



Rhode Island Executive Office of Health and Human Services  
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July 5, 2019

Dockets #19-1933  
Hearing Date: July 2, 2019



## **ADMINISTRATIVE HEARING DECISION**

The Administrative Hearing that you requested has been decided partially in your favor. During the proceeding, the following issue(s) and Agency regulation(s) were the matters before the hearing:

**THE DEPARTMENT OF HUMAN SERVICES (DHS)**  
**218-RICR-20-00-1 - Supplemental Nutrition Assistance Program (SNAP)**

1.15 Determining Household Eligibility and Benefit Levels

1.15.1 Benefit Calculations and Allotments

1.5.7 Deductions and Expenses

The facts of your case, the pertinent Agency rules and regulations, 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, and Agency representatives Vincent Guglielmino, Judith Anderson, Gail Scudieri, Debra Borst, and Denise Tatro.

Present at the hearing were: You, and Agency representative Vincent Guglielmino.

**ISSUE:** Is the Appellant eligible for a monthly Supplemental Nutrition Assistance Program (SNAP) benefit of \$131.00 as of June 1, 2019?

### **Regulations:**

Please see the attached APPENDIX for pertinent excerpts from the Rhode Island Department of Human Services (DHS) Code of Regulations.

**APPEAL RIGHTS:**

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

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

- The appellant's SNAP benefit was redetermined as of June 1, 2019 based upon the information written on her SNAP redetermination form and what was provided during the recertification telephone interview with a DHS worker.
- The appellant's SNAP benefit is based on a household size of one (1).
- The appellant's monthly income consists of █████ of \$548.00, SSI of \$234.00, and SSP of \$39.92.
- Based on the appellant's statement that she is no longer paying a mortgage, the \$280.00 monthly mortgage expense in her case, which was considered when determining her prior SNAP benefits, was removed.
- An annual home insurance expense of \$775.00 that was in the case prior to recertification was left in the case.
- The appellant was also given credit for an annual property tax expense of \$1,243.00.
- The appellant was also given the standard utility allowance (SUA) of \$635.00.
- Based on the change in shelter costs, the appellant's SNAP benefit decreased to \$131.00.
- It is unclear why there was a mortgage expense in the appellant's case prior to June 1, 2019 when the appellant states she has not had a mortgage for some time, but when the mortgage expense was removed from her case as of June 1, 2019 it resulted in a decrease in her SNAP benefits.
- A car is allowed when determining SNAP resource eligibility, but car expenses are

not allowed when determining income eligibility or benefit amounts.

- SNAP benefit calculations are based on the Food and Nutrition Service (FNS) guidelines and State policy.

**The Appellant testified:**

- Her monthly gross income as testified to by the Agency is correct.
- Her home insurance increased to \$880.00 annually as of June 1, 2019.
- She pays annual property taxes of \$1,243.00.
- She does not currently pay a mortgage.
- The amount of her SNAP benefits is not enough. She is the only member of her household and the cost of food has increased. She also must buy other necessities and has other expenses that she must pay out of her income that the Agency does not consider when determining her SNAP benefit.
- She pays \$1,400.00 a year for car insurance. She does not understand why SNAP policy allows you to have one car, but you are not allowed any car expenses, such as insurance. She owns a house, so she must make sure her car insurance is paid.
- She does not understand why her SNAP benefits had to be decreased so drastically all at once when her circumstances have not changed in the last ten years, and it is not her fault that the mortgage remained in her case even though she was not paying it.
- She has been recertified for SNAP every two (2) years and she always reported correct information during those recertifications, so she does not understand why the Agency is just removing the mortgage from her case now.

**FINDINGS OF FACT:**

- The appellant was informed per a Benefit Decision Notice dated March 16, 2019 that her SNAP benefit had decreased due to a decrease in her housing/utility expenses, and that as of June 1, 2019 she would receive a monthly SNAP benefit in the amount of \$131.00.

- The appellant filed a timely request for hearing on May 23, 2019.
- An Administrative Hearing was convened on July 2, 2019.
- The appellant has a SNAP household size of one.
- The appellant's monthly income consists of [REDACTED] in the amount of \$548.00; SSI in the amount of \$234.00; and SSP in the amount of 39.92.
- The SNAP standard deduction for a household of one is \$164.00.
- The standard utility allowance (SUA) is \$635.00 per household per month.
- The appellant does not pay a mortgage.
- The appellant pays annual property taxes of \$1,243.00.
- As of June 1, 2019, the appellant has an annual home insurance expense of \$880.00.
- The maximum SNAP allotment allowed for a household of one is \$192.00.

## **CONCLUSION:**

The issue to be decided is whether the Appellant is eligible for a monthly Supplemental Nutrition Assistance Program (SNAP) benefit of \$131.00 as of June 1, 2019.

The appellant questions why her monthly SNAP benefit decreased to the extent it did when her circumstance have basically remained the same. The appellant argues that that her monthly SNAP benefit is insufficient and/or should remain the same because not only has the cost of food increased, but she must purchase all her necessities and pay a multitude of expenses out of her monthly income. The appellant submits the following evidence at hearing: a Home and Auto insurance billing statement, marked as Appellant Exhibit #1.

