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**STATE OF ALASKA  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
OFFICE OF HEARINGS AND APPEALS**

In the Matter of )  
 )  
 [REDACTED], ) OHA Case No. 10-FH-420  
 )  
 Claimant. ) Division Case No. [REDACTED]  
 )  
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**FAIR HEARING DECISION**

**STATEMENT OF THE CASE**

Mr. [REDACTED] (Claimant) applied for Food Stamp<sup>1</sup> benefits on November 16, 2010. (Ex. 2 – 2.9) The Division of Public Assistance (Division) received Claimant’s application on November 16, 2010. (Hearing Representative’s testimony) On November 19, 2010, the Division notified Claimant in writing that it required additional information from him before it could finish processing his Food Stamp application, and that the deadline for providing the information was November 29, 2010. (Ex. 4) On December 6, 2010, the Division notified the Claimant, in writing, that his Food Stamp application was denied because he did not provide the Division with the information it requested on November 19, 2010. (Ex. 6)

Claimant requested a Fair Hearing on December 21, 2010. (Ex. 7.1) This office has jurisdiction pursuant to 7 AAC 49.010 and 7 AAC 49.020.

The Fair Hearing (hearing) was held January 13, 2011. Claimant attended the hearing telephonically; he represented himself and testified on his own behalf. In addition, Claimant’s representative, Mr. [REDACTED], a paralegal, appeared telephonically, assisted Claimant and testified on Claimant’s behalf. Ms. [REDACTED], a Public Assistance Analyst with the Division, attended in person, represented the Division and testified on its behalf. Ms. [REDACTED], Eligibility Technician with the Division, appeared telephonically and testified on behalf of the Division.

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<sup>1</sup> On October 1, 2008, the Food Stamp Program (FSP) was renamed the Supplemental Nutrition Assistance Program (SNAP). See, Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246 Section 4001, 122 Statutes at Large 1651, 1853. The SNAP program is still commonly called the Food Stamp Program and will be referred to as the Food Stamp Program in this decision.

## ISSUE

Was the Division correct when it denied the Claimant's November 16, 2010 Food Stamp application because the Division alleged he did not timely comply with its November 19, 2010 request for information?

## FINDINGS OF FACT

The following facts are established by a preponderance of the evidence:

1. Claimant applied for Food Stamp benefits on November 16, 2009. (Ex. 2 – 2.9) Claimant listed his address as [REDACTED], Fairbanks, AK 99712. (Ex. 2.0) On his application, Claimant showed no employment income and no unearned income; checked the “no” box in response to the question whether anyone in his household had a job end in the last 60 days; and checked the “no” box in response to the question whether anyone in his household receives money from self-employment. (Ex. 2.2)
2. Claimant participated in person at an eligibility interview on November 18, 2010, as part of processing his application for Food Stamps. (Ex. 3) During this interview, Claimant informed the Division's Eligibility Technician, who was conducting the interview, that he had been working at [REDACTED] but was on medical leave. (Ex. 3; Eligibility Technician's testimony) Claimant also informed the Eligibility Technician he had been receiving Workers' Compensation until August 2010, and that he had disputed the stopping of his benefits. (Ex. 3)
3. The Eligibility Technician's research in processing Claimant's application showed he had worked two jobs in September. (Ex. 3; Eligibility Technician's testimony) When asked about these jobs during the interview, Claimant stated these jobs were “on call.” (Eligibility Technician's testimony) Claimant stated he had been denied unemployment. (Ex. 3; Eligibility Technician's testimony) The Eligibility Technician's research disclosed that, as of the November 18, 2010 eligibility interview, Claimant had received one week of unemployment and was due to receive unemployment benefits for the entire month of November 2010. (Exs. 3; 4)
4. During the interview of November 18, 2010 the Eligibility Technician told Claimant she would need additional information and told him what it was she needed. (Eligibility Technician's testimony) On November 19, 2010, the Division sent Claimant a written notice (Notice) that his application was being “pending” because information was needed to finalize the processing of it. (Ex. 4) This November 19, 2010 Notice informed Claimant he must provide the information requested by November 29, 2010 “or your application may be denied.” (Ex. 4) The Notice further stated that if Claimant provided the information after November 29, 2010 but within 60 days from the date he first applied (i.e., November 16, 2010), Claimant would not need to file a new application. (Ex. 4) The Notice provided the Eligibility Technician's name, telephone number and fax number. (Ex. 4)
5. The Notice dated November 19, 2010 requested Claimant provide the same information which the Eligibility Technician had told Claimant was needed, during the interview. (Ex. 4; Eligibility Technician's testimony) The information requested was:
  - a. Proof that his Workers' Compensation payments had ended;

