

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

[REDACTED] Docket #: 26-1949

V. Case #: [REDACTED]

Department of Human Services Appeal #: [REDACTED]

DECISION

INTRODUCTION

The Appellant, [REDACTED], initiated this matter to appeal the Supplemental Nutrition Assistance Program (SNAP) closure made by the Department of Human Services (DHS). A Microsoft Teams hearing in this matter occurred on June 5, 2026, at 10:00 AM. The Appellant did not elect the option of a video hearing. For the reasons discussed in more details below, the Appellant's appeal is granted.

JURISDICTION

The Executive Office of Health and Human Services 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 DHS' closure of the Appellant's SNAP was 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:

- The Appellant
- The Appellant's Authorized Representative [REDACTED]
- DHS Eligibility Technician III Jesus Rafael Martinez

The following exhibits were presented as evidence:

- Recertification/Renewal Notice issued by DHS on December 1st, 2025
- Asset Verification Services (AVS) Results Report
- [REDACTED] RI Tax Assessor's Database printout on [REDACTED]
- Additional Documentation Required (ADR) notice dated February 6, 2026
- Benefits Decision Notice (BDN) dated February 28, 2026
- The Appellant's Appeal
- Select provisions of 218-RICR-20-00-1.3.7 & 218-RICR-20-00-1.5.5

RELEVANT LAW/REGULATIONS

SNAP requires most applicants to meet a resource limit. For those households where one member is disabled or over the age of 60, the limit is \$4,500. 218-RICR-20-00-1.5.5 (B)(1)(a). Houses and real property, except for the household's primary residence, are countable resources for SNAP. 218-RICR-20-00-1.5.5 (D)(1)(b)(2), (J)(2)(a), & (N). A resource that is inaccessible is not countable. For real property (i.e., a house and land) the household must be making a good faith effort to sell the property and has not declined a reasonable offer on the property. This includes verification that the property is listed for sale by DHS. 218-RICR-20-00-1.5.5 (F)(1). Jointly owned property is considered available to the SNAP household in its entirety unless the household can establish otherwise. 218-RICR-20-00-1.5.5 (J)(5).

SNAP has various income limits that need to be met to qualify. As such all sources of income need to be reported and verified. This includes income from rent and/or board of individuals residing in the household. 218-RICR-20-00-1.5.2 (A)(1)(a)(5) & (A)(2)(a)(9)(AA).

DHS is required to obtain clarification and/or verification of incomplete or unclear information. This can include information obtained by 3rd party systems. 218-RICR-20-00-1.13.1 (E)(1). In these situations, DHS is required to send out written requests for the verification. That request must include what must be provided and give the household a minimum of 15 days to respond. 218-RICR-20-00-1.13.1 (E)(3).

FINDINGS OF FACT

The Appellant was active on Medical Assistance and SNAP. The Appellant's Medical Assistance eligibility came up for renewal. This resulted in DHS issuing a Recertification/Renewal form to the Appellant that they were required to complete and return. Once the Appellant returned the Recertification/Renewal form, DHS ran the Appellant through AVS to confirm the Appellant's resources. This AVS report came back that the Appellant owned the property at [REDACTED]. DHS then consulted the [REDACTED] Tax Assessor's database which shows the [REDACTED].

property is co-owned by the Appellant and their ex-husband. The Property is valued at [REDACTED] and is a 3-family home. Based on this information, DHS issued an ADR for Room Board Income Unknown. That ADR says to see the Worker Note for details on what to send for verification. The ADR does not contain any note from a worker. When the due date passed, DHS closed the Appellant's SNAP benefits for failing to turn in the required verification.

The Appellant argues that they turned in the necessary documents and that these documents would have also been provided years ago to DHS. DHS, at hearing, argued that this case was denied related to resources.

DISCUSSION

DHS closure of the Appellant's SNAP case is based on the Appellant's failure to respond to an ADR. This ADR was issued as real property the Appellant owned, and DHS was previously unaware of, was found processing the Appellant's Medical Assistance Recertification. Since both resources and income affect SNAP benefits, DHS was correct in seeking more information on these items.

DHS issued an ADR to obtain the necessary information this ADR requested information on "Room Board Income Unknown." It also said to "See Worker note on you documents above for what to provide for this documentation." Sic. Nowhere on the ADR is there a note from the worker regarding what verification is needed. This leaves the Appellant in a quagmire. DHS is asking the Appellant to provide documents without sufficiently information what is to be provide. This violates the rule under 218-RICR-20-00-1.13.1 (E)(3) to require the ADR to specify the document(s) the Appellant needs to provide.

Furthermore, it is unclear whether DHS is sure of what they are asking for and why. DHS' ADR discusses Room and Board income. Whereas at hearing, DHS was talking regarding the property being a countable resource. While both a relevant for SNAP, DHS needs to be clear on what they are looking for

and why, even if that is the income and resource value of the house. This is so the Appellant can know what is being asked for and be able to respond accordingly.

The Appellant asserts that they turned in these documents to DHS and that they should have already been in DHS' hands from years ago. Because the appeal is being granted due to the faulty ADR, the question of creditability and were these documents turned in or not does not need to be addressed as it is otherwise moot.

CONCLUSION OF LAW

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

1. The ADR issued by DHS insufficiently describes what was needed to be provided. This results in the ADR being legally flawed.
2. The denial based on the legally flawed ADR cannot stand.

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 not sufficient evidence to support the denial of the Appellants SNAP by DHS. DHS to reprocess the Appellant's SNAP case going back to denial and, if necessary, issue a legally sufficient ADR for any datapoints that verification is needed to make proper determination.

APPEAL GRANTED

/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

_____ and to _____

_____; copies were sent, via email, to _____

_____, _____, the DHS Appeals Unit at

DHS.Appeals@dhs.ri.gov, the DHS Policy Unit at DHS.PolicyQuestions@dhs.ri.gov, and to Kirsten

Cornford on this 14th day of July, 2026.

