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

In the Matter of	)		
	)	OAH No.	12-0651-SNA
B F	)	Agency No.	
	)		

## **DECISION**

# I. Introduction

B F submitted an Eligibility Review Form for recertification of benefits under the Supplemental Nutrition Assistance Program (SNAP), commonly referred to as Food Stamps. The Division of Public Assistance (division) calculated Mr. F's benefits based on the income and expenses he reported. Mr. F disagreed with the benefit calculation and requested a hearing. His request for a hearing states "My income has not increased so I don't think food stamp benefits should be cut in half."

A hearing was held on July 11, 2012. Mr. F appeared in person. The division was represented by Mr. Jeff Miller, who appeared by telephone. Based on the evidence in the record, Mr. F's benefits were calculated correctly and the division's determination is affirmed.

#### II. Facts

Prior to his recertification review, Mr. F had been receiving Food Stamp benefits in the amount of \$239 per month.<sup>3</sup> This calculation was based on Mr. F having no income from any source.<sup>4</sup> At some point in time, Mr. F began receiving Adult Public Assistance of \$362 per month, and Social Security payments of \$628.20 per month.<sup>5</sup> He also pays \$800 per month in rent.<sup>6</sup> He listed his rent on his Eligibility Review Form, and notified the eligibility technician of his income during his eligibility interview. Based on these income

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.

Exhibit 7.

Exhibit 3.1; testimony of Mr. F.

Exhibit 3.1; testimony of Mr. Miller.

Exhibit 3; testimony of Mr. Miller. Mr. F receives \$698 per month in Social Security, but \$69.80 is withheld to recoup a prior overpayment, so the net amount of countable income is \$628.20. Exhibit 5; Exhibit 20; testimony of Mr. F. The exact date when he started receiving this income is not material to this decision.

Exhibit 2.2.

and expense amounts, the division calculated Mr. F's Food Stamp benefits to be \$146 per month.<sup>7</sup>

## III. Discussion

Mr. F does not dispute the amount of income he receives or the amount of his rent, but questions whether his benefits were correctly calculated based on those amounts. 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. Exhibit 8 and 8.1 shows this form with Mr. F's income and housing expenses, and further shows that his Food Stamp benefits have been correctly calculated at \$146 per month. Attachment A repeats this calculation without any income. This shows a benefit amount of \$239 per month, which is the amount Mr. F was previously receiving. This confirms that his benefit amount changed because the division had not previously included Mr. F's income when calculating his Food Stamp benefits. Although his actual income may not have changed, the amount of income that the division was including in its calculations did change, and that is the reason why his Food Stamp benefit amount changed.

# IV. Conclusion

Prior to recertification, Mr. F's Food Stamp benefits were being calculated without including Mr. F's income in that calculation. After recertification, the division included his income, and correctly calculated his benefits at \$146 per month. The division's determination is AFFIRMED.

Dated this 12<sup>th</sup> day of July, 2012.

<u>Signed</u>
Jeffrey A. Friedman
Administrative Law Judge

<sup>&</sup>lt;sup>7</sup> Exhibit 5.

http://dpaweb.hss.state.ak.us/manuals/fs/fsp.htm.

Exhibit 8, line Y.

# **Adoption**

The undersigned 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 Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 23<sup>rd</sup> day of July, 2012.

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

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