

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

[REDACTED]

V.

DOCKET No. 26-2420

DEPARTMENT OF HUMAN
SERVICES

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter was held on July 9, 2026. The Appellant, [REDACTED], initiated this matter to appeal the Child Care Assistance Program (CCAP) denial made by the Department of Human Services (DHS) effective April 4, 2026, in case # [REDACTED]. 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 R.I. General Laws (RIGL) § 42-7.2-6.1 and the Rhode Island Code of Regulations (RICR) 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 before this Appeals Officer is whether DHS' closure of the Appellant's CCAP was done in compliance with state policy and 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 Treatise* § 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

Present for DHS was Raphael Martinez (Agency) who provided testimony and evidence regarding the case. The Appellant represented herself and also offered testimony and evidence. The following exhibits were presented as evidence:

- DHS Exhibits:
 - Exhibit #1: Electronic Appeal filed by Appellant dated April 1, 2026.
 - Exhibit #2: Benefits Decision Notice (BDN) dated March 20, 2026.
 - Exhibit #3: Recertification/Renewal Notice (Renewal) dated February 1, 2026.
 - Exhibit #4: 218-RICR-20-00-4: Child Care Assistance Program Rules and Regulations.
- Appellant Exhibits:
 - Exhibit #1: Screen shot of a phone message from Nancy at Senator Jack Reed's office; screen shot of message from Nancy to Appellant dated May 22; and screen shots related

to case # [REDACTED] Hearing Appointment Notice posted May 28, 2026, DHS 1010-Renewal Notice posted May 1, 2026, Appeals Request Received posted April 1, 2026, and DHS0199-C-Client's Letter for Disenrollment, posted March 20, 2026.

VI. RELEVANT LAW/REGULATIONS

According to 218-RICR-20-00-4.4.4, the eligibility period for CCAP shall be no less than 24 months. CCAP benefits shall be redetermined through the recertification process prior to the end of the 24-month period. DHS shall notify families of the eligibility redetermination date by sending the renewal form no later than the first day of the last month of the eligibility period. The renewal form shall indicate the date the form is due back to DHS. Families must submit the completed and signed form to DHS by the renewal due date in order for the CCAP authorized services to continue without interruption.

VII. FINDINGS OF FACT

1. A Recertification/Renewal Notice dated February 1, 2026, was mailed to the Appellant, notifying her that her CCAP eligibility would end March 31, 2026, unless she renewed. It states that to ensure there is no break in benefits "**return this Renewal Form within 30 days of the notice date** to allow for processing." It states if you have questions or need help filling out this form, please call 1-855-MY-RIDHS (1-855-697-4347).
2. A BDN dated March 20, 2026, was mailed to the Appellant, stating that her CCAP benefits were ending as of April 5, 2026, because "you failed to return the renewal form which is required for your continued eligibility for benefits." It states if you have any questions about this information, please contact us at the phone number listed on the first page of this notice.
3. The Agency testified that the Appellant's CCAP closed because she failed to return her renewal form, and regulations are clear that if a renewal is not properly received, DHS must end the services.
4. No renewal form was received by the Agency until May 28, 2026, more than a month and a half after the case closed, according to the Agency. The Appellant uploaded photographs of the

renewal she submitted on May 28, 2026, but pages were missing, and the Agency testified an actual complete application had to be uploaded because it is a legal document.