The Agency maintains that the appellant's SNAP benefit amount as of June 1, 2019 was calculated correctly based upon the information provided by the appellant during a recent recertification. The Agency testifies that the appellant's SNAP benefits prior to June 1, 2019 were higher because she had a higher shelter expense allowance, which included a mortgage she no longer pays. The Agency submits the following evidence at hearing:

a May 16, 2019 Benefit Decision Notice, marked as Agency Exhibit #1; a printout of electronic case notes covering the time period from November 24, 2017 through May 29, 2019, marked as Agency Exhibit #2; a printout from the appellant's electronic case file showing the appellant's SNAP eligibility, SNAP Net Income Calculation and Snap Benefit Calculation for the time period from January 1, 2019 through May 31, 2019, marked as Agency exhibit #3; and a printout from the appellant's electronic case file showing the appellant's SNAP eligibility, SNAP Net Income Calculation and Snap Benefit Calculation for the time period June 1, 2019 through June 30, 2019, marked as Agency Exhibit #4.

Per DHS regulation 218-RICR-20-00-1 Section 1.15.1, the amount of a household's monthly SNAP benefit/allotment is based upon household size, household income, and the maximum SNAP allotments per the Thrifty Food Plan as developed by the U.S. Department of Agriculture. Specifically, a household's SNAP allotment is calculated by multiplying the household's net income by 30%, rounding up to the nearest whole dollar and then subtracting that amount from the maximum SNAP allotment for the household size. Per 218-RICR-20-00-1 Section 1.15D, a household's net income is calculated by subtracting allowable deductions from the household's total gross income.

There is no dispute that the appellant has a SNAP household size of one and receives a gross monthly RSDI benefit of \$548.00 and a gross SSP benefit of \$39.92. There is also no dispute that the appellant receives a monthly SSI benefit. A review of Agency Exhibit #4 finds that the Agency calculated the appellant's June 2019 SNAP benefit using an SSI benefit amount of \$243.00, but both the Agency representative and the appellant testified that the appellant receives an SSI benefit of \$234.00. A review of Agency Exhibit #2 finds that the DHS worker who completed the appellant's recertification interview wrote in a case note on May 16, 2019, that a monthly SSI benefit of \$234.00 had been verified. Therefore, based on the sworn testimony of the parties at hearing in conjunction with the electronic case note written by the DHS employee, this Hearing Officer concludes that the appellant receives a monthly SSI benefit of \$234.00. Utilizing the rounding techniques for calculating income as outlined in the SNAP regulations, the appellant thereby receives a total monthly gross income of \$822.00, not \$831.00 as utilized by the Agency when determining her SNAP benefit/allotment. As the appellant's net income and SNAP benefit were calculated by the Agency utilizing an incorrect gross income, the SNAP benefit has thereby been calculated incorrectly.

To determine the appellant's net income, allowable deductions are subtracted from the appellant's gross income following the steps outlined in 218-RICR-20-00-1 section 1.15D. The appellant first qualifies for a standard deduction of \$164.00, which when subtracted from her monthly gross income of \$822.00, leaves her with an adjusted gross monthly income of \$658.00.

The appellant also qualifies for an excess shelter deduction, which is her monthly shelter costs in excess of 50% of her adjusted gross income. The appellant's shelter costs consist of property taxes and home insurance. The appellant does not pay a mortgage. The parties agree that the appellant pays annual property taxes of \$1,243.00 or \$103.58 monthly. The Agency testifies that they utilized an annual home insurance expense that was previously reported as \$775.00 annually, or \$64.58 monthly. Combining the appellant's property taxes and her home insurance should thereby have resulted in a total monthly housing expenses of \$168.16, but a review of Agency Exhibit #4 finds that the Agency utilized a total monthly housing expense of only \$163.76. At hearing, the appellant testifies and provides evidence that her home insurance increased effective June 1, 2019 to \$880.00 annually, or \$73.33 monthly. While not previously submitted, because of the Agency's miscalculation of the appellant's housing expenses at the time of recertification, the appellant's current home insurance as verified at hearing will be combined with the undisputed amount of her property taxes, for a total monthly housing costs of \$176.91. The appellant also qualifies for the Standard Utility Allowance (SUA) of \$635.00, for total allowable monthly shelter costs of \$811.91, rounded up to \$812.00 per SNAP policy. Subtracting fifty percent (50%) of the appellant's adjusted gross income, or \$329.00, from the appellant's total monthly shelter costs of \$812.00 results in an excess shelter allowance of \$483.00. Subtracting the excess shelter allowance of \$483.00 from the appellant's adjusted gross income of \$658.00 results in a SNAP net income of \$175.00. Subtracting thirty percent (30%) of the appellant's net income, or \$53.00 when rounded up, from the maximum SNAP allotment for a household of one, or \$192.00, results in a monthly SNAP benefit of \$139.00.

