

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

In the Matter of	)	
	)	OAH No. 12-0433-SNA
C J	)	Agency No.
_____	)	

**DECISION**

**I. Introduction**

C J submitted an application for recertification of benefits under the Supplemental Nutrition Assistance Program (SNAP), commonly referred to as Food Stamps.<sup>1</sup> The Division of Public Assistance (division) calculated Mr. J’ benefits based on the income and expenses he reported. Mr. J disagreed with the benefit amount and requested a hearing. His request for a hearing states “Asking for the full amount. . . I need more food funding. . . .”<sup>2</sup>

A hearing was held on October 3, 2012. Mr. J and the division’s representative, Terri Gagne, participated by telephone. Based on the evidence in the record, Mr. J’ benefits were calculated correctly and the division’s determination is affirmed.

**II. Facts**

Prior to his recertification review, Mr. J had been receiving monthly Food Stamp benefits varying from a low of \$19 to a high of \$34 per month.<sup>3</sup> After his recertification review, Mr. J’ monthly Food Stamp benefit increased to \$105 per month.<sup>4</sup> This increase reflects an increase in Social Security income and shelter expenses.<sup>5</sup>

**III. Discussion**

The method of calculating Food Stamp benefits is set out in 7 CFR § 273.9 and 273.10. The division has an online form that incorporates these regulations and assists in making the necessary calculations.<sup>6</sup> Exhibits 2.29 and 2.30 show this form with Mr. J’

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<sup>1</sup> Congress renamed the Food Stamp program in 2008. Food, Conservation, and Energy Act of 2008, Public Law No. 110-246, §4001. The term “Food Stamp” is still used in regulations, manuals, and forms.

<sup>2</sup> Exh 2.34.

<sup>3</sup> Exh 2.30; Exh 2.33.

<sup>4</sup> Exh 2.33.

<sup>5</sup> Exh 2.29.

<sup>6</sup> <http://dpaweb.hss.state.ak.us/manuals/fs/fsp.htm>.

income and housing expenses. As calculated, Mr. J is eligible for \$105 in Food Stamps. If nothing changes, Mr. J is certified to receive this amount until August 2013.

Mr. J does not dispute the amount of income he receives, the size of his household, or the shelter allowance used by the division. He is not asking that his benefits be recalculated. Rather, he seeks the amount be increased to recognize he will need to spend more for food during the winter months. It is Mr. J' burden to establish that it is more likely than not that he should receive the relief requested.<sup>7</sup>

Mr. J was forthright in his testimony. He was asked about other possible costs and expenses and he acknowledged that other than rent and phone, he had no other allowable monthly expenses or deductions.<sup>8</sup> The division's calculation includes the maximum for phone service, \$26.<sup>9</sup> Other than his testimony, Mr. J provided no additional evidence for consideration.

It is undisputed that the division correctly calculated Mr. J' monthly Food Stamp benefit. There is no authority to award the discretionary increase he seeks. Therefore, he failed to meet his burden of proving that it is more likely than not that the division incorrectly calculated his monthly benefit.

#### **IV. Conclusion**

The division correctly calculated Mr. J' monthly Food Stamp benefit. The division's determination is AFFIRMED.

Dated this 5<sup>th</sup> day of October, 2012.

*Signed*  
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Rebecca L. Pauli  
Administrative Law Judge

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<sup>7</sup> 2 AAC 64.290(e).

<sup>8</sup> All utilities are included in Mr. J' monthly rent. Testimony of J. Allowable income deductions are found at 7 CFR 273.9(d).

<sup>9</sup> Item M at Exh 2.29.

## Adoption

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

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

DATED this 22<sup>nd</sup> day of October, 2012.

By: Signed  
Name: Jeffrey A. Friedman  
Title: Administrative Law Judge

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