

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

In the Matter of)
)
 N B)
_____)

OAH No. 13-0311-SNA
Agency No.

DECISION

Introduction

The Division of Public Assistance reduced N B’s food stamp benefit after one of her sons moved to his own apartment. She disagreed with the new benefit amount, and requested a fair hearing. Because the Division correctly calculated Ms. B’s benefit, its decision is affirmed.

Facts

In February 2013, N B was receiving food stamp benefits in No Name for a three-person household—herself and her two sons. On March 8, 2013, Ms. B reported to the Division that one of her sons had moved out of her household and was renting his own apartment.¹ The Division recalculated Ms. B’s food stamp benefits, based on a reduced income (her son who moved was employed) and a two-person household size. On March 11, 2013, the Division mailed a notice to Ms. B that her food stamp benefit for April would be reduced to \$229. On March 11, 2013, Ms. B requested a hearing to protest her new food stamp benefit.² At an informal conference with the Division, she informed the Division that \$229 was insufficient, and she requested a benefit of at least \$300.³

A telephonic hearing was held on March 27. Ms. B represented herself, and Jeff Miller appeared for the Division. At the hearing, Mr. Miller explained that the calculation of Ms. B’s household income at \$951.27 was based on her son’s social security income and the child support that the household received.⁴ To determine her eligibility for food stamps, the Division subtracted the standard deduction from actual income. The Division determined that her

¹ Exhibits 2, 2