

1000

GENERAL INFORMATION

1000.01

INTRODUCTION

EFF: 10/2009

The Federal Food, Conservation and Energy Act of 2008 changed the name of the federal Food Stamp Program to the Supplemental Nutrition Assistance Program (SNAP). As a result, the name of the Food Stamp Program in Rhode Island has been changed to the Supplemental Nutrition Assistance Program (SNAP). Any references in the Rhode Island General Laws or the Department of Human Services Code of Rules to the Food Stamp Program or Food Stamps shall be a reference to and deemed to be applicable to the Supplemental Nutrition Assistance Program (SNAP).

Rhode Island's SNAP Program help low-income residents and families buy the food they need for good health. Benefits are provided on an Electronic Benefit Card (EBT) that is used like an ATM card and accepted at most grocery stores.

1000.05

GENERAL USES FOR SNAP BENEFITS

REV:11/2000

SNAP benefits are designed for use by participants to purchase eligible foods. "Eligible foods" mean (1) any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot food products prepared for immediate consumption, and (2) seeds and plants to grow foods for the personal consumption of eligible households.

Another person may be designated by the household to purchase the food.

Households are not required to have cooking facilities or access to cooking facilities to participate in the program.

1000.10

SPECIAL USES FOR SNAP BENEFITS

REV:08/2011

Although SNAP benefits were originally intended for use by eligible households to purchase food for home consumption, certain households have been authorized to use their SNAP benefits to obtain prepared meals or to facilitate their obtaining food. These authorized special uses for SNAP benefits are delineated in Sections 1000.10.05 through 1000.10.35.

1000.10.05

Communal Dining

REV:11/2000

Eligible Household Members

Eligible household members 60 years of age or over, or Supplemental Security Income (SSI) recipients, and their spouses may use all or any

part of the SNAP benefits issued to them to purchase meals prepared especially for them at communal dining facilities authorized by the Food and Nutrition Service (FNS) for that purpose.

Types of Facilities

Communal dining facilities include senior citizens centers, apartment buildings occupied primarily by elderly persons or SSI households, public or private non-profit establishments (eating or otherwise) that feed elderly persons or SSI recipients, and federally subsidized housing for the elderly. It also includes private establishments which contract with an appropriate state or local agency to offer meals at concession prices to elderly persons or SSI recipients, and their spouses.

1000.10.10 Meals on Wheels

REV:11/2000

Eligible household members 60 years of age or over, or members who are spouses, to the extent that they are unable to adequately prepare all their meals may use all or part of the SNAP benefits issued to them to purchase meals from a non-profit meal delivery service which is authorized by FNS as a retailer or which has a contract with the State agency.

1000.10.15 Addicts and Alcoholics in Treatment Programs

REV:11/2000

Members of eligible households who are narcotic addicts or alcoholics, and who regularly participate in a drug or alcoholic treatment and rehabilitation program, may use all or part of the SNAP benefits issued to them to purchase meals prepared for them during the course of such programs by a private non-profit organization or institution or a publicly operated community mental health center.

1000.10.20 Residents of Group Living Facilities

REV:11/2000

Residents of authorized group living arrangement facilities who are blind or disabled as defined in Section 1010.30.05 may use all or part of the food assistance issued to them to purchase their own food, as well as to purchase meals prepared and served for them by such facilities.

"Group living arrangement" means a public or private non-profit residential setting serving no more than sixteen (16) residents which is certified by the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH), under regulations issued in Sec. 1616(e) of the Social Security Act.

1000.10.25 Residents of Shelters for Battered Women

REV:11/2000

Eligible residents of shelters for battered women and children may use all or part of their SNAP benefits to purchase meals prepared and served by a shelter which is authorized by FNS to redeem at wholesalers, or which redeems at retailers as the authorized representative of participating households.

"Shelter for battered women and children" means a public or private non-profit residential facility which serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

1000.10.30 Homeless SNAP Households

REV:08/2011

Homeless SNAP households may use all or part of their SNAP benefits to purchase meals prepared for and/or served by an authorized public or private non-profit establishment (e.g., a soup kitchen or a temporary shelter), approved by the Department of Human Services, that feeds homeless persons. Refer to Section 1014.60 for definitions, policy and procedures.

Homeless SNAP households may also use all or part of their benefits to purchase meals prepared for and served by private establishments that contract with the Department of Human Services to offer meals for such individuals at concessional prices.

