

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HUMAN SERVICES
APPEALS OFFICE
57 Howard Avenue
Cranston, Rhode Island 02920
(401) 462-2132/Fax# (401) 462-0458
TDD# (401) 462-3363**

Docket # 14-891
Hearing Date: July 15, 2014

Date: August 1, 2014

ADMINISTRATIVE HEARING 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 PROVIDER MANUAL: RI Works
SECTION: 0850.02.03 Criteria For Categorical 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.

Copies of this decision have been sent to the following: You (the Appellant), Brenda Martin, the Agency Representative, Katie Costa Supervisor, and the Policy Unit.

Present at the hearing were: You (the Appellant), Brenda Martin, the Agency Representative and Katie Costa, the Agency Supervisor.

ISSUE: Is the Appellant ineligible to receive CCAP because of her failure to cooperate and provide needed information to the agency?

DHS POLICIES:

Please see the attached APPENDIX for pertinent excerpts from the Rhode Island Department of Human Services Policy and Provider Manuals.

APPEAL RIGHTS:

Please see attached NOTICE OF APPELLATE RIGHTS at the end of this decision.

DISCUSSION OF THE EVIDENCE:**The Agency Representatives testified:**

- The Appellant filed an application for Child Care as part of an in-person interview on February 10, 2014, the application was reviewed and the agency informed the Appellant that more information was required (employment verification of wages).
- On April 7, 2014, the agency had still not received the requested documentation, so therefor it was denied.
- The Appellant came into the agency again and handed documentation that she claimed to have already faxed into the agency with regards to her employment verification. She presented the coversheet that accompanied the fax but not the fax confirmation itself and pay stubs that equal 18 hours per week.
- The Appellant had presented five pay stubs; for the week of January 26 to February 1, 2014 the Appellant worked 4 hours; February 2 to February 8, 2014 the Appellant worked 4.25 hours; February 16 to February 22, 2014 the Appellant worked 25.5 hours; February 23 to March 1, 2014 the Appellant worked 32.5 hours; and March 2 to March 8, 2014 the Appellant worked 14.25 hours.
- The agency informed the Appellant that the policy is that to be eligible for Child Care; there is a requirement that you must work at least a minimum of 20 hours per week.
- The Appellant returned in May of 2014 with more recent pay stubs and had a meeting with a supervisor, at which time she became eligible for Child Care.

The Appellant testified:

- The Appellant presented the documents that she faxed to the agency as well as the pay stubs.
- The Appellant presented five pay stubs; for the week of January 26 to February 1, 2014 the Appellant worked 4 hours; February 2 to February 8, 2014 the Appellant worked 4.25 hours; February 16 to February 22, 2014 the Appellant worked 25.5 hours; February 23 to March 1, 2014 the Appellant worked 32.5 hours; and March 2 to March 8, 2014 the Appellant worked 14.25 hours.
- The Appellant had a hard time getting the information to the agency because she was not able to work because she had no day care.
- The Appellant states that she had called the agency often to check the status of her application and faxes. Since she never received a call back, she thought that she was all set.

- The Appellant presented several pay stubs for the month of April 2014 and they had been applied to the Appellant's May application.

FINDINGS OF FACT:

- The Appellant filed an application for Child Care as part of an in-person interview on February 10, 2014, the application was reviewed and the agency informed the Appellant that more information was required (employment verification of wages).
- On April 7, 2014, the agency had still not received the requested documentation, causing the agency issued a Notice of Denial.
- The Appellant claims to have faxed the requested documents but was not able to produce a fax confirmation. At some point the Appellant did presented five pay stubs that had be requested; for the week of January 26 to February 1, 2014 the Appellant worked 4 hours; February 2 to February 8, 2014 the Appellant worked 4.25 hours; February 16 to February 22, 2014 the Appellant worked 25.5 hours; February 23 to March 1, 2014 the Appellant worked 32.5 hours; and March 2 to March 8, 2014 the Appellant worked 14.25 hours. The average number of hours worked is 16.1 hours which is below the minimum of 20 hours.

CONCLUSION:

The issue to be decided is whether the Appellant is ineligible to receive CCAP because of her failure to cooperate and provide needed information to the agency?

The Appellant had brought in her Child Care application on February 10, 2014 and was interviewed by an agency representative. The application was reviewed and the Appellant was informed that she needed to present some copies of pay stubs. The agency had waited until April 7, 2014 and have not received the documents for the Appellant, the agency issued a Notice of Denial to the Appellant. The Appellant testified that she had faxed the requested documentation in as requested prior to April 7, 2014 and having not heard anything back from the agency, she though that she was all set.

Shortly after receiving her Notice of Denial, the Appellant went to the agency with her documentation in hopes to resolve any issue. The Appellant presented a hand written fax cover sheet as well five pay stubs that she testified that she had faxed to the agency. The Appellant was not able to produce a fax confirmation of the fax that she testified to have sent that would have proven that she did in fact fax the requested documents in a timely manner as instructed. The Appellant produced five paystubs for the period of her February application. The pay stubs were for the weeks of January 26 to February 1, 2014, the Appellant worked 4 hours; February 2 to February 8, 2014, the Appellant worked 4.25 hours; February 16 to February 22, 2014 the Appellant worked 25.5 hours; February 23 to March 1, 2014 the Appellant worked 32.5 hours; and March 2 to March 8, 2014 the Appellant worked 14.25 hours. The average number of hours worked is 16.1 hours which is below the minimum of 20 hours.

To be eligible to receive Child Care, there is criteria that must be met by those who apply for the benefit. The agency's policy states that:

“CCAP child care services shall not be authorized for an otherwise categorically eligible family under the following circumstances:

- (a) In a one parent home, the parent has failed to complete or comply with a RIW employment plan. (§ 0850.02.03 (2)(a))

The Appellant was informed that her application was not complete on February 10, 2014 and was instructed to present pay stubs prior to being eligible for services. It wasn't until the Appellant received her Notice of Denial dated April 7, 2014 that she went back to the agency to resolve any issues. Upon review of the Appellant's stub at that time the agency determined that the Appellant was still not eligible for Child Care benefits. The five pay stubs presented only averaged 16.1 hours per week. The agency policy specifically states that, Rhode Island Works families receiving CCAP services shall meet the employment plan component activity requirements outlined in §§ 1412.05.05 and 14.14.0515 of the DHS Code of Rules. (§ 0850.02.03 A (a) (ii)). Furthermore, “Single parents shall participate for a minimum of twenty (20) hours per week for parents whose youngest child in the home is under the age of six (6)...” (§ 1412.05.05)

The Appellant's position is that she faxed the requested documents and never received any notification between filing her application on February 10, 2014 to receiving her denial letter on April 7, 2014. She did indicate that it was difficult to work the first few weeks of February because she had no one to leave her child with. When she did go to the agency on April 7, 2014 with April's pay stubs, the agency supervisor was able to determine that she had worked a minimum of 20 hours per week in April.

In conclusion, the Appellant not only didn't complete her application in a timely manner causing the agency to issue a Notice of Denial, when she did present the requested documents (the pay stubs) she had not worked a minimum of twenty hours per week as per agency policy minimum requirement. The Appellant has since turned in current pay stubs reflecting a minimum of twenty hours per week and currently receiving Child Care.

After a careful review of the Agency's policies, as well as the evidence and testimony given, this Appeals Officer finds that the appellant was not eligible for Child Care for the period in question. The appellant's request for relief is therefore denied.

Thomas Bucacci
Appeals Officer