

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS
ON REFERRAL BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of:)
)
K N-X) OAH No. 12-0348-SNA
) DPA Case No.
_____)

DECISION

I. Introduction

K N-X is a recipient of Food Stamps.¹ In August, 2012, he notified the Division of Public Assistance (Division), which administers the Food Stamp program in Alaska, that his income had decreased by \$69 per month, and the Division recalculated the amount of his benefit. Despite the income change, the Division’s calculation did not result in an increase to Mr. N-X’s Food Stamp benefit.

Mr. N-X requested a hearing, and the assigned administrative law judge conducted a telephonic hearing on September 14, 2012. Mr. N-X participated, and Terri Gagne represented the Division.

Mr. N-X did not dispute the Division’s calculations. The amount of his benefit is subject to a formula that the Division (and the administrative law judge) may not disregard. The Division correctly applied that formula when it determined the amount of Mr. N-X’s benefit. Accordingly, the Division’s determination is affirmed.

II. Facts

K N-X began receiving Food Stamps in May, 2012.² On August 14, 2012, he reported that his income had been reduced by \$69.80 per month, because his Social Security Income benefit was being reduced to recoup an overpayment.³ A Division caseworker recalculated the amount of his benefit, but the reduction in income did not result in any change to the benefit amount.⁴

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 Nutritional Assistance program (“SNAP”). This decision follows the common usage of referring to SNAP as the Food Stamp program.

² Exhibit 1.

³ Exhibit 4, Exhibit 5.

⁴ *See* Exhibit 7.

III. Discussion

At the hearing, Mr. N-X did not assert that the Division had incorrectly calculated his benefit. Rather, he objected that the formula for calculating Food Stamp benefits does not adequately take into account the expenses of a homeless person.

Food Stamp benefits are paid in an amount based on the recipient's income, reduced by the amount of allowable deductions. Only the specified deductions are allowed.⁵ Among the available deductions is a deduction for the cost of housing. For homeless persons, federal law authorizes states to provide a standard deduction of \$143 per month for homeless persons who "are not receiving free shelter throughout the month."⁶

Mr. N-Nelson asserted at the hearing that because he is homeless, some of his living expenses are greater than they would be if he had housing. However, federal law specifically limits the deduction for the cost of housing for a homeless person to \$143 per month, except for a person who is temporarily homeless and maintains a regular residence, or for a homeless person whose actual utility expenses exceed that limit.⁷ Any increase in Mr. N-Nelson's other expenses due to homelessness must fall within a specific category of allowable deductions in order to be recognized.⁸ Mr. N-Nelson did not identify any expenses that fit within an allowable category and that were not included in the Division's calculations.

IV. Conclusion

The Division correctly calculated Mr. N-X's Food Stamp benefit in accordance with federal and state law. Neither the division nor the administrative law judge may disregard the law. Accordingly, the Division's determination is **AFFIRMED**.

DATED September 17, 2012.

By: Signed
Andrew M. Hemenway
Administrative Law Judge

⁵ 7 C.F.R. §273.9(c) ("Only the following items shall be excluded from household income and not other income shall be excluded....")

⁶ 7 C.F.R. §273.9(d)(6).

⁷ 7 C.F.R. §273.9(d)(6)(i). See 7 C.F.R. §273.9(d)(6)(ii)(C), (D), (E). Mr. N-X has not claimed any expenses of this nature.

⁸ See note 5, *supra*.

Adoption

The undersigned by delegation from the Commissioner of Health and Social Services, adopts this decision as final under the authority of AS 44.64.060(e)(1).

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 8th day of October, 2012.

By: Signed
Signature
Andrew M. Hemenway
Name
Administrative Law Judge
Title

[This document has been modified to conform to the technical standards for publication.]