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

[redacted]

V. DOCKET No. 26-2663 & 26-3987

Department of Human Services

DECISION

I. INTRODUCTION

A Microsoft Teams hearing on the above-entitled matter came before an Appeals Officer on September 28, 2026, and the Appellant declined the option of a video hearing. The Appellant, [redacted], filed two Appeals, Appeal ID #[redacted] & #[redacted] to appeal the Department of Human Services' (DHS) decision to terminate their Supplemental Nutrition Assistance Program (SNAP), Medicare Premium Payment Program (MPP), and Low Income for Aged and Disabled Medicaid (AD-Low) benefits in Case #[redacted] The Appellant submitted two appeal requests for the same SNAP case closure. Therefore, this decision will address both. 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.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 and EOHHS programs. The Administrative

Hearing was held in accordance with the Administrative Procedures Act (R.I.G.L. § 42-35-1 et seq.) and EOHHS regulation 210-RICR-10-05-2.

III. ISSUE

Did DHS correctly terminate the Appellant's SNAP, MPP, and AD-Low benefits?

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. See 2 Richard J. Pierce, Administrative Law Treaties §10.7 (2002) & *Lyons v. Rhode Island Pub. Employees Council 94*, 559 A.2d 1130, 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. See *Narragansett Electric Co. vs. Carbone*, 898 A.2d 87 (R.I. 2006).

V. PARTIES AND EXHIBITS

Eligibility Technician III, Jesus Martinez, attended the hearing on DHS' behalf. The following exhibits were entered as evidence by DHS:

Exhibit #1 – June 5, 2026, Appeal Form.

Exhibit #2 – April 6, 2026, Benefit Decision Notice (BDN).

Exhibit #3 – Eligibility Determination Results for Case #[redacted]

Exhibit #4 – March 18, 2026, Additional Documentation Required Notice (ADR).

Exhibit #5 – Appellant Verifications, Received on March 26, 2026.

Exhibit #6 – The Appellant's Property Tax Records.

The Appellant was present and testified on their own behalf. [redacted] also attended the hearing as a witness. The Appellant provided the following exhibit as evidence:

Exhibit #7 – April 15, 2026, Appeal Form.

VI. RELEVANT LAW/REGULATIONS

Verification is the use of third-party information or documentation to establish the accuracy of statements on the application. 218-RICR-20-00-1.6.1(A). The agency representative must verify, prior to certification of the household, all factors of eligibility which the agency representative determines are questionable and affect the household's eligibility and benefit level. 218-RICR-20-00-1.6.2(A). The agency must pursue clarification and verification (if applicable) of household circumstances from which the agency cannot readily determine the effect on the household's continued eligibility for SNAP, or in certain cases, benefit amounts. 218-RICR-20-00-1.13.1(E)(1). The agency shall issue a written request for documentation that advised the household of the verification it must provide or the actions it must take to clarify its circumstances, which affords the household at least fifteen (15) days to respond. 218-RICR-20-00-1.13.1(E)(3). If the household does not respond, or does respond but refuses to provide sufficient information to clarify its circumstances, the agency must issue a notice of adverse action indicating that the case will close, and the household will need to submit a new application in order to continue participating in the program. See 218-RICR-20-00-1.13.1(E)(3)(a).

A resource is defined broadly as cash or other property that a person owns or has access to that is or could be used for personal support and maintenance. See 210-RICR-40-00-3.6.1(A). A non-liquid resource is property that is not cash, including real and personal property that cannot be converted to cash within twenty (20) business days. Real property, life estates, life insurance and burial funds, described below, are some of the more common kinds of non-liquid resources. See 210-RICR-40-00-3.6.5(A)(1). Types of non-liquid resources evaluated when determining eligibility for IHCC groups include Home and Adjoining Land (real property). A home is a residential property which includes the shelter where a person lives, the land on which the shelter is located, related outbuildings, and surrounding property not separated from the home by intervening property owned by others. A home in which the applicant or the spouse of an applicant has an ownership interest is excluded as a resource, regardless of its value, for EAD or MN Community Medicaid. See 210-RICR-40-00-3.6.5(A)(1)(a). Although an applicant may own residential properties either alone or in conjunction with others, only one (1) is considered a home and may be treated as an excluded resource at any given point in time. See 210-RICR-40-00-3.6.5(A)(1)(a)(2). The resource limit for AD-Low is $4,000.00. See 210-RICR-40-00-3.2.8(A)(5). To be eligible for Qualified Medicare Beneficiaries without other Medicaid (QMB Only) applicants must be eligible for or enrolled in Medicare Part A, have countable income of one hundred percent (100%) of FPL or less and resources that do not exceed the amounts set annually by the Federal government. See 210-RICR-40-05-1.7.2(a)(1).

