

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF HUMAN SERVICES  
APPEALS OFFICE  
57 Howard Avenue  
Cranston, Rhode Island 02920  
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Docket # 14-1027  
Hearing Date: August 4, 2014

Date: August 7, 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: SNAP**

**SECTION: 1022.10 Inadvertent Household/Agency Error Claim**

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), Wendy Antonelli, the Agency representative, Christine Messier, Supervisor, and the Policy Unit.

Present at the hearing were: You (the Appellant) and Wendy Antonelli, the Agency representative.

**ISSUE:** Had the Appellant received SNAP as a result of an error by 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 agency issued a notice, a Demand Letter for Over Issuance (Agency Error), to the Appellant on June 4, 2014. The letter informs the Appellant that her household received \$2,492.00 more SNAP benefits that she was eligible to receive during January 1, 2014 through April 30, 2014.
- The error was that during the months of January 2014 through April 2014 the Appellant's household contained two adult members and only one was employed. The Appellant's SNAP household was still given a deduction for child care expenses which resulted in her receiving more SNAP benefits than she was entitled to.
- By the agency giving the Appellant the child care benefits, the Appellant was made eligible to receive SNAP; if the agency had not have given the Appellant the child care benefit then she would have been denied at that point.
- The Appellant is not presently receiving child care, she had previously received child care and is why the agency worker made the error, the agency worker should have deleted that information for the computer screen at this application time.
- The Appellant would have never been found eligible for SNAP if the agency had not incorrectly giving her child care benefits.
- The agency presented the "Calculation of SNAP Program Overpayment" which reflects the four months (January through April 2014) in which the Appellant receive the overpayment of SNAP.  $\$567.00 \text{ per month} \times \text{four months} = \$2492.00$  the total of the overpayment.
- The agency presented the "Statement of Need Panel Summary" showing the members of the household and their individual income.
- The agency also presented a case log entry of a phone that occurred on June 18, 2014 between the agency representative and the Appellant regarding the June 4, 2014 letter that was addressed to the Appellant.

**The Appellant testified:**

- The Appellant and her husband came into the agency to reapply for SNAP, the worker knew that her husband was unemployed because that how their case had been pulled up.
- The Appellant submitted everything properly and honestly. She understands that SNAP is a federal funded program and funds need to be recouped but the error was not due to her.
- The Appellant came to the agency because she needed help, if she had the funds to pay back, she would not have had to ask for help to start with.

- Appellant doesn't believe that it's fair to have her pay back money for someone else's mistake and that people should take responsibility for their mistakes; she should not have to pay anything back when she hadn't done anything wrong.

**FINDINGS OF FACT:**

- The agency issued a notice, a Demand Letter for Over Issuance (Agency Error), to the Appellant on June 4, 2014. The letter informs the Appellant that her household received \$2,492.00 more SNAP benefits that she was eligible to receive during January 1, 2014 through April 30, 2014.
- The error was that during the months of January 2014 through April 2014 the Appellant's household contained two adult members and only one was employed. The Appellant's SNAP household was still given a deduction for childcare expenses which resulted in her receiving more SNAP benefits than the she was entitled to.
- By the agency giving the Appellant the child care benefits, the Appellant was make eligible to receive SNAP; if the agency had not have given the Appellant the child care benefit then she would have been denied at that point.
- The Appellant is not presently receiving child care, she had previously received child care and is why the agency worker made the error, the agency worker should have deleted that information for the computer screen at this application time.
- The agency presented the "Calculation of SNAP Program Overpayment" which reflects the four months (January through April 2014) in which the Appellant receive the overpayment of SNAP.  $\$567.00 \text{ per month} \times \text{four months} = \$2492.00$  the total of the overpayment.
- The Appellant submitted everything properly and honestly. She understands that SNAP is a federal funded program and funds need to be recouped but the error was not due to her.

**CONCLUSION:**

The issue to be decided is whether the Appellant received SNAP as a result of an agency error.

The Appellant and her spouse completed all the forms required and submitted all the proper paperwork in order to apply for SNAP. The application included that the Appellant's spouse was receiving unemployment benefits and that some of the children of the household were receiving child support. The agency worker who was entering the application onto the computer system failed to delete that the Appellant had received child care previously but no longer was receiving that benefit or claiming to be received child care. The agency worker made an error in not deleting the dollar amount in the "child care field" on the computer, which allowed the Appellant to become eligible for SNAP.

Upon review by the agency, the error was discovered and on June 4, 2014 a notice issued to the Appellant informing her that an agency error was made causing an over

issuance of her SNAP benefits. The error occurred during the months of January 2014 through April 2014, that her household contained two adult members and only one was employed. The Appellant's SNAP household was still being given a deduction for childcare expenses which resulted in her receiving more SNAP benefits that she was entitled to receive. Due to this agency error causing an over issuance of the Appellant's SNAP benefits, the agency is seeking to re-coop \$2,492.00 that was issued incorrectly. The sum of \$2,492.00 is the sum of four monthly payments of \$567.00 paid to the Appellant as part of her SNAP benefit for January, February, March and April 2014.

The agency stated that they along are to blame for this error, that the Appellant did not mislead the agency. The agency also states that they are required to file claim to re-coop these funds per policy.

"A claim is established against a household for an over issuance which was caused by a misunderstanding or an inadvertent error on the part of the household, including continuation of benefits pending a hearing decision; or is the result of an agency error." (Policy § 1022.10)

The agency also noted that had the error not been made, the Appellant would not have been found eligible for SNAP.

The Appellant's position in this matter is that neither she nor anyone in her household did anything to mislead the agency. The agency made the error and that the agency should pay for their mistake. Also, if the Appellant had the funds to repay the \$2,492.00, she would have never had to apply for SNAP to begin with.

In conclusion, the agency made a mistake by not deleting that the Appellant child care budget that the Appellant once had during her last period of receiving benefits. The Appellant preformed no action or inaction that was misleading towards the agency. The mistake was an inadvertent agency error. Not only does policy allow for the agency to file a claim to re-coop the \$2,492.00 that the Appellant received in SNAP benefits, the agency is required to so. Furthermore, the Appellant gave no testimony or presented any evidence that her SNAP benefits were calculated correctly and that she was entitled to receive that amount in SNAP benefits.

After a careful review of the Agency's policies, as well as the evidence and testimony given, this Appeals Officer finds that the Appellant did receive SNAP as a result of an inadvertent agency error. The appellant's request for relief is therefore denied.

Thomas Bucacci  
Appeals Officer