1000.10.35 Elderly and Disabled Households

EFF: 08/2011

Eligible household members 60 years of age or over, or who receive supplemental security income benefits or disability or blindness payments under title I, II, X, XIV, or XVI of the Social Security Act, and their spouses may use all or any part of the SNAP benefits issued to them to purchase meals prepared by and served in private establishments that contract with the Department of Human Services to offer meals for such persons at concessional prices.

1000.15 PERSONNEL STANDARDS

REV:11/2000

Agency personnel used in the certification process are employed in accordance with the current standards for the merit system of personnel administration. Agency employees meeting the above requirements perform the interviews required in Section 1002.55.

Volunteers and other non-agency employees cannot conduct certification interviews or certify SNAP applicants.

Individuals and organizations who are parties to a strike or lockout and their facilities may not be used in the certification process except as a source of verification of information supplied by an applicant. Only authorized employees of the Department of Human

Services (DHS) involved in the administration of the Supplemental Nutrition Assistance Program are allowed to issue Electronic Benefit Transfer (EBT) cards and Personal Identification Numbers (PIN).

When required, the agency provides bilingual staff and materials to meet Federal regulations.

In accordance with the requirement of the Food and Nutrition Service (FNS), the agency has a continuing training program for eligibility technicians, social caseworkers, supervisory staff, the appeals officers, performance reporting system reviewers and individuals involved in pre-screening activities.

1000.20 RECORDS AND REPORTS

REV:11/2000

Required records must be kept and reports and other information submitted as may be required. All program records must be retained in an orderly fashion for audit and review purposes for a period of three (3) years from the month of origin for each record.

Paper case files that relate to SNAP households who no longer receive benefits should be retained in the appropriate District Office for two years, plus the current year, after the date the benefit was discontinued. All case records closed longer than that period should be cataloged and boxed and sent to the Record Center.

1000.20.05 Certification Records

REV:11/2000

The agency must retain certification records. Certification records include both a paper case file and the InRhodes computer file. Such records include, but are not limited to, the following:

- * applications for certification or recertification;
- * required FNS or agency forms;
- * worksheets used in the computation of income for eligibility and the basis of issuance;
- * documentation including verification techniques employed by the agency representative;
- * copies of forms sent to the issuance unit authorizing or changing participation or basis of issuance;
- * copies of notices of adverse action and other notices sent to the household and responses thereto;
- * actions related to the hearing process.

Each SNAP household shall have a computer file which accurately reflects the household composition, income, resources and other pertinent information. The computer case file includes the case log, authorization information and notices sent to the household. Entries in the case log are summaries of the contacts between the agency and the household. Staff is required to maintain a case log on all SNAP applicant/recipient households.

1000.20.10 Fiscal Records

REV:04/1987

The agency must retain fiscal records and accountable documents for three years from the date of fiscal or administrative closure. Such records include, but are not limited to, claims and documentation of lost benefits.

1000.20.15 Case Record Organization

REV:01/2002

Paper case records in the Supplemental Nutrition Assistance Program are organized by subject matter in the following manner:

Case Chronology (Older case files)

Chronology of case activity should be recorded on the DHS-8 and retained inside the front cover of the record. The case chronology should be retained during the lifetime of the record.

Vital Statistics

Copies of essential information, e.g., birth certificates, baptismal certificates, social security cards, and other documentation required for the determination of eligibility not subject to change should be duplicated where possible on 8 1/2" x 11" size paper and retained inside the rear cover during the lifetime of the record.

Other Record Material

Beginning at the front of the case record all other record material should be maintained in the case record as follows:

- * Applications (DHS-2) packaged in chronological order with the latest application on top;
- * All documents and forms required in the determination of eligibility for SNAP benefits packaged as above; e.g., RIFS-511, AP-91, AP-152;
- * All documents and forms pertaining to the hearing process, claims collection process, disqualification process and the restoration of lost benefits; and
- * All notices to clients and any miscellaneous forms and correspondence.

All material contained in the SNAP case record must be retained for a period of three (3) years plus the current year unless otherwise indicated.

Staff is required to review the organization of the case record at every recertification, transfer, transmittal to quality control, and closing.

Computer File

Each SNAP household shall have a computer file which accurately reflects the household composition, income, resources and other pertinent information. The computer case file includes the case log which is also the case chronology. Entries in the case log are summaries of contacts between the agency representative and the household. Staff is required to maintain a case log on all SNAP applicant/participant households.