VII. FINDINGS OF FACT

1. The Appellant was previously approved for SNAP, MPP, and AD-Low.
2. DHS suspected that the Appellant was receiving unverified rental income from a second property, so they sent an ADR to the Appellant on March 18, 2026. The ADR stated that

the Appellant must verify their rental income by April 2, 2026, to prevent their SNAP case from closing.

3. The Appellant did not verify their rental income by April 2, 2026.
4. DHS sent the Appellant a BDN on April 6, 2026, explaining that the Appellant's SNAP, MPP, and AD-Low benefits were being terminated. SNAP was terminated because the Appellant failed to verify their rental income by the due date. MPP and AD-Low were terminated because the Appellant's countable resources exceeded the resource limits for both programs.
5. The Appellant conceded in their testimony that they did have a 50% ownership interest of a second property, they do receive rental income, and they did not verify their rental income by April 2, 2026.
6. The Appellant owns a private residence, and they have a 50% ownership interest in a second multi-family property. Per the Appellant's testimony and the Property Tax Records for the Appellant, the Appellant's interest in the multi-family property is valued at $101,550.00.

VIII. DISCUSSION

As stated above, DHS must pursue clarification and verification of household circumstances from which the agency cannot readily determine the effect on the household's continued eligibility for SNAP, or in certain cases, benefit amounts. The agency shall issue a written request for documentation that advises the household of the verification it must provide or the actions it must take to clarify its circumstances, which affords the household at least 15 days to respond. If the household does not respond, or does respond but refuses to provide sufficient information to clarify its circumstances, the agency must issue a notice of adverse

action indicating that the case will close, and the household will need to submit a new application in order to continue participating in the program.

As also stated above, a resource is defined broadly as cash or other property that a person owns or has access to that is or could be used for personal support and maintenance. Although an applicant may own residential properties either alone or in conjunction with others, only one is considered a home and may be treated as an excluded resource at any given point in time. The resource limit for AD-Low is $4,000.00. To be eligible for Qualified Medicare Beneficiaries without other Medicaid (QMB Only) applicants must have resources that do not exceed the amounts set annually by the Federal government.

DHS testified that the Appellant's SNAP case closed because the Appellant was sent an ADR to verify their rental income and they failed to verify their income by the due date. The Appellant conceded in their testimony that they did receive rental income and they failed to verify the rental income by the due date. Therefore, because the Appellant failed to verify their rental income by the due date specified on the ADR, there is a preponderance of evidence to support DHS' termination of the Appellant's SNAP benefits.

DHS testified that the Appellant's MPP and AD-Low benefits were terminated because the Appellant's resources exceeded the maximum amounts allowed for the two programs. DHS testified that the resource limit for AD-Low was $4,000.00 and the resource limit for the Appellant's MPP case was $9,950.00. These resource limits are also stated in the April 6, 2026, BDN. The Appellant did not dispute these resource limits, nor did they dispute that their 50% ownership interest in the multifamily property is valued at $101.550.00. Therefore, because the Appellant's resources exceed the resource limits for both MPP and AD-Low there is a

preponderance of evidence to show that DHS correctly terminated the Appellant's MPP and AD-Low benefits.

IX. CONCLUSION OF LAW

After careful review of the testimony and evidence present at the Administrative Hearing, I conclude that:

1. Failure to verify household circumstances that are needed to determine an Appellant's eligibility and benefit level for SNAP shall result in the termination of SNAP benefits.
2. The Appellant failed to verify questionable household circumstances that were needed to determine the Appellant's eligibility and benefit level for SNAP.
3. There is a preponderance of evidence to show that DHS correctly terminated the Appellant's SNAP benefits.
4. The Appellant's resources are valued at $101.550.00.
5. The Appellant's resources exceed the resource guidelines for both MPP and AD-Low.
6. There is a preponderance of evidence to show that DHS correctly terminated the Appellant's MPP and AD-Low benefits.

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' termination of the Appellant's SNAP, MPP, and AD-Low benefits.

APPEAL DENIED

/s/ Jack Peloquin

Jack Peloquin

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], Kirsten Comford, the DHS Policy Office at dhs.policyquestions@dhs.ri.gov, and the DHS Appeals Unit at DHS.Appeals@dhs.ri.gov on this 2ND day of OCTOBER, 2026.