b. Proof of his employment status, last day worked, date and gross amount of last pay check and reason Claimant was not working, from each of his two past employers;

c. Information concerning the average monthly income and expenses from “ [REDACTED] [REDACTED].” The Eligibility Technician had learned of Claimant’s self-employment business (offering [REDACTED] services for weddings and events) when it was advertised on his voice mail message when she telephoned him. (Ex. 3; Ex. 4; Eligibility Technician’s testimony)

d. The telephone contact numbers for two people “who know you and who know your situation” because Claimant left this portion of his application blank. (Eligibility Technician’s testimony; *See*, Ex. 2.9)

6. After the Eligibility Technician placed Claimant’s case in pending status on or about November 18, 2010, (the date of Claimant’s eligibility interview), and before Claimant’s application was denied on December 6, 2010, the Eligibility Technician telephoned Claimant and learned of his [REDACTED] service self-employment business. (Eligibility Technician’s testimony) When the Eligibility Technician spoke with Claimant about this self-employment, he told the Eligibility Technician he did not make any self-employment money. (Eligibility Technician’s testimony)

7. As of December 4, 2010, Claimant had not provided the information requested by the Eligibility Technician or the Notice. (Ex. 5)

8. On December 6, 2010, the Division sent Claimant written notice that his November 16, 2010 Food Stamp application was denied because he did not provide the Division with the information requested. (Ex. 6)

9. Claimant requested a Fair Hearing on December 21, 2010 (Ex. 7.0-7.1) His request was made telephonically. (Ex. 7.0) The Division’s Eligibility Technician who talked with Claimant about his Fair Hearing request noted that Claimant stated the Division could obtain the necessary Workers’ Compensation information; that his prior employers likely would not provide any information if he asked them for it; and that he told the Eligibility Technician during his November 16, 2010 interview he does not get any income from his [REDACTED] business. (Ex. 7.0)

10. During the Fair Hearing, Claimant’s representative, [REDACTED],<sup>2</sup> faxed a copy of Claimant’s “Compensation Report” which showed his Workers’ Compensation payments began March 8, 2010 and ended on August 7, 2010. (Ex. A) Prior to retaining the [REDACTED] Law Office, Claimant represented himself in his Workers’ Compensation case, including receiving his mail and conducting his affairs with regard to his Workers’ Compensation case. (Claimant’s testimony)

11. Claimant’s testimony included the following:

a. After receiving the December 6, 2010 notice his application was denied, he called the Eligibility Technician on or about December 15, 2010 and left a message that was not returned. Claimant called again after that date but the Eligibility Technician was on vacation for the holidays. Claimant did not follow up on his telephone calls after the Division did not return his

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<sup>2</sup> Claimant retained the law firm of [REDACTED] on or about January 11-12, 2011 to assist him in his appeal of his Workers’ Compensation case. ([REDACTED] testimony)

calls. Claimant called the Eligibility Technician intending to tell her he did not have any of the information they required; that is, to tell her specifically:

- 1) he had no Workers' Compensation information;
- 2) he felt the employment information was "not really needed" so he "by-passed that;"
- 3) he was not self-employed so he had no self-employment information to give; and
- 4) at the time the Division requested the names and telephone numbers of two persons who knew his situation, there was no one who was familiar with his situation.

b. Claimant received a Workers' Compensation check dated on or about August 7, 2010 on which it was written that it would be his last check. Consequently, he disputed the end of his Workers' Compensation benefits. The Workers' Compensation Controversion Notice, sent October 27, 2010, stated that his Workers' Compensation ended August 7, 2010, but he did not pick up this Controversion Notice sent by certified mail until November 2010.

c. Claimant believed the Division's request for information from his prior two employers was not mandatory because the Notice requesting that information stated he did not need to use the form Employment Statement to provide the information.

d. Claimant's [REDACTED] business has not been active for over a year, and it was a hobby, not really a business.

e. Now that he has retained a law firm he has someone who "knows his circumstances." Before January 12, 2011, Claimant had nobody who knew his circumstances because he doesn't know a lot of people in Fairbanks, and the people he does know don't know what he's doing because he doesn't see them. However, after receiving the denial letter, Claimant talked to a friend, Mr. [REDACTED] (ph) who said he would be available as a contact concerning Claimant's circumstances for the Division.

f. Claimant received a Permanent Fund Dividend in 2010. Claimant has owned and lived in the same house in Fairbanks for the past 12 years.

