

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

[REDACTED] Docket #: 26-1727

V. Case #: [REDACTED]

Department of Human Services Appeal #: [REDACTED]

DECISION

INTRODUCTION

The Appellant, [REDACTED], initiated this matter to appeal the closure of Rhode Island Works (RIW) benefits made by the Department of Human Services (DHS). A Microsoft Teams hearing in this matter occurred on Thursday, June 18, 2026, at 2:00 PM. 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 closure of the Appellant's RIW benefits were 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, 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). 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

In attendance at the hearing were:

- DHS Eligibility Technician III Jesus Rafael Martinez
- The Appellant

The following exhibits were presented as evidence:

- The Appellant's handwritten and typed explanations for appeal
- Medical Verification Form completed on the Appellant's 11-year-old child
- Letter from [REDACTED] – [REDACTED] – [REDACTED] regarding the Appellant's 11-year-old child
- Select provisions from 218-RICR-20-00-2.6
- [REDACTED] letter regarding the Appellant's education program participation
- RIW Program (Hardship Denial) letter
- RI Bridges TANF Time Clock – Details printout
- The Appellant's Appeal
- Benefits Decision Notice issued to the Appellant on January 27, 2026

- Closure of Employment Plan Due to RIW Cash Closure notice
- Letter from DHS dated February 6, 2026, regarding the vocational activity ending

RELEVANT LAW/REGULATIONS

RIW is a program to provide cash assistance under the Temporary Assistance to Needy Families (TANF) program. RIW participants are limited to collecting a maximum of 60 months of TANF benefits. This is regardless of whether the TANF benefits are from Rhode Island or a different state. 218-RICR-20-00-2.6 (A). DHS can grant a hardship exception to allow additional months of benefits. 218-RICR-20-00-2.6 (B). Hardships are permitted when 1) there is a documented physical or mental incapacity and the applicant has a pending SSI or RSDI application, 2) there is a significantly disabled family member who resides in the home and requires full time care, 3) the applicant/family is homeless, 4) domestic violence limits the ability to obtain employment, or 5) there is a critical other condition or circumstances, except for citizenship reasons, that is approved by a supervisor. 218-RICR-20-00-2.6.3.

In cases of a significantly disabled family member residing in the home and requiring full time care, there needs to be a descriptive statement from a medical professional of the care needed and the work plan must be developed with a plan to transfer care of the family member to allow the applicant to transition off of cash assistance (e.g., be able to work and earn wages to no longer require RIW benefits).

OBJECTIONS AND MOTIONS

The record of hearing was left open for a week to allow the Appellant to review the evidence packet they received the day before the hearing. DHS objected as this packet was all documents that the Appellant previously received. Because two documents were printouts from RI Bridges that would not have been sent to the Appellant previously and to ensure the Appellant reviews these documents from an appeal standpoint, the objection was overruled.

The Appellant was given one week to review and respond to the evidence. They requested an extension for this period which was denied in a separate order. No new evidence or arguments were received.

FINDINGS OF FACT

The Appellant has been on various TANF programs over the years. This includes RIW. In total, the Appellant has been on TANF programs for 223 months, which is approximately 18 and a half years. This includes 66 months in Rhode Island. The Appellant has been on various hardships, including domestic violence hardships. The Appellant's RIW ended at the end of February 2026 when DHS did not renew the Appellant's hardship. DHS argued that this was for two reasons. First, the Appellant has had extensive hardships over the years as they far exceeded their 60-month participation limit on TANF programs. In addition, the Appellant was not needed as a full-time caregiver for their children as all the children attend school during the day.

The Appellant argues that they need to remain on RIW for a little longer. This is the first time they have been able to take on a job- or job-related activity. The Appellant is currently training to be a dental assistant/hygienist. This will require the Appellant to complete the training course, followed by several weeks of clinicals/internships. The training course runs Tuesday through Friday from 9:30 AM to 2:30 PM and Saturdays from 8:00 AM to 1:00 PM.

The Appellant has four children. They include an adult son, an 11-year-old with seizures and autism, as well as a set of twins with ADD/ADHD. The 11-year-old is significantly limited with bedding, speaking/communicating, tolerating environmental conditions, maintaining concentration, and their ability to understand, remember, and carry out instructions. The physician report lists that the child should be able to engage in 20-40 hours a week/2-6 hours a day in education activities. The physician also reports that the Appellant is the primary caregiver and provides full time care **outside of school hours**. (emphasis added).

DISCUSSION

To qualify for RIW, the applicant must either not have reached their 60-month limit of TANF benefits and/or be approved for a hardship. Here the Appellant has exhausted the 60-months of TANF benefits. Specifically, the Appellant has had 66 months of benefits in Rhode Island alone. Overall, the Appellant has received 223 months (18 years & 5 months) of TANF benefits.

As such, the only way for the Appellant to be eligible would be to qualify for a hardship. Specifically, the Appellant argues that they are caring for a significantly disabled child and therefore should qualify for the caregiver exception. While the Appellant has a few children with medical/behavioral conditions (autism, ADHD, & seizures), this does not automatically mean they qualify for a hardship. Regulations require that the child resides in the home and needs full-time care. Here the children are in school. This means the Appellant is not needed as a caregiver during the school day as the school should be providing care during school hours. Furthermore, the Appellant's current activity, dental hygienist training, is Tuesday through Friday from 9:30 AM to 2:30 PM and Saturday's 8:00 AM to 1:00 PM. The Tuesday through Friday hours correspond to typical school hours. As such the Appellant should typically be available to participate in the training program while the children are overseen by the school system. Therefore, the Appellant is not needed to provide full-time care.

The Appellant argues that they need to coordinate their children's care, provide afterschool care, as well as manage medical appointments. While this is true, it does not amount to the full-time care that is required to qualify for a hardship. Again, the children are in school for large periods of the day. Furthermore, the medical report provided by the 11-year-old's doctor states that the child should be able to participate in 2-6 hours of education activity a day/20-40 hours a week. This supports that the child should be able to be cared for at school leaving the Appellant available to work.

CONCLUSION OF LAW

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

1. The Appellant does not qualify for RIW as they exhausted their 60 months of TANF benefits and do not qualify for a hardship.
2. The Appellant does not qualify under the caregiver hardship as the children are in school which means the Appellant is not needed full-time to care for the disabled children.

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 RIW benefits.

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, 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], DHS Appeals Unit at DHS.Appeals@dhs.ri.gov, DHS Policy Unit at DHS.PolicyQuestions@dhs.ri.gov, and Kirsten Cornford on this 10th day of July, 2026.