5. The Appellant argued that the photographs should be valid documentation because she has taken photographs of a child support agreement that has been accepted previously by DHS.
6. The Appellant testified that she did not receive the Renewal dated February 1, 2026, but said that she still submitted her renewal sometime that month after receiving a different notice stating “it was time to recert” in the beginning of February. She did not provide any proof that the renewal had been sent to DHS in February.
7. The Appellant reported having issues with her mail carrier, but did not provide proof regarding her interactions with the U.S. Postal Service about the problem.
8. The Appellant testified that she learned about her CCAP eligibility ending when her day care messaged her once she returned from being away (she was away from mid-March to the end of March). The Appellant received the BDN about CCAP closing around March 28, 2026, a day after she arrived home. The Appellant then went online and filed the appeal, which was received on April 1, 2026.
9. The Agency testified that DHS reached out to the Appellant on April 18, 2026, at 1 p.m. after the appeal was received as a courtesy because the case had closed. DHS could not reach her, but sent her another renewal form to fill out that could have been used as a new application for potential CCAP eligibility. There were no case notes that showed the Appellant contacted DHS about the CCAP closure or submitted the completed renewal form.
10. The Appellant testified that could not get in touch with anyone at DHS. She said she called multiple times: one time she was on hold for five hours, another she was hung up on after six hours. She also testified that she drove to the DHS office on Holden Street, but left after waiting for a parking spot for 15 minutes. She also went to the Holden Street office after lunchtime one day and was told they were not seeing any more clients. Another time, she waited in the lobby for four hours but had to leave to go to work.

11. The Appellant testified that she reached out to Sen. Jack Reed's Office for assistance because she had not heard anything from DHS. From the screen shots the Appellant provided as evidence, it appears she contacted Sen. Reed's office in May, which in turn contacted DHS, and led to the Appellant uploading the renewal on May 28, 2026.
12. Due to the amount of time that has passed since the closure and because the Appellant uploaded an incomplete renewal form in May, DHS advised her to re-apply for CCAP.

VIII. DISCUSSION

At issue is whether DHS' closure of the Appellant's CCAP benefit was correct. DHS mailed the Renewal on February 1, 2026, and although the Appellant testified that she returned the renewal, DHS did not receive it, which led to her CCAP benefits ending on April 5, 2026. The Appellant also did not provide a receipt from the postal service showing she mailed the renewal on a specific date, but estimated that it was around the beginning of February. The Appellant also denied receiving the February 1, 2026, renewal form, but testified she received a notice stating it was time to recertify, however. Her testimony that she submitted a renewal form in February was not credible, as she focused primarily on the May 28, 2026, renewal form that she uploaded.

The Appellant also claimed to have problems with her mail, but did not provide any proof regarding her attempts to rectify this issue with the postal service. She also testified that she received a notice from DHS about it being time for her to renew her CCAP, so the argument about mail problems holds little weight.

Once the Appellant became aware of the impending closure – through a message from her day care and from the March 20, 2026, BDN notifying her CCAP benefits would end April 5, 2026, for failing to return the renewal form – she filed an appeal on April 1, 2026.

The Appellant claimed difficulty getting in touch with anyone at DHS by phone and in person at the Holden Street field office. She then contacted Sen. Jack Reed's office in May to intervene, finally

submitting a renewal form on May 28, 2026, that DHS argued was unable to be used because it was 1) submitted too late as it was long past the April 5, 2026, closure date, and 2) incomplete with pages missing.

While the Appellant argued that she was directed by Sen. Reed's office to upload the renewal, the point is moot since this conversation occurred in May and was three months after she was notified to renew by DHS and two months after she received the BDN about the program's closure. The issue under appeal is not actions taken in May, but the closure of the Appellant's CCAP benefits on April 5, 2026. According to 218-RICR-20-00-4.4.4, families must submit the completed and signed renewal form to DHS by the renewal due date in order for the CCAP authorized services to continue without interruption.

IX. CONCLUSION OF LAW

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

1. The Appellant was given proper notice regarding the timeline to renew her CCAP benefits, and was informed that her benefits would end March 31, 2026, if she failed to submit her renewal.
2. The Appellant was notified in the March 20, 2026, BDN that her CCAP benefits were closing on April 5, 2026, because she failed to return her renewal form.
3. DHS properly closed her CCAP case according to 218-RICR-20-00-4.4.4 because the Appellant did not submit the completed and signed form to DHS by the renewal due date.

X. 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 DHS' closure of the Appellant's CCAP case because she did not return the renewal form.

APPEAL DENIED

/s/ Lori Stabile

Lori Stabile

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] and the DHS Appeals Unit, Kirsten Cornford

and the DHS Policy Unit on this 21st day of July, 2020.