12. At the Fair Hearing, Claimant supplied Exhibit A, documents showing on September 9, 2010 Claimant submitted a form to the Fairbanks Workers' Compensation office requesting review of his eligibility for benefits and he was hand delivered a copy of the form. (Ex. A, pp. 2-3) Also part of Exhibit A is a Compensation Report, dated August 30, 2010, showing the date his disability ended was August 7, 2010. (Ex. A, p. 1)

13. The Division's Eligibility Technician was on vacation from December 16 through and including December 31, 2010. (Eligibility Technician's testimony) The Eligibility Technician did not receive any call from Claimant asking for help to provide the requested information or that he could not get the requested information. (Eligibility Technician's testimony)

## PRINCIPLES OF LAW

### I. Burden of Proof

The party who is seeking a change in the status quo has the burden of proof by a preponderance of the evidence. *State, Alcohol Beverage Control Board v. Decker*, 700 P.2d 483, 485 (Alaska 1985); *Amerada Hess Pipeline v. Alaska Public Utilities Comm'n*, 711 P.2d 1170, n. 14 at 1179 (Alaska 1986).

### II. Standard of Proof

“Where one has the burden of proving asserted facts by a preponderance of the evidence, he must induce a belief in the minds of the [triers of fact] that the asserted facts are probably true.” *Robinson v. Municipality of Anchorage*, 69 P. 3d 489, 495 Alaska 2003).

### III. Applicable Law

The Food Stamp Program<sup>3</sup> is a federal program whose administration is delegated to state administrative agencies. 7 C.F.R. § 271.4(a). The Code of Federal Regulations (C.F.R.) contains the rules for determining if an applicant is eligible for Food Stamp benefits, and other regulations concerning the Food Stamp Program. *See*, 7 C.F.R. § 271 – 273.

The Alaska legislature has enacted statutes implementing the Alaska food stamp program at AS 47.25.975-AS 47.25.990. The Alaska “food stamp program” means the federal Food Stamp Program authorized by 7 U.S.C. 2011-2036. AS 47.25.990(4). The duties of the Alaska Department of Health and Social Services, in regard to the food stamp program, include “comply[ing] with the requirements of 7 U.S.C. 2011-2036 (Food Stamp Program).” AS 47.25.980(a)(3).

Alaska Statutes pertaining to the food stamp program are found at AS 47.25.975, .980, .985 and .990. In Alaska, the Division of Public Assistance (Division or DPA) administers the food stamp program and regulations for the food stamp program are found at 7 AAC 46.010-.990. These regulations provide that the Division of Public Assistance will follow the federal regulations for the Food Stamp Program.

The Division is required to verify certain information as part of the application process for obtaining Food Stamp benefits. 7 C.F.R. § 273.2(a)(2). The Division must give applicant households at least 10 days to provide the verification required. 7 C.F.R. § 273.2(f). The Division is required to verify (mandatory verification) the following information for households initially applying for Food Stamp benefits:

- a) gross nonexempt income; b) alien eligibility; c) utility expenses; d) medical expenses; e) social security numbers; f) residency; g) identity; h) disability; i) student status; j) legal obligation to pay and actual payment of child support; k) hours worked. 7 C.F.R. § 273.2(f)(1).

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<sup>3</sup> On October 1, 2008, the Food Stamp Program (FSP) was renamed the Supplemental Nutrition Assistance Program (SNAP). *See*, Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246 Section 4001, 122 Statutes at Large 1651, 1853. The SNAP program is still commonly called the Food Stamp Program and will be referred to as the Food Stamp Program in this decision.

In addition:

The State agency shall verify, prior to certification of the household, all other factors of eligibility which the State agency determines are questionable and affect the household's eligibility and benefit level.

7 CFR 273.2(f)(2)(i).

Regulation 7 CFR 273.2(f)(5)(i) provides the applicant household has the primary responsibility

for providing documentary evidence to support statements on the application and to resolve any questionable information. The State agency must assist the household in obtaining this verification provided the household is cooperating with the State agency as specified under paragraph (d)(1) of this section.

