

**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 # 14-2088
Hearing Date: December 18, 2014

Date: January 6, 2015

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: 1002.60 Verification Procedures
1008.15.15 Verification of Income**

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), Michaela Miller the Agency Supervisor, and the Policy Unit.

Present at the hearing were: You (the Appellant) and Michaela Miller the Agency Supervisor.

ISSUE: Was the Appellant properly denied SNAP due to her failure to provide income verification?

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 applied for SNAP benefits as head of household for herself and her husband in September of 2014.
- After review of the Appellant application, the agency issued a Notice of Denial on October 29, 2014 to the Appellant indicating that her SNAP application had been denied for the month of September 2014 due to her failure to provide the required proof of her income as per policy §§ 1002.60 and 1008.15.15.
- On November 1, 2014 the Appellant filed an Appeal of the agency's denial notice due to it being unfair and ridiculous and that she did provide her and her husband's income verifications to the agency.
- The agency supervisor testified that they had not received a month's worth of income verification for the Appellant from her work-study, they had only been provided with one pay-stub that covered a one week period, which was for the period beginning on August 31, 2014 and ending on September 6, 2014.
- Prior to going on record for this Hearing, at pre-conference, the Appellant presented one additional pay-stub from her work-study, it's for the pay period from September 7, 2014 and ending on September 20, 2014. During the Appeals Hearing, the Appellant presented a third pay-stub for the pay period beginning on September 21, 2014 and ending on October 4, 2014.
- Agency states that although the Appellant submitted the additional pay-stubs, they are still not sufficient due to the pay-stubs show that the Appellant did not work a minimum of twenty (20) hours that would have made her eligible.
- The pay-stub for the pay period ending on September 6, 2014, the Appellant worked ten (10) hours; for the pay period ending on September 20, 2014, the Appellant worked fourteen (14) hours; and for the pay period ending on October 4, 2014, the Appellant worked fourteen (14) hours.
- The agency stated that three pay-stubs that the Appellant presented are for two week pay period and not once did the Appellant work the twenty hours per week minimum that policy requires.
- The Appellant has also applied for SNAP for the month of November 2014, as head of household and has been denied again.

The Appellant testified:

- The Appellant did not know of the twenty (20) hours per week minimum work requirement but believes that her husband should be qualified.

- The work study that the Appellant works is her only employment and that she only works seven (7) hours per week at this work study.
- The Appellant now knows that there is a twenty (20) hour per week employment requirement and feels that someone should have explained this to her but she still has issue with why the agency did not grant her husband SNAP benefits.
- The Appellant feels that it is not “good” that her husband be asked to apply for SNAP benefits, as a man, it is hard not being able to support his family.

FINDINGS OF FACT:

- The Appellant applied for SNAP in September of 2014, received a denial notice from the agency on October 29, 2014 due to not having provided income verification and the Appellant filed her appeal of the agency’s action on November 1, 2014.
- The Appellant originally submitted one pay-stub, which was not enough for the application period but on the day of the Hearing, was able to produce two additional pay-stubs; each paystub represents a two week pay period.
- Agency states that although the Appellant submitted the additional pay-stubs, they are still not sufficient due to the pay-stubs show that the Appellant did not work a minimum of twenty (20) hours that would have made her eligible.
- The pay-stub for the pay period ending on September 6, 2014, the Appellant worked ten (10) hours; for the pay period ending on September 20, 2014, the Appellant worked fourteen (14) hours; and for the pay period ending on October 4, 2014, the Appellant worked fourteen (14) hours.
- The Appellant had no knowledge that there is a twenty (20) hour per week work requirement and was not informed that there is a twenty (20) hour per week work requirement to be found eligible for the SNAP Program.

CONCLUSION:

The issue to be decided is whether the Appellant was properly denied SNAP due to her failure to provide income verification?

The Appellant applied as head of household for SNAP benefits for herself and husband in September of 2014. After review of the Appellant’s application, the agency issued a denial notice on October 29, 2014, stating that due to the Appellant not providing proof of income verification, the Appellant’s September 2014 application was denied; the agency cited policy §§ 1002.60 and 1008.15.15. The Appellant filed a timely appeal on November 1, 2014, stating that it was unfair to deny her application and “the denial reasons were ridiculous.”

