

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HUMAN SERVICES
APPEALS OFFICE
600 New London Avenue
Cranston, Rhode Island 02920
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Docket # 14-879

Hearing Date: August 21, 2014

Date: September 29, 2014



ADMINISTRATIVE DECISION

The Administrative Hearing that you requested has been decided against you. During the course of the proceeding, the following issue(s) and agency policy reference(s) were the matters before the hearing:

**THE DHS POLICY MANUAL: CHILD CARE ASSISTANCE PROGRAM (CCAP)
SECTION: 850.02.04 CRITERIA FOR INCOME ELIGIBILITY**

The facts of your case, the agency policy, and the complete administrative decision made in this matter follow. Your rights to judicial review of this decision are found on the last page of this decision.

Present at the hearing were you (the appellant), and David Nielson (agency representative).

Copies of this decision have been sent to the following: you, Judith Morales, David Nielson and policy.

ISSUE: Did the appellant fail to meet the CCAP requirement to work at least a minimum of 20 hours per week at minimum wage?

DHS POLICIES: Please see the attached APPENDIX for pertinent excerpts from the Rhode Island Department of Human Services Policy Manual.

DISCUSSION OF THE EVIDENCE:

The agency representative testified:

- The agency sent the appellant a notice of denial dated April 30, 2014 that her CCAP application received April 22, 2014 was denied because she did not meet the program requirement to work a minimum of 20 hours per week.
- The agency representative stated that review of the appellant's application determined that the wage information provided by the appellant indicated that she was not working the required 20 hours per week.
- The agency representative submitted copies of the appellant's pay stubs that the appellant submitted with her application. The hours from the pay stubs do not average 20 hours per week.
- The agency representative stated that he would need to review a letter from the appellant's employer that explains that her hourly wage listed is for each chart and the total hours listed by the number of charts done by the appellant.
- The agency representative stated that he would need copies of all of the appellant's pay stubs after the April 11, 2014 one she did submit because the pay stubs provided do not indicate that the appellant was working the 20 hour average at minimum wage.
- He stated that CCAP policy requires an applicant/recipient to work a minimum of twenty hours per week at State minimum wage.

The appellant testified:

- She stated that she has been employed as a Field Reviewer for [REDACTED] Health. She stated that she is paid \$5.50 per chart reviewed.
- She stated that on her earning statements the rate, which is \$5.50, is how much she is paid per chart not per hour.
- The hours are actually how many charts that are reviewed. She submitted for example: the March 28, 2014 statement indicates a rate of \$5.50 per chart, 67 charts reviewed, for gross pay of \$368.50. 67 charts divided by \$5.50 equals 12.7 hours of reviewing and \$368.50 divided by 12.7 hours equals \$28.98 per hour.
- She stated that she will submit all of April, May, and June 2014 pay stubs and a letter from her employer so the agency can determine if she was eligible during those months.

FINDINGS OF FACT:

1. The agency denied the appellant's CCAP application of April 22, 2014 by notice dated April 30, 2014 because she was not earning the State minimum wage and she was not employed the CCAP required 20 hours per week.

2. The appellant requested that the agency review her pay stubs for April, May, and June 2014 as well as a letter from her employer to determine if she was eligible at that time.

3. This record of hearing was held open through September 4, 2014 to allow the appellant to submit the above wage and employment verification to the agency.

CONCLUSION:

The issue to be decided is whether the appellant did not work the required CCAP minimum 20 hours per week at the State minimum wage. A review of the agency policy determines that the agency requires CCAP applicants/recipients to verify employment of 20 hours per week at State minimum wage. The agency determined at the time of the appellant's April 2014 application that the appellant was not working an average of 20 hours per week for the month of April 2014. The CCAP application was therefore denied because the appellant is not working the required total of 20 or more hours per week.

The appellant testified that she is employed as a chart reviewer and paid per chart reviewed by her employer. She submits that per chart reviewed she earns more than minimum wage as required. She requested that the agency review her hours and wages for the months of April, May and June 2014 which she was to submit to this record during a held open period thru September 4, 2014.

CCAP policy specifically requires that for there to be an acceptable need for services in a one parent home, the parent living in the household shall be employed a minimum average of 20 hours per week in a month.

The agency action under review is based on the agency's review of the appellant's application submitted by the appellant during April 2014. Review of the available employment information determines that at the time of the agency denial of the appellant's CCAP application she was not working 20 hours a week.

This record of hearing was held open through September 4, 2014 to allow the appellant to submit additional employment information to the agency. As of the close of business September 4, 2014 no additional information was submitted to the agency for review.

After a careful review of the agency's policies, as well as, the evidence and testimony given, the Hearing Officer finds that the appellant was not eligible for CCAP services per the agency April 30, 2014 notice.

APPEAL RIGHTS (SEE PAGE 4)



Michael Gorman
Appeals Officer

APPENDIX

CRITERIA FOR INCOME ELIGIBILITY
REV: 07/2012

D. Need for Services.

To be authorized for income-based CCAP child care services, the parent(s) shall have an acceptable need for services related to employment, or in the case of non-RIW cash assistance YS Program participation, in an approved educational program.

1. General Criteria: Income Eligible.

For there to be an acceptable need for services in a two-parent

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home, each parent shall be employed a minimum of an average of twenty (20) hours per week in a month and require CCAP child care services in order to work in accordance with E below. In addition, the parents shall each earn, per hour, an average of the greater of either the state or federal minimum wage. For there to be an acceptable need for services in a one-parent home, the parent living in the household shall be employed a minimum of an average of twenty (20) hours per week in a month, earn per hour an average of the greater of either the state or federal minimum wage, and require CCAP child care services in order to work.

APPELLATE RIGHTS

This Final Order constitutes a final order of the Department of Human Services pursuant to RI General Laws §42-35-12. Pursuant to RI General Laws §42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior 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.