Regulation 7 CFR 273.2(d)(1) makes clear how to distinguish between a household that is cooperating with the State agency and attempting to provide verification and a household that is refusing to provide the verification. A refusal to cooperate with the Division's request for verification may result in denial of a Food Stamp application. (*Id.*) Regulation 7 C.F.R. § 273.2(d)(1) provides:

To determine eligibility ... certain information on the application must be verified. *If the household refuses to cooperate with the State agency in completing this process, the application shall be denied at the time of refusal. For a determination of refusal to be made, the household must be able to cooperate, but clearly demonstrate that it will not take actions that it can take and that are required to complete the application process.* For example, to be denied for refusal to cooperate, a household must refuse to be interviewed not merely failing to appear for the interview. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied, and the agency shall provide assistance required by paragraph (c)(5) of this section. (Emphasis added.)

Regulation 7 C.F.R. § 273.2(c)(5) provides:

The State agency shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of the State agency's responsibility to assist the household in obtaining required verification provided the household is cooperating with the State agency as specified in (d)(1) of this section. ... At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.

## ANALYSIS

### I. Issue

Was the Division was correct to deny Claimant's November 16, 2010 Food Stamp application because Claimant failed to provide the information it requested from him?

### II. Burden of Proof and Standard of Proof

Claimant applied for Food Stamp benefits and as an applicant he must meet the eligibility requirements for the Food Stamp Program. In this case, Claimant is seeking to change the status quo from not receiving benefits to that of being certified as eligible for benefits. Therefore, Claimant has the burden of proving by a preponderance of the evidence that the Division wrongfully denied his application.

### III. Undisputed Facts

The undisputed facts are:

- 1) Claimant initially applied for Food Stamps by submitting an application on November 16, 2010 and participating in an eligibility interview on that same day.
- 2) The Eligibility Technician informed Claimant during the November 18, 2010 eligibility interview and by written notice sent November 19, 2010 that Claimant was required to provide the following information:
  - a. Proof that his Workers' Compensation payments had ended;
  - b. Proof of his employment status, last day worked, date and gross amount of last pay check and reason Claimant was not working, from each of two past employers;
  - c. Information concerning the average monthly income and expenses from "██████████ ██████████."
  - d. The telephone contact numbers for two people "who know you and who know your situation" because Claimant left this portion of his application blank.
- 3) Claimant failed to provide any of the information requested before the Division denied his application on December 6, 2010.
- 4) Claimant has lived for the past 12 years at ██████████ ██████████, Fairbanks, Alaska.
- 5) Claimant received Workers' Compensation benefits until August 7, 2010, and represented himself in all matters pertaining to his Workers' Compensation benefits until January 11 or 12, 2011, including disputing the termination of his benefits in August 2010. Claimant received his Controversion Notice in November 2010 which included proof his Workers' Compensation had stopped August 7, 2010.
- 6) Claimant was employed in September 2010 by two different employers. His employment was "on call."

7) Claimant told the Eligibility Technician during his eligibility interview that he had been denied unemployment benefits. Claimant began receiving full unemployment benefits in November 2010 and had received one week of unemployment benefits as of November 18, 2010.

8) Claimant was given eleven (11) days in which to provide the information: i.e., the request was made orally at the eligibility interview on November 18, 2010 and again in writing on November 19, 2010 and the due date for the information was 10 days later, on November 29, 2010.

#### IV. Information requested

The information requested by the Eligibility Technician was for:

- A. Proof Claimant's Workers' Compensation benefits had stopped;
- B. Proof of his prior employment termination dates and gross pay;
- C. Proof of his self-employment income and expenses; and
- D. The names and telephone numbers of two persons who knew his circumstances.

#### A. The information requested was required for verification of eligibility.

The Division is required to verify certain information as part of the application process for obtaining Food Stamp benefits. 7 C.F.R. § 273.2 (a)(2). The Division is required to verify gross nonexempt income, residency, identity and hours worked. 7 C.F.R. § 273.2 (f)(1). In addition, the Division is required to verify "all other factors of eligibility which the Division determines are questionable and affect the household's eligibility and benefit level." 7 CFR 273.2 (f)(2)(i). When the Eligibility Technician telephoned Claimant and learned from his telephone voice mail that he was operating a [REDACTED], she reasonably found questionable Claimant's statement during the eligibility interview that he had no self-employment income. The information requested from Claimant was required to be verified by the Division for all initial applicants and therefore was properly requested. 7 C.F.R. § 273.2 (f).