At the time of the application, the Appellant had only submitted one pay-stub, which was from her work-study and the agency requires that four (4) pay-stub from the most recent weeks be provided. Due to the Appellant only turning one pay-stub in as part of her application, the agency denied her application. At a pre-conference hearing the Appellant submitted another paystub and during the Hearing, after being informed that at least four (4) weeks are needed, the Appellant submitted a third pay-stub. The first

pay-stub submitted was for only one week and the second and third pay-stubs were for two week pay periods, for a total of five weeks.

Upon review of these pay-stubs from the Appellant's work study, the agency determined that they were not acceptable to find the Appellant eligible for SNAP due to the lack of hours that the Appellant worked as part of the work-study. The pay-stub ending for the pay period of September 6, 2014 was for ten (10) hours (this was for a one week pay period), the pay-stub ending for the pay period of September 20, 2014 was for fourteen (14) hours (this was for a two week pay period) and the pay-stub ending for the pay period October 4, 2014 was also for fourteen (14) hours (this was for a two week pay period). The agency indicated that to be found eligible for SNAP benefits, an applicant must work at least twenty (20) hours per week. In this particular case, none of the pay-stubs submitted reflex that the Appellant worked the minimum hours required and therefore the Appellant did not submit income verification that would find her application for SNAP eligible.

As part of a SNAP application, the applicant is instructed that they are required to submit, the "most recent pay-stubs (4 or more weeks)..." The purpose of this requirement is stated in policy § 1002.60

Verification is the use of third party information or documentation to establish the accuracy of statements on the application. This section sets forth the general requirements for verification of financial and non- financial eligibility factors...

The agency representative must examine both financial and non - financial information provided by applicant households as part of the eligibility process. Financial information includes statements presented by the household on its resources, monthly income, and deductible expenses. Non-financial information includes residency in the project area, the composition of the household, its citizenship or alien status, the need for certain members to register for work, and verification of social security number(s) (SSN).

And also in § 1008.15.15

Gross non-exempt income must be verified for all households prior to certification. However, where all attempts to verify income have been unsuccessful because the income provider fails to cooperate with the household and the agency representative, and because all other sources of verification are unavailable, the agency representative must determine an amount to be used, based on the best available information.

The agency representative must verify if monies received by households are loans.

Once the Appellant had submitted the required pay-stubs at the Hearing and the agency had time to review those pay-stubs, the agency indicated that those would not be sufficient due to the Appellant having not worked the minimum number of hours that policy requires for applicant to be found eligible. Policy § 1004.35.05 states:

In order to be eligible to participate in the Supplemental Nutrition Assistance Program, any student (as defined in 1004.35) must meet at least one of the following criteria:

1. Under age 18 or age 50 or older;
2. Not physically or mentally fit;
3. *Employed and paid for an average of twenty (20) hours per week;*
4. Receiving RIW;
5. Responsible for the care of a child under age 6;
6. Enrolled full-time in an institution of higher Education and is a single parent with responsibility for the care of a dependent child under age 12 (regardless of the availability of child care);
7. Responsible for the care of a dependent child above the age of 5 and under the age of 12 for whom adequate child care is not available to enable the individual to attend class and work an average of twenty (20) hours per week or participate in a state or federally financed work study program;
8. Participating in a state or federally funded work study program (funded under Title IV-C) during the regular school year;
9. Assigned to or placed in an institution of higher learning through:
 - a. the Workforce Independence Act (WIA) program,
 - b. a SNAP employment or training program,
 - c. a program under section 236 of the Trade Act of 1974, or
 - d. a state or local government employment and training program, as determined to be appropriate by FNS.

The agency was not able to find the Appellant of meeting one of the above criteria, specifically being "employed and paid for an average of twenty (20) hours per week."

The Appellant testified that her work-study only allows her to work seven (7) hours per week or fourteen (14) hours bi-weekly for a pay period. She also testified that she has no other employment and was not informed by anyone of the twenty (20) hours per week employment requirement. Although the Appellant now understands the agency's reason for denying her, she cannot comprehend why the agency would not approve SNAP benefits for her husband. The Appellant testified that her husband, as a man, should not have to show that he cannot provide for his family.

When the Appellant applied for SNAP in September of 2014 and again in November 2014, she applied as head of household. As soon as the agency determined that the

applicant/Appellant, who had applied as head of household was not eligible, the application was denied. It was never determined if the Appellant's husband was eligible or not, the agency had never reached that step. There was some discussion between the agency and the Appellant regarding the Appellant's husband having enough quarters of employment but an application for just the husband has never been submitted; more importantly, the eligibility of the Appellant's husband was not an issue for the agency's denial in this matter, was not a reason for the Appellant for filing her appeal in this matter and will not be an issue addressed in this decision.

In summary, the Appellant applied for SNAP benefits as head of household for herself and husband in September 2014. Due to the Appellant only submitting one pay-stub that was for just one week for herself as part of her application, the agency issued a denial notice on October 29, 2014 stating that she did not provide verification of income, per policy 1008.15.15. The SNAP application states that the "most recent pay-stubs (4 or more weeks)..." are required to be submitted. The Appellant filed an appeal of the agency's action in November 1, 2014, citing that "it was unfair for denial of my application..." At a pre-conference hearing, just prior to this Hearing, the Appellant submitted another additional pay-stub that reflected her pay and hours worked for a two week period; this totaled three weeks of wages and hours worked. It was not until the full Hearing did the Appellant finally submit a third pay-stub that was for a two week pay period did the Appellant comply with policy and what is stated in the SNAP application, 4 or more of the most recent pay-stubs. Unfortunately, those pay-stubs that the Appellant submitted show that the Appellant only was employed seven (7) hours per week, whereas DHS Policy requires that applicants work a minimum of twenty (20) hours per week. Due to the Appellant testifying that she is not allow to work more than seven (7) hours per week at her work study and that she has no other employment, the agency was correct in denying the Appellant's application for SNAP at this time.

After a careful review of the Agency's policies, as well as the evidence and testimony given, this Appeals Officer finds that the appellant does not qualify for the SNAP Program at this time. The Appellant's request for relief is therefore denied.



Thomas Bucacci
Appeals Officer

APPENDIX

RHODE ISLAND DEPARTMENT OF HUMAN SERVICES

1002.60 (7 CFR 273.2) VERIFICATION PROCEDURES

REV: 12/1987

Verification is the use of third party information or documentation to establish the accuracy of statements on the application. This section sets forth the general requirements for verification of financial and non- financial eligibility factors.

Application of these requirements to each specific eligibility factor is discussed in the section of the Manual dealing with that particular eligibility factor.

Verifying Financial/Non-Financial Information

The agency representative must examine both financial and non - financial information provided by applicant households as part of the eligibility process. Financial information includes statements presented by the household on its resources, monthly income, and deductible expenses. Non-financial information includes residency in the project area, the composition of the household, its citizenship or alien status, the need for certain members to register for work, and verification of social security number(s) (SSN).

Specific actions taken to verify these eligibility factors are explained in Section 1002 (non-financial criteria) and Sections 1003 and 1004 (financial criteria).

Verification of Medical Expenses

The total amount of any medical expenses (including the amount of reimbursements) in excess of \$35 per month incurred by all household members who are elderly or disabled as defined in Section 1010.30.05., is verified prior to initial certification.

Verification of other factors, such as the determination of allowable medical expenses or the eligibility of the person incurring the cost, is required when questionable.

1008.15.15 Verification of Income

REV:05/1986

Gross non-exempt income must be verified for all households prior to certification. However, where all attempts to verify income have been unsuccessful because the income provider fails to cooperate with the household and the agency representative, and because all other sources of verification are unavailable, the agency representative must determine an amount to be used, based on the best available information.

The agency representative must verify if monies received by households are loans.

1004.35.05 (7 CFR 273.5) Eligibility Requirements

REV:08/2013

In order to be eligible to participate in the Supplemental Nutrition Assistance Program, any student (as defined in 1004.35) must meet at least one of the following criteria:

1. Under age 18 or age 50 or older;
2. Not physically or mentally fit;
3. *Employed and paid for an average of twenty (20) hours per week;*
4. Receiving RIW;
5. Responsible for the care of a child under age 6;
6. Enrolled full-time in an institution of higher Education and is a single parent with responsibility for the care of a dependent child under age 12 (regardless of the availability of child care);
7. Responsible for the care of a dependent child above the age of 5 and under the age of 12 for whom adequate child care is not available to enable the individual to attend class and work an average of twenty (20) hours per week or participate in a state or federally financed work study program;

8. Participating in a state or federally funded work study program (funded under Title IV-C) during the regular school year;
9. Assigned to or placed in an institution of higher learning through:
 - a. the Workforce Independence Act (WIA) program,
 - b. a SNAP employment or training program,
 - c. a program under section 236 of the Trade Act of 1974, or
 - d. a state or local government employment and training program, as determined to be appropriate by FNS.

NOTICE OF 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.