The computer file also contains a history of benefits issued and all notices sent to the household.

1000.25 AVAILABILITY OF INFORMATION

REV:11/2000

Federal regulations and Federal procedures embodied in Food and Nutrition Service notices and policy memos, the State Plan of Operation and the Corrective Action Plan must be available upon request for examination by members of the public during office hours at the DHS Central Office as well as the Food and Nutrition Service Regional and National Office. A State SNAP Manual must be available for examination upon request at each local certification office as well as at the DHS Central Office and the Food and Nutrition Service Regional and National Offices.

1000.25.05 Program Informational Activities

REV:01/1988

"Program informational activities" are those activities which convey information about the program, including household rights and responsibilities, through means such as publications, a telephone hotline, and face-to-face contacts.

Minimum Requirements

The agency must comply with the following minimum information requirements for applicant and recipient households:

Nutrition Information

FNS will supply the agency with posters and pamphlets containing information regarding foods with substantial amounts of the recommended daily allowances of protein, minerals, and vitamins; menus making use of these foods; and, the relationship between health and diet.

FNS will supply the agency with printed materials such as posters, fliers, and pamphlets that explain the Special Supplemental Food Program for Women, Infants and Children (WIC).

The agency must display the posters and make the pamphlets available at all SNAP and public assistance offices.

Rights and Responsibilities

The agency must inform participant and applicant households of their program rights and responsibilities verbally at time of application and

recertification, by providing clearly written information such as brochures and pamphlets, and by including appropriate language on official forms and notices.

All program informational material must be available in languages other than English as required by Federal regulation and should include a statement that the program is available without discrimination, in accordance with Section 1000.35.

1000.30 DISCLOSURE OF INFORMATION

REV:01/1997

The agency must restrict the use or disclosure of information obtained from SNAP applicant households to the following persons:

- * Persons directly connected with the administration or enforcement of the Food Stamp Act or regulations, other Federal assistance programs, federally assisted State programs providing assistance on a means-tested basis to low income individuals, or general assistance programs which are subject to the joint processing requirements described in Section 1016.30;
- * Persons directly connected with the administration or enforcement of the programs which are required to participate in the Income and Eligibility Verification System (IEVS) as specified in Section 1082 to the extent the SNAP information is useful in establishing or verifying eligibility or benefit amounts under those programs;
- * Persons directly connected with the verification of immigration status of aliens applying for SNAP benefits, through the Systematic Alien Verification for Entitlements (SAVE) program, to the extent the information is necessary to identify the individual for verification purposes.
- * Persons directly connected with the administration of the Child Support Enforcement program under Part D, Title IV of the Social Security Act in order to assist in the administration of that program, and employees of the Secretary of Health and Human Services as necessary to assist in establishing or verifying eligibility or benefits under Titles II and XVI of the Social Security Act;
- * Employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and
- * Local, State, or Federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request must include the identity of the individual requesting the information, his/her authority to do so, the

violation being investigated and the identity of the person on whom the information is requested.

- * Notwithstanding any other provision of law, the address, social security number, and if available, any photograph of any member of any household shall be made available, upon written request, to any Federal, State, or local law enforcement officer if the officer furnishes the State agency with the name of the member and notifies the agency that the member is:
- o Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or an attempt to commit a crime) that is a felony under the law of the place from which the individual is fleeing or which, in the case of New Jersey, is a high misdemeanor under the State of New Jersey; or violating a condition of probation or parole imposed under a Federal or State law; or
 - o Has information that is necessary for the officer to conduct an official duty related the above;
 - o Locating or apprehending the member is an official duty; and
 - o The request is being made in the proper exercise of an official duty.

1000.30.05 Protection of Released Information

REV:04/1987

Recipients of information released under Section 1000.30., must adequately protect the information against unauthorized disclosure to persons or for purposes not specified in this section. In addition, information received through the IEVS must be protected from unauthorized disclosure as required by regulations established by the information provider. Information released to the agency pursuant to Section 6103 (1) of the Internal Revenue Code of 1954 is subject to the safeguards established by the Secretary of the Treasury in Section 6103 (1) of the Internal Revenue Code and implemented by the Internal Revenue Service in its publication, Tax Information and Security Guidelines.