It must be noted, the SNAP regulations only allow for certain deductions when calculating net income for the purposes of SNAP. An automobile expense and/or automobile insurance is not an allowable deduction. It must also be noted, there is no dispute that the appellant does not currently pay a mortgage and was not paying a mortgage as of June 1, 2019. Regardless of the reason and/or whose error resulted in the appellant previously be given an allowance for a mortgage she was no longer paying, the appellant cannot continue to be given an increased shelter deduction based upon an expense she does not pay.

In summary, subtracting the standard deduction of \$164.00 and the excess shelter allowance of \$483.00 from the appellant's gross monthly income of \$822.00, results in a net monthly income of \$175.00 for the purposes of SNAP. The maximum SNAP allotment for a household of one is \$192.00. As 30% of the appellant's net income is \$52.50, rounded up to \$53.00, the appellant qualifies for a monthly SNAP benefit of \$139.00, not the \$131.00 as calculated by the Agency.

In conclusion, while the appellant is not eligible to continue to receive the SNAP benefit amount she received prior to June 1, 2019, she is eligible for a SNAP benefit amount as of June 1, 2019 that is slightly higher than the \$131.00 SNAP benefit that was granted to her by the Agency.

After careful review of the SNAP regulations, as well as the evidence and testimony submitted, this Appeals Officer finds that the appellant is eligible for a monthly SNAP benefit/allotment of \$139.00, effective June 1, 2019. The appellant's request for relief is thereby partially granted.

#### **ACTION FOR THE AGENCY**

The Agency is to recalculate and issue SNAP benefits effective June 1, 2019 in accordance with this Administrative Hearing Decision.

Debra L. DeStefano  
Appeals Officer

## APPENDIX



#### D. Method for Figuring Net Monthly Income

1. The following seven (7) steps lead to the determination of a household's SNAP monthly income:

a. Total Gross Income

- 1) Add the total gross monthly earned income of all household members and the total monthly unearned income of all household members, minus income exclusions, to determine the household's total gross income.
- 2) Net losses from the self-employment of a farmer are offset in accordance with § 1.5.4 of this Part.

b. Monthly Net Adjusted Income

- 1) Calculate the earned income deduction as described in § 1.5.7 of this Part and subtract that amount from the total gross earned income;
- 2) Add that to the total monthly unearned income, minus income exclusions.

c. Standard Deduction

- (1) Subtract the standard deduction found in § 1.5.7 of this Part.

d. Excess Medical Deduction

- (1) If the household is entitled to an excess medical deduction as provided in § 1.5.7 of this Part determine if total medical expenses exceed thirty-five dollars (\$35).
- (2) If so, deduct the standard medical deduction of one hundred and forty-one dollars (\$141).
- (3) If the household has medical expenses that exceed one hundred and seventy-six dollars (\$176) and it elects to verify actual expenses, subtract that portion of medical expenses in excess of thirty-five dollars (\$35).

e. Dependent Care Deduction

- (1) Subtract monthly dependent care expenses, if any

#### f. Determining Any Excess Shelter Expense

- (1) Add allowable shelter expenses to determine total shelter costs.
- (2) Subtract from total shelter costs fifty percent (50%) of the adjusted income (the household's monthly income after all the above deductions have been subtracted).
- (3) The remaining amount, if any, is the excess shelter expense. If there is no excess shelter expense, the net monthly income has been determined.
- (4) If there is an excess shelter expense, go to the next step.

#### g. Applying Any Excess Shelter Expense

- (1) Subtract the excess shelter expense up to the maximum amount allowed (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly income after all other deductions.
- (2) For households not subject to a shelter maximum, subtract the full amount of shelter expenses exceeding fifty percent (50%) of net income.
- (3) The result is the household's net monthly income.

#### E. Gross and Net Income Eligibility Standards

1. The gross or net income eligibility standards for the household size are used to determine the household's eligibility according to the characteristics of the household.

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### 1.15.1 Benefit Calculation and Allotments

#### D. Calculating SNAP Allotments

1. The Maximum SNAP Allotments are based on the Thrifty Food Plan as developed by the U.S. Department of Agriculture and are uniform by household size.



6 e. The excess shelter deduction

1. Monthly shelter costs in excess of fifty percent (50%) of the household's income after all the above deductions have been allowed.

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C. Utility Expenses

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2. Standard Utility Allowance (SUA)

a. The Standard Utility Allowance (SUA) which includes a heating or cooling component must be used by households which incur heating and/or cooling costs separately and apart from their rent or mortgage.

b. The standard utility allowance includes the cost of heating and/or cooling, cooking fuel, electricity, or gas not used to heat or cool the residence, the basic service fee for one telephone, water, sewerage and garbage and trash collection.

c. To qualify, the household must be billed on a regular basis for its heating or cooling costs or have received a LIHEAA payment in the month of application or in the immediately preceding twelve months.

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### **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.

## 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 DHS representatives Vincent Guglielmino, Judith Anderson, Gail Scudieri, Debra Borst, and Denise Tatro on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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