

STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Docket: 26-1657

V.

Department of Human Services

ADMINISTRATIVE DECISION

I. INTRODUCTION

On March 3, 2026, [REDACTED] (“Appellant”) filed APPEAL REQUEST 183878 regarding a Department of Human Services’ (“DHS”) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (“SNAP”) BENEFITS DECISION NOTICE (“BDN”) issued in case [REDACTED] dated February 16, 2026.

An administrative hearing was held in accordance with the Administrative Procedures Act (R.I. Gen. Laws §42-35.) on April 30, 2026, via Microsoft Teams, the Appellant declined the video option. For reasons discussed in this decision, the Appellant’s appeal request is granted.

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 SNAP were done 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. (Id.). 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 Heidy Mena-Torres, who submitted the following evidence: exhibit 1 BDN, exhibit 2 Additional Documentation Required (“ADR”) notice, exhibit 3 Appellant’s self-employment ledger received by DHS, exhibit 4 Appellant’s RI Energy bill received by DHS, exhibit 5 Appellant’s lease received by DHS, and exhibit 6 sample DHS self-employment ledger form.

The Appellant appeared and testified on their own behalf and submitted the following as evidence: exhibit A four 2025 1099-R forms and exhibit b email from [REDACTED], the Appellant’s landlord.

VI. RELEVANT LAW/REGULATIONS

R.I. General Laws 40-6 designates DHS as the principal agency of the State responsible to administer SNAP. Federal Regulations are contained in 7 Code of Federal Regulations (“CFR.”) Parts 271 through 282. SNAP benefits are processed by DHS based on the

household's information and according to the rules and regulations that govern the program authorized by the Food and Nutrition Act of 2008 (as amended through Pub. Law 116-94). SNAP regulations in Rhode Island are conducted in accordance with Rhode Island Code of Regulations ("RICR") 218-RICR-20-00-1.

The following households are eligible for expedited service of SNAP benefits: 1) households with less than \$150.00 in monthly gross income, provided their liquid resources do not exceed one hundred dollars \$100.00; 2) migrant or seasonal farmworker households who are destitute provided their liquid resources do not exceed one hundred dollars \$100.00; or 3) households whose combined monthly gross income and liquid resources are less than the household's monthly rent (or mortgage) and utilities. (218-RICR-20-00-1.3.9(A)).

Per SNAP policy 218-RICR-20-00-1.6.3(A) any reasonable documentary evidence provided by the household is primarily concerned with how adequately the verification proves the statements on the application. Self-employment income for SNAP purposes is defined as the total gross income from a self-employment enterprise, including the total gain for the sale of any capital goods or equipment related to the business, excluding the costs of doing business. (218-RICR-20-00-1.5.2(A)(5)).

Prior to any action to reduce or terminate a household's benefit within the certification period, the agency must provide the household with timely and adequate advance notice before the action is taken. The notice of adverse action is considered timely if it is provided at least ten days from the date the notice is mailed to the date upon which the action becomes effective. (218-RICR-20-00-1.14(B)).

Federal policy on this issue mirrors the State policy stating "The notice of adverse action shall be considered timely if the advance notice period conforms to that period of time

designated by the State agency provided that the period includes at least 10 days from the date the notice is mailed to the date upon which the action becomes effective. (7 CFR §273.13(a)(1)).

VII. FINDINGS OF FACTS

1. The Appellant's SNAP application was received by DHS on January 14, 2026.
2. DHS conducted the SNAP interview with the Appellant on January 21, 2026.
3. The Appellant reported on the application, as well as told the interviewer he had no income and was living from savings he had from liquidating resources in 2025.
4. DHS issued the Appellant expedited SNAP benefits, certified him for benefits and sent an ADR for postponed verifications of utilities expense, residency, heating or cooling expense, and self-employment payments, which were due by February 5, 2026.
5. DHS received the Appellant self-employment ledger, RI Energy gas bill and lease agreement to DHS on January 23, 2026.
6. On February 16, 2026, DHS issued a BDN that informed the Appellant:
 - i. SNAP benefits ended on January 31, 2026, no reason specified.
 - ii. Closure period of February 1, 2026, to February 28, 2026:
 1. Failure to provide postponed verifications of expedited Food Stamps, legal basis 218-RICR-20-00-1.3.9.
 2. Failure to provide required information within the specified time frame, legal basis 218-RICR-20-00-1.3.7.
 - iii. Closure period of March 1, 2026, for same reason 7.ii.1 above and failure to verify or allow the department to verify information necessary to determine eligibility for this program, legal basis 218-RICR-20-00-1.3.4.

7. The EHO received the Appellant's electronic appeal request on March 3, 2026, along with four 2025 1099-R forms and a letter from his landlord regarding back rent owed and current tenancy, these documents were forwarded to DHS for review.

8. DHS provided the following agency response to the appeal request on March 8, 2026, "Client has only provided verification of residency from landlord. Copies of 1099's submitted with appeal are not legible."

9. EHO accepted the Appellant's appeal and scheduled a hearing for April 30, 2026.

10. DHS's position is that the documents received on January 23, 2026, were considered as "technically not received", as they did not meet DHS verification standards, the agency's decision is correct according to the legal bases on BDN.

VIII. DISCUSSION

The SNAP application, expedited SNAP approval notice, nor the certification notice were not made available by DHS for review. From the evidence that was provided, of the Appellant's testimony and the BDN, it was clear that expedited SNAP benefits were issued and then closed. DHS agreed that the Appellant did not report any income on the application. DHS's internal notes did not reflect that the Appellant's expenses exceeding his income were discussed in the interview, as testified to by the Appellant. The fact DHS determined the Appellant was eligible for expedited SNAP does support the Appellant's statement that these issues were discussed rather than DHS's notes which reflected this was not discussed.

The basis of DHS's decision in this matter is that they maintain the documents submitted by the Appellant were inaccurate and unacceptable by DHS standards. The parties agreed that verification of residence was not in question, the discrepancy were of the self-employment payments. Self-employment income is defined by SNAP policy as the total gross income from a

self-employment enterprise, excluding the costs of doing business. The Appellant's self-employment ledger was reviewed to determine if it met these requirements. Income was listed separately for each week ending earnings of zero dollars from October 4, 2025, through January 24, 2026. The expenses were listed separately for each month and were displayed in two columns, a vender column and an expense column, the expenses were minimal and no month's expenses were more than \$300.00. As the ledger reported both income, even though it was zero and expenses, the Appellant's ledger meets the policy definition of self-employment payments and therefore acceptable.

The Appellant reported his income as zero, because there was no income generated; the ledger also adequately proved his prior statements and reported information on the application; making it accurate. DHS was incorrect in their decision that the Appellant's ledger was not a sufficient verification source of self-employment payments, because it does meet the SNAP policy definition of a source of documentary evidence, it is valid as it adequately and reasonably proves the statements on the application.

The Appellant submitted the required information to DHS on January 23, 2026, therefore the actions taken by DHS reflected in the BDN issued on February 16, 2026, were incorrect. One of the policies cited on the BDN was 218-RICR-20-00-1.3.7. This policy applies to denying an application prior to the 30th day. In this matter, the SNAP application was not denied, it was rather approved for expedited benefits, and then SNAP was closed for not providing postponed verification of expedited SNAP.

Finally, and most significantly, the BDN was sent on February 16, 2026, with an effective closure date of January 31, 2026. The notice is not in compliance with Federal or State regulations surrounding timeliness of notice of adverse action. The Appellant was not notified

that his SNAP benefits were ending until 16 days after the adverse action took place. This is well beyond the ten-day advance period that is required.

Due to the fact that the BDN was sent to the Appellant after SNAP benefits were already closed, he was not afforded the opportunity to appeal in a timely manner or to attempt to rectify the situation prior to the termination.

IX. CONCLUSION OF LAW

After reviewing the administrative record, I conclude the following for the decision rendered, DHS did not comply with the appropriate State regulations regarding acceptable sources of verification, nor did not they comply with the appropriate Federal and State regulations for giving adequate notice of an adverse action, i.e. the termination of the Appellant's SNAP benefits.

X. DECISION

Based on the foregoing Findings of Facts, Conclusion of Law, and testimony it is found that a final order be entered that the actions taken by DHS to the Appellant's SNAP benefits did not comply with the requirements of applicable Federal and State regulations and policies.

DHS shall, without undue delay, reinstate the Appellant's SNAP benefits retroactively to the closure date of January 31, 2026, and issue any owed benefits forthwith.

APPEAL GRANTED

/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.