1000.30.10 The Household's Access to its Case Record

REV:04/1987

If there is a written request by a responsible member of the household, its currently authorized representative, or a person acting in its behalf to review materials contained in its case record, the material and information contained in the case record pertaining to SNAP benefits are made available for inspection during normal business hours. However, the agency must withhold confidential information, such as the names of individuals who have disclosed information about

the household without the household's knowledge, or the nature or status of pending criminal prosecutions.

1000.35 NONDISCRIMINATION

REV:11/2000

The agency is committed to the impartial and equitable treatment of all individuals in the administration of the Supplemental Nutrition Assistance Program. The following notice, which is posted in all offices which issue SNAP benefits, reflects the agency's recognition of its responsibility to insure that SNAP benefits are rendered to residents of the State of Rhode Island in compliance with all applicable federal and state laws. The non-discrimination statement of the Supplemental Nutrition Assistance Program is:

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity employer.

Discrimination in any aspect of program administration is prohibited by these regulations, The Food Stamp Act, and the Age Discrimination Act of 1975 (P.L.94-135), Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the United States Department of Health and Human Services Implementing Regulations (45 C.F.R. Parts 80 and 84), the U.S. Department of Education Implementing Regulations (34 C.F.R. Parts 104 and 106), and the U.S. Department of Agriculture, Food and Nutrition Services (7 C.F.R. 272.6).

1000.35.05 Complaint Procedure

REV:07/1994

Individuals who believe that they have been subject to discrimination may file a complaint with the Secretary of Agriculture or the Administrator of FNS, Washington, DC 20250, and/or with the Director of the Department of Human Services (DHS) or her designee. A complaint must be filed no later than 180 days from the date of the alleged discrimination. However, the time for filing may be extended by the Secretary. The agency must accept all complaints of discrimination, written or verbal, and if requested to do so, forward them promptly to the Secretary or the Administrator of FNS; otherwise, civil rights complaints should be forwarded to the Community Relations Liaison Office at 600 New London Avenue, Cranston, R.I. 02920.

Information Needed

In the event an individual verbally alleges that a discriminatory act has been committed, but the individual refuses, or is reluctant to put it in writing, the person receiving the complaint must document the complaint in writing. The following information should be obtained:

- * The name, address and telephone number or other means of contacting the complainant.
- * The location and name of the organization or office which is accused of the discriminatory practice.
- * The nature of the incident or action which led the complainant to allege discrimination, or an example of the aspect of program administration which is alleged to harm potential participants, participants or the individual making the complaint.
- * The basis on which the individual feels discrimination exists (race, color, national origin, disability, sex, age, religion, or sexual orientation).
- * The names, titles (if appropriate) and addresses of persons who may have knowledge of the discriminatory acts.
- * The date or dates on which the alleged discriminatory actions occurred.

Written complaints are accepted by the Secretary of Agriculture or the Administrator of FNS or the Director of DHS even if the above information is not complete. Persons who file written complaints are encouraged to provide this information to facilitate investigation. Investigations are conducted only if the information in the first three items is known.

1000.35.10 Agency Complaint Requirements

REV:10/1986

Any person who believes that they have been subject to discrimination may file a complaint with the Director of DHS or her designee, in addition to, or in place of, the one filed with the Secretary of Agriculture or the Administrator of FNS. The information, if available, as outlined in Section 1000.35.05., above, is forwarded to the appropriate official. The agency must submit to FNS a report on each discrimination complaint processed at the State level. The report should contain as much information as is available to the agency, the findings of any investigation, and, if appropriate, the corrective action planned or taken.

1000.35.15 Public Notification

REV:10/1986

The agency:

- * Publicizes the procedure for handling civil rights complaints.
- * Ensures that all offices involved in administering the program and which also serve the public, display the nondiscrimination poster provided by FNS.
- * Ensures that participants and other low-income households have access to information regarding nondiscrimination status and policies, complaint procedures and the rights of participants within ten (10) days of the date of their request.

1000.35.20 Racial/Ethnic Data Collection

REV:10/1986

The agency obtains data on households by racial/ethnic category.

The racial/ethnic categories are: American Indian or Alaskan Native, Asian or Pacific Islander, Black (not of Hispanic origin), Hispanic, and White (not of Hispanic origin). The agency requests applicants to voluntarily identify their race or ethnicity on the application form. If the data is not obtained in this manner, the agency representative should determine the data by observation during the interview and record this on the authorizing documents.

