 A.2d 130, 134 (R.I. 1989) (a preponderance standard is the “normal” standard in civil cases). 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

Presenting and providing testimony for DHS was Victoria Quinonez, an Eligibility Technician III with the DHS Appeals Unit. DHS offered no evidence at hearing. DHS had until June 24, 2026, to review and respond to the documents submitted by the Appellant while the record was held open. DHS did not respond or comment on the documents by the due date.

The Appellant attended the hearing and testified. The record of hearing remained open for the Appellant to provide further documentation. The documentation was received timely. The following documents submitted while the record was held open were entered as evidence:

- Appellant Exhibit #1 – Last day of work letter (LDWL) from [REDACTED] and 2025 W-2 from the same employer.
- Appellant Exhibit #2 – LDWL from [REDACTED] and final paycheck dated June 18, 2025.
- Appellant Exhibit #3 – Enrollment verification for [REDACTED] at Cape Cod Community College (CCCC) for Spring 2026.

- Appellant Exhibit #4 – Enrollment verification for [REDACTED] at CCCC for Summer 2026.
- Appellant Exhibit #5 – Student spring 2026 schedule for Aviation Maintenance Technician at CCCC for [REDACTED] starting January 20, 2026, through May 12, 2026.
- Appellant Exhibit #6 – Student summer 2026 schedule for Aviation Maintenance Technician at CCCC for [REDACTED] starting June 1, 2026, through August 6, 2026.

VI. RELEVANT LAW/REGULATIONS

According to 210-RICR-10-05-2.1.1, EOHHS is the principal entity for legal service functions, oversight of rulemaking, interpretation of law, and related duties for itself and the four agencies under its umbrella, one of which is DHS. All regulations and procedures for the certification of CCAP households and operations are established in Rhode Island under R.I.G.L. § 42-12-23 and 218-RICR-20-00-4.

According to 218-RICR-20-00-4.3.1(A), to be eligible for childcare, the following requirements must be met: the child(ren) must be between 1 week and 13 years old or is 13 through 18 years of age and has a documented disability; child(ren) must live in the home of the parent requesting the CCAP services; the applicant and child(ren) must be residents of the State of Rhode Island; applicant child(ren) shall be either a citizen of the United States or a qualified immigrant; the parent must require a need for services; and all families with an absent parent, as a condition of eligibility, the parent/caretaker relative must cooperate with the Office of Child Support Services.

To receive CCAP while attending college, 218-RICR-20-00-4.6.2(A)(4)(c), states that for there to be an acceptable need for services in a two-parent home, both parents shall each be participating in one of the following activities; 1) approved education or training activities which

includes those approved by the Governor's Workforce Board or by the CCAP Program Administrator (218-RICR-20-00-4.6.2(A)(3)(a)), 2) employed an average of 20 hours weekly (80 hours monthly) at the higher of either state or federal minimum wage, 3) enrolled in a degree program at a Rhode Island public institute of higher education with a minimum of 20 college credit hours, or 4) employed and enrolled in a degree program at a Rhode Island public institute of higher education with a combination of approved college credit hours and work hours equaling at least 20 hours per week.

If any information or documentation is missing to determine eligibility for CCAP, DHS notifies the applicant in writing, by sending a notice, and requests the missing information/documentation. This notice includes a description of the missing information/documentation, the appropriate DHS location to send the requested information, and a deadline for submitting it. 218-RICR-20-00-4.4.2(C)(1).

VII. FINDINGS OF FACT

1. The Appellant applied for CCAP on February 1, 2026.
2. A Benefit Decision Notice was issued on February 13, 2026, denying CCAP.
3. The Appellant disagreed with the decision and filed a timely appeal on March 2, 2026.
4. According to DHS:
 - a. [REDACTED] two prior jobs in the eligibility system were ended through the customer portal. When this happens, DHS needs to verify that the employment has ended. DHS does this by requesting a letter from the prior employer confirming the last day of work and the final paycheck received.

- b. In February, DHS issued an Additional Documentation Required Notice to the Appellant for [REDACTED] income information, which was due by February 13, 2026. Since it was never received, the CCAP application was denied on February 13, 2026. [REDACTED] needed to show that he was no longer working at two prior places of employment. The first was [REDACTED] and the second was [REDACTED].
 - c. Even after CCAP was denied, DHS still informed the Appellant of what was needed, since there was still time for the Appellant to submit the documentation within 30 days of the closure. Even then, the Appellant never provided the documentation needed to determine CCAP eligibility.
 - d. Furthermore, the Appellant did not provide any proof that [REDACTED] was enrolled in school at the time of the CCAP application. The Appellant never provided the required last-day-of-work letters or final paychecks from his two prior employers, [REDACTED] and [REDACTED].
 - e. The only information that was provided to DHS regarding the CCAP application was verification of the Appellant's income.
 - f. The Appellant was informed numerous times of what was needed. The Appellant was repeatedly told exactly what DHS needed to determine eligibility for CCAP, yet the Appellant never provided it.
5. According to the Appellant:
- a. DHS was saying that her husband had two jobs, which he does not.

- b. She provided her income verification to DHS, but she did not provide any documentation that [REDACTED] was no longer employed at his prior two jobs or that he was enrolled in school.

VIII. DISCUSSION

The question is whether DHS denied the CCAP application in compliance with State and Federal regulations. According to CCAP regulation 218-RICR-20-00-4.4.2(C)(1), if there is missing information or documentation required to determine CCAP eligibility, DHS must ask for it and give the applicant time to provide it.

The CCAP application was correctly denied because DHS did send a request for additional documentation to the Appellant. Yet the Appellant did not provide DHS with the requested information regarding the end of [REDACTED] two prior jobs and proof that he was enrolled in school at the time of the CCAP denial. The Appellant clearly stated at the hearing that she provided only her employment information to DHS and provided no information regarding [REDACTED] prior employment, including proof that he is no longer employed. The DHS representative explained at the hearing that she had informed the Appellant numerous times that a last day of work letter and final pay stubs were needed as proof that [REDACTED] no longer works with [REDACTED] and [REDACTED]. The DHS representative further explained that she had provided this exact information to the Appellant about two weeks prior to the hearing, while they were speaking on the phone, yet at the hearing the Appellant still did not have the required documentation. It was not until June 15, 2026, that the Appellant submitted the documentation needed by DHS. But by then, it was more than 5 months late, and a new application would be needed.

While processing the CCAP application, DHS requested additional documentation from

the Appellant necessary to determine CCAP eligibility. This included information on previous employers and proof of school enrollment for [REDACTED]. The Appellant did not provide the requested information to DHS at all until after the Administrative Hearing, which took place on June 10, 2026. Then, the information DHS had been requesting since February was submitted on June 15, 2026. The Appellant only submitted her employment verification documents to DHS and admitted on the record that she did not provide any documentation regarding [REDACTED] prior employment or current enrollment status in school. The CCAP application was ultimately denied correctly, in accordance with State regulations, for failure to submit the required documentation. The information necessary to determine CCAP eligibility was not provided to DHS, even though DHS requested it from the Appellant.

According to 218-RICR-20-00-4.6.2(A)(4), to receive CCAP for college, the college needs to be a public institution of higher education in Rhode Island. According to the documents that the Appellant provided, [REDACTED] attends Cape Cod Community College, which is not a Rhode Island institution; it's a Massachusetts institution. According to 218-RICR-20-00-4.6.2(A)(3)(a), the CCAP Program Administrator could approve [REDACTED] aviation maintenance technology program. The record contains no evidence that such approval has been completed. The Appellant should reapply for CCAP, submit all documentation previously submitted to the Appeals Office with the new application, and request that the CCAP Program Administrator review the application and documentation regarding school enrollment. Childcare approvals by the CCAP Program Administrator are made on a case-by-case basis.

IX. CONCLUSION OF LAW

After careful review of the testimony and evidence presented at the Administrative Hearing, this Appeals Officer concludes:

1. According to 218-RICR-20-00-4.4.2(C)(1), when information is needed to determine eligibility, DHS must request it and allow time for the applicant to provide it, usually by a due date on the notice. DHS sent a request for additional documentation for [REDACTED] [REDACTED] employment status, past employer documentation, and his enrollment status. These documents were never provided to DHS, as attested by the Appellant at hearing. As such, DHS correctly denied the application.
2. According to 218-RICR-20-00-4.6.2(A)(3)(a), enrollment in a Massachusetts public institution of higher education is not an approved activity or valid need for CCAP services unless the CCAP Program Administrator approves it.

X. DECISION

Based on the foregoing findings of fact, conclusions of law, evidence, and testimony, it is found that a final order is hereby entered, finding that sufficient evidence supports denial of the CCAP application.

APPEAL DENIED

/s/ **Robert Pelosi**
EOHHS 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 an appeal, if taken, must be completed by filing a complaint in court. The filing of the complaint itself does not stay enforcement of this order. The agency may grant a stay, or the reviewing court may order one, 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]. Copies were sent via email to [REDACTED], and DHS Representatives Victoria Quinonez, Laura Larivee, Kirsten Cornford, the DHS Appeals Unit, and the DHS Policy Office on this 1st day of July, 2026.

