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

In the Matter of)	
)	
V. G. L.,)	OHA Case No. 12-FH-211
)	
Claimant.)	DPA Case No.
_____)	

FAIR HEARING DECISION and ORDER

I. Introduction

The issue in this case is whether V. G. L. is required to pay back Food Stamp¹ benefits that were issued to him in error.

On May 10, 2012, the Division sent Mr. L. written notice he had received \$1,620 more in Food Stamp benefits than he should have, and that it was requiring repayment of that amount.² Mr. L. verbally requested a fair hearing.³ The Division sent Mr. L. a corrected notice stating the amount of benefits he owed was \$1,624.⁴

The Office of Hearings and Appeals held a hearing on June 19, 2012. Mr. L. and his wife C. T. appeared in-person. Mr. L. represented himself and testified on his own behalf. Terri Gagne, Public Assistance Analyst with the Division of Public Assistance (Division), appeared telephonically and represented the Division. M T, an interpreter with InSync Interpreters, attended telephonically and translated for the parties. The hearing was recorded.

This decision concludes that Mr. L. received \$1,624 more in Food Stamp benefits than he should have and that he is required to repay that amount. The Division's decision to require Mr. L. to repay the Division \$1,624 in overpaid Food Stamp benefits is AFFIRMED.

¹ Congress amended the Food Stamp Act in 2008. *See* Food, Conservation, and Energy Act of 2008, Public Law No. 110-246 Section 4001, 122 Statutes at Large 1651, 1853. The 2008 amendment changed the official name of the Food Stamp program to the Supplemental Nutrition Assistance program ("SNAP"). This decision follows the common usage of referring to SNAP as the Food Stamp program.

² Exs. 4.0 – 4.12.

³ Ex. 5.0.

⁴ Exs. 7.1 – 7.13.

II. Facts

Mr. L. receives Food Stamp benefits for his four-person household, which is composed of himself, his wife, and their two minor children.⁵ Mr. L. notified the Division on November 29, 2011 that Ms. T., his wife, had been approved for unemployment benefits.⁶ The Division then determined that it had been undercounting Mr. L.'s monthly income by \$4 (\$1,234.40 when he was actually receiving \$1,238.40) and that Ms. T.'s monthly unemployment income was \$1014.80.⁷ Mr. L.'s total monthly household income was therefore \$2,253.20.

The Division, however, did not recalculate Mr. L.'s benefits based upon his household's actual monthly income of \$2,253.20. Instead, it issued him benefits based upon total monthly household income of \$1,234.40 for the months of January through April 2012.⁸ He received \$602 in benefits for each of those four months, for a total of \$2,408.⁹

The Division found out on April 7, 2012 that it had failed to adjust Mr. L.'s benefits based upon his household's actual income.¹⁰ Based upon the undisputed monthly household income of \$2,253.20 and housing expenses (rent of \$728, electricity of \$42.95, and telephone allowance of \$26)¹¹, the Division calculated he should have received \$196 per month in benefits, rather than the \$602 he received, an overpayment of \$406 during each of the months of January through April 2012.¹² This was a total overpayment of \$1,624.

Mr. L. did not dispute the Division's calculations of the amount overpaid.¹³

III. Discussion

The issue in this case is whether Mr. L. is required to pay back \$1,624 in Food Stamp benefits that were issued to him in error. The overpayment was issued due to agency error, because the Division failed to count Mr. L.'s entire income and did not count his wife's unemployment income at all, when it calculated and distributed his household's benefits for the months of January through April 2012.

⁵ Ex. 1.

⁶ Ex. 2.0.

⁷ Ex. 2.1.

⁸ Ex. 7.6.

⁹ Ex. 4.12.

¹⁰ Ex. 3.0.

¹¹ Exs. 3.4, 3.9, 3.14, 3.19.

¹² Ex. 7.6.

¹³ L testimony.

Certificate of Service

I certify that on this 28th day of June, 2012, true and correct copies of the foregoing were sent to:

Mr. L. by U.S.P.S First Class Certified Mail, Return Receipt Requested

and to the following by secure e-mail:

Jeff Miller, Public Assistance Analyst

Terri Gagne, Public Assistance Analyst

Erin Walker-Tolles, Policy & Program Development

Joy Dunkin, Staff Development & Training

Kari Lindsey, Administrative Assistant II

Courtney Wendel, Policy & Program Development

/Signed/

J. Albert Levitre, Jr.

Law Office Assistant I