#### B. Claimant was given the required period of time to comply with the information request.

Claimant was given at least ten (10) days in which to provide the information: i.e., the request was made orally at the eligibility interview on November 18, 2010 and the request was repeated by written notice dated November 19, 2010. The due date for the information was November 29, 2010. The Division must give applicant households at least 10 days to provide the verification required. 7 C.F.R. § 273.2(f). The Division provided at least 10 days for Claimant to provide the requested information and therefore met the requirements of 7 C.F.R. § 273.2(f).

#### C. Claimant's failure to provide the information resulted from Claimant's refusal to cooperate with the Division.

The Food Stamp regulations distinguish between a failure to cooperate and a refusal to cooperate. A refusal to cooperate results when an applicant is able to cooperate but demonstrates the applicant will not take the actions that the applicant can take and are required to take to complete the application process. 7 C.F.R. § 273.2 (d)(1). If the applicant refuses to cooperate with the Division, the Division must deny the



application. (*Id.*) Claimant had the ability to cooperate with the Division and provide the information requested but elected not to provide it.

1. Workers' Compensation information. The undisputed testimony is that Claimant knew his Workers' Compensation benefits had terminated in August 2010 and that he, himself, had disputed the termination. Claimant testified he received, in November 2010, a Workers' Compensation Controversion Notice, sent October 27, 2010, stating his Workers' Compensation ended August 7, 2010. This information was requested by the Eligibility Technician by November 29, 2010 but Claimant failed to produce it by then or even before December 6, 2010. Instead, Claimant told the Eligibility Technician taking his telephonic hearing request that the Division could have gotten the information itself.

Additionally, the documents (Exhibit A) provided by Claimant during the Fair Hearing show that on September 9, 2010, Claimant personally received (by hand-delivery) a copy of a form he submitted requesting review of his eligibility for Workers' Compensation benefits. (Exhibit A, pp. 2-3) Also, Claimant testified he managed his Workers' Compensation case until about January 11, 2011. Therefore, Claimant undisputedly knew how to go to the Workers' Compensation office in Fairbanks and interact with the staff there to obtain the information requested by the Eligibility Technician. Claimant did not ask the Division for help in getting the information. Instead, Claimant stated the Division could obtain the information. There is no reason Claimant could not provide the necessary information as to last payment he received. Based on these facts, Claimant refused to provide the information requested by the Division.

2. Proof of his prior employment termination dates and gross pay. Claimant was asked to provide proof of his last day of employment and gross amount of last paycheck from two employers for whom Claimant had worked in September 2010. Claimant failed to provide this information and told the Eligibility Technician he thought his former employers would not provide any information because he no longer works for them. Claimant at no time attempted to obtain the information. Moreover, Claimant did not disclose these former employers during the eligibility interview and had checked the "no" box in answering whether he had a job end in the 60 days prior to his November 16, 2010 application, thereby failing to disclose his employment. This shows, at minimum, lack of cooperation with the Division's need for information. Because 60 days prior to November 16, 2010 includes about half of September, the Division needed to know the dates his jobs ended.

At the Fair Hearing, Claimant testified he felt the employment information was not really needed so he just didn't supply it. However, Claimant had been told orally and by written notice that the information was required. Claimant's decision not to supply the information was intentional and constitutes a refusal to cooperate with the Division.

3. Proof of his self-employment income and expenses. Claimant did not disclose on his application nor during his eligibility interview that he had a business providing ■ services. Claimant denied having self-employment income during the eligibility interview. The Eligibility Technician discovered Claimant's self-employment when she telephoned him. Claimant stated he had no self-employment income but offered no proof.

Claimant seeks to avoid the requirement that he supply information concerning his self-employment by testifying that he has not received income from this business for about a year prior. Claimant fails to draw the distinction between having self-employment and having profitable self-employment. Claimant's response fails in two respects. First, even if he received no net income from his business, the business may

have generated gross income and expenses. However, Claimant provided no evidence of any form of business activity and merely stated there was no income. Second, if Claimant intended by his statement that he no longer was operating his business, this intention was contradicted by the fact his business was advertised on his current telephone voice mail message.