Reports

The agency must report the racial/ethnic data on participating households on forms provided by FNS.

1000.40 DIVISION OF STAFF RESPONSIBILITIES

REV:11/2000

The responsibility for eligibility determinations and maintenance of a case file and a computer file shall rest with the eligibility technician assigned to the case. Only Department of Human Services (DHS) staff are involved in the administration of the SNAP Program. Staff who determine household eligibility for SNAP benefits will not issue Electronic Benefit Transfer (EBT) cards or issue Personal Identification Numbers (PIN).

1000.45 COMPLAINTS

REV:02/1981

The agency has a responsibility to provide equitable and courteous treatment to all applicants and recipients.

Expressions of dissatisfaction may arise in the administration of the program for a variety of reasons, and the agency provides a method of dealing with these complaints.

1000.45.05 Definition of a Complaint

REV:10/1986

A complaint is any oral or written expression of dissatisfaction made to staff, either in the field or to Central Office personnel or department officials, by a member of the community questioning such issues as delays in processing or general services to participants. Such complaints may be filed by participants, potential participants or other concerned individuals or groups.

They do not include complaints alleging discrimination on the basis of race, sex, age, religion, creed, national origin, political beliefs or handicaps. Such complaints are handled in accordance with 1000.35.05. Nor do these complaints include ones pursued through the fair hearing process.

1000.45.10 Method of Processing a Complaint

REV:01/2002

Whenever a complaint is received by staff, an RIFS-81 (Complaint Form) must be filled out by the person receiving said complaint.

The following information should be obtained:

- * The name, address and telephone number or other means or contacting the complainant.
- * The location and name of the office or the individual cited in the complaint.
- * The nature of the complaint.
- * The date of the alleged action which resulted in the complaint.

The agency must follow up on all complaints, resolve complaints, take corrective action where warranted, and respond to the complainant on the disposition of the complaint.

Non-Assistance Households

Complaints received by Supplemental Nutrition Assistance Program staff must be forwarded to the appropriate supervisor. Every attempt must be made to resolve the complaint by staff. All resolved and unresolved complaints must then be sent to the Chief Casework Supervisor, SNAP, Providence DHS Office, 206 Elmwood Avenue, Providence, RI 02907. The Chief Casework Supervisor ensures that all complaints are resolved and that the completed forms are kept on file.

RIW and GPA Households

Complaints received by staff in Assistance Payments offices are resolved by staff and forwarded, through the appropriate supervisor, to

the Regional Manager. The Regional Manager ensures that all complaints are resolved and files the completed forms.

Log of Complaints

The Chief Casework Supervisor of SNAP and the Regional Manager in each region must keep a log of all complaints which should include the date of the complaint, the complainant's name and address, a brief description of the complaint and the date of resolution. These logs are reviewed semi-annually to assess whether patterns of problems may be present in local offices, or throughout the state. The results of this review, along with a corrective action plan, must be submitted to the Corrective Action Specialist every June 30 and December 31 for inclusion in the State Corrective Action Plan.

Posters must be placed in all agency offices to explain the complaint process to applicants and recipients.

1000.50 EQUAL ACCESS TO JUSTICE

REV:03/1988

Purpose The purpose of 42-92-1 of the General Laws of Rhode Island, 1985, is to provide equal access to justice for small businesses and individuals.

Scope The rules and regulations of this law govern the application and award of reasonable litigation expenses to qualified parties in fair hearing and administrative disqualification hearing proceedings conducted by the Department of Human Services (DHS) for the SNAP Program.

Authority The rules and regulations herein contained are promulgated pursuant to Chapters 35 and 92 of Title 42 of the Rhode Island General Laws. They are applicable to all agencies currently administered under the auspices of the DHS.

1000.50.05 Agency Policy

REV:03/1988

The official policy of the DHS is that individuals should be encouraged to contest unjust administrative actions in order to further the public interest, and toward that end, such parties should be entitled to state reimbursement of reasonable litigation expenses when they prevail in contesting an agency action which is, in fact, unfair and unjust.

1000.50.10 Definitions

REV:03/1988

"Adjudicative Officer" means the presiding officer or deciding official of any adversary adjudicatory proceeding of the DHS, without regard to whether the official is designated as an administrative law judge, hearing officer, examiner, or otherwise.

"Adversary Adjudicatory Proceeding" means any proceeding conducted by or on behalf of the DHS, whether administratively or quasi-judicially, which may result in the loss of benefits, the imposition of a fine, or which may result in the compulsion or restrictions of the activities of a party.

"Agency" means the DHS, including any board, commission, or officer of the department.

"Party" means any individual whose net worth is less than two hundred and fifty thousand dollars (\$250,000) at the time the adversary adjudicatory proceeding was first initiated.

"Reasonable Litigation Expenses" means those expenses which were reasonably incurred by a party in adversary adjudicatory proceedings, including but not limited to, attorney's fees, witness fees of all necessary witnesses, and other such costs and expenses as were reasonably incurred with the following limits:

- * The award of attorney's fees may not exceed seventy-five dollars (\$75) per hour.
- * No expert witness may be compensated at a rate in excess of the highest rate or compensation for experts paid by this state.

"Substantial Justification" means that the initial position of the agency, as well as the agency's position in the proceeding, has a reasonable basis in law and fact.

1000.50.15 Applying for Litigation Expenses

REV:03/1988

All claims for an award of reasonable litigation expenses shall be made on an application form to be supplied by the agency and shall be filed with the hearing office within thirty (30) days of the date of the conclusion of the adjudicatory proceeding which gives rise to the right to recover such an award. The proceeding shall be deemed to be concluded when the agency or adjudicative officer renders a ruling or decision.

The adjudicative officer may, at his or her discretion, permit a party to file a claim out of time upon a showing of proof and finding by such officer that good and sufficient cause exists for allowing a claim to be so filed.

All claims are filed on form DHS-121-D which is obtained from the hearing office. All claims must be postmarked or delivered to the hearing office no later than thirty (30) days from the date of the conclusion of the adjudicatory proceeding. These claims must contain:

- * A summary of the legal and factual basis for filing the claim;
- * A list of witnesses, if any, that the claimant expects to be

called to substantiate the claim if a separate hearing on said claim is conducted by the agency;

- * A detailed breakdown of the reasonable litigation expenses incurred by the party in the adjudicatory proceedings, including copies of invoices, bills, affidavits, or other documents, all of which may be supplemented or modified at any time prior to the issuance of a final decision on the claim by the adjudicative officer;
- * A notarized statement swearing to the accuracy and truthfulness of the statements and information contained in the claim, and/or filed in support thereof.

1000.50.20 Allowance of Awards

REV:03/1988

Whenever a party which has provided the agency with timely notice of the intention to seek an award of litigation expenses as provided in these rules, prevails in contesting an agency action, and the adjudicative officer finds that the agency was not substantially justified in: (1) the actions leading to the proceeding; and (2) in the proceeding itself, an award is made of reasonable litigation expenses actually incurred.

The decision of the adjudicative officer to make an award must be made a part of the record, and should include written findings and conclusions with respect to the award. The decision is sent to the claimant, unless the same is represented by an attorney, in which case the decision is sent to the attorney of record.

1000.50.25 Disallowance of Awards

REV:03/1988

No award of fees or expenses may be made if the adjudicative officer finds that the agency was substantially justified in the actions leading to the proceeding and in the proceeding itself.

The adjudicative officer may, at his/her discretion, deny fees or expenses if special circumstances make an award unjust.

The adjudicative officer may deny, in whole or in part, any application for award of fees and expenses where justice so requires or which is considered to be excessive.

Whenever substantially justified, the adjudicative officer may recalculate the amount to be awarded to the prevailing party, without regard to the amount claimed to be due on the application, for an award.

Notice of the decision disallowing an application for an award of fees and expenses is sent to the party by the agency via regular mail provided however, that if the party is represented by an attorney, said notice is sent by regular mail to the attorney of record.

1000.50.30 Appeals

REV:03/1988

Any party aggrieved by the decision to award reasonable litigation expenses may bring an appeal to the Superior Court in the manner provided by the Administrative Procedures Act, Rhode Island General Laws, Section 42-35-1, et. seq.

1000.50.35 Severability

REV:03/1988

If any provision of these rules and regulations, or the application thereof, to any person or circumstances are held invalid, such invalidity does not affect the provisions of application of the rules and regulations which can be given effect, and to this end the provisions of these rules and regulations are declared to be severable.

1000.55 Motor Voter Registration

REV:11/2000

See RI DHS Code of Rules- General Provisions Section 0100.15 for provisions relating to Motor Voter Registration.