Claimant asserted, when requesting the Fair Hearing, he does not receive any income from his [REDACTED] business and that he had told this to the Eligibility Technician during his eligibility interview. However, this cannot be true. The Eligibility Technician clearly did not know about Claimant's [REDACTED] business until she called him after the eligibility interview that took place on November 18, 2010. While Claimant's responses to the Division raise concerns about the credibility of his statements, the responses clearly constitute a refusal to cooperate by failing to provide any information concerning his business except a general, blanket denial.

4. The names and telephone numbers of two persons who knew his circumstances. On his application, Claimant put a question mark in response to the question asking for the name, mailing address and daytime phone number of "two people who know you well." Claimant failed to provide this information although he was requested to do so orally during the eligibility interview and by written notice. During the Fair Hearing, Claimant testified that no one knew his circumstances until he hired the [REDACTED] Law Office to handle his Workers' Compensation claim about January 11, 2011.

However, Claimant has lived on [REDACTED] Road in Fairbanks for the past twelve years. Therefore, Claimant has long-standing residency in the same location. It strains credulity that he could not give the Division the name and telephone number of anyone who knew him in November 2010.

Moreover, according to the Workers' Compensation documents he provided at the hearing, his disability occurred on January 27, 2010. It also strains credulity that by November 29, 2010, Claimant could not provide at least the name of a health care provider or anyone else, who could confirm any information about him to the Division.

Finally, at the Fair Hearing, Claimant testified that after he had received notice of the denial of his application, Mr. [REDACTED] (ph.) said he would be available as a contact. Claimant was able to provide the name and telephone number of a contact person after denial of his application, but his failure to provide one before denial supports the conclusion Claimant was refusing to cooperate with the Division's request for information.

#### V. Conclusion

The facts of this case show the Claimant was not trying to cooperate. He was refusing to cooperate with the Division.

The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information. 7 C.F.R. § 273.2 (f)(5)(i).

If the Claimant had been trying to cooperate, the Division would then have been required to assist him in obtaining the verifying information it requested. 7 C.F.R. § 273.2(f)(5)(i). The Eligibility Technician talked with Claimant before issuing the notice of denial of his application and after the eligibility interview.

Claimant made clear he did not intend to supply the information requested for a variety of reasons. Those reasons indicated he would not and did not try to obtain or supply the information to the Division. Therefore, the Division was not required to do more to assist Claimant in obtaining the information.

Claimant, as applicant, must prove by a preponderance of the evidence that he was attempting to cooperate with the Division's request and not refusing to cooperate. He has not satisfied that burden. He has not demonstrated he was cooperating with the Division and attempting to provide the required documentation. *See* 7 C.F.R. § 273.2(d)(1) and 7 C.F.R. § 273.2(f)(5)(i).

The Division denied the Claimant's application December 6, 2010. Regulation 7 C.F.R. § 273.2(d)(1) requires the Division to deny an application due to a lack of verification, when an applicant is refusing to cooperate with the Division's request for verification. As a result, the Division was correct to deny the Claimant's November 16, 2010 application because Claimant did not supply the information required by the Division for verification of his eligibility.

### **CONCLUSIONS OF LAW**

1. The Claimant failed to meet his burden of proof by a preponderance of the evidence that he attempted to provide the requested information to the Division.
2. The facts show Claimant was avoiding or refusing to cooperate with the Division and that he failed to provide the information required by the Division to verify his eligibility.
3. Because the Claimant was not cooperating with the Division, the Division was not required to assist him in obtaining the requested information. *See*, 7 C.F.R. § 273.2(d)(1) and 7 C.F.R. § 273.2(f)(5)(i).
4. The Division was required to deny Claimant's application for his failure to provide information verifying his eligibility. The Division properly complied with 7 C.F.R. § 273.2(d)(1) when it denied the Claimant's application on December 6, 2010.
5. Consequently, the Division was correct on December 6, 2010 when it denied the Claimant's November 16, 2010 Food Stamp application based upon the Claimant's failure to provide the information required to verify his eligibility.

### **DECISION**

The Division was correct when it denied, on December 6, 2010, Claimant's November 16, 2010 Food Stamp application because Claimant failed to provide with the information required by the Division.

### **APPEAL RIGHTS**

If for any reason the Claimant is not satisfied with this decision, the Claimant has the right to appeal by requesting a review by the Director. To do this, the Claimant must send a written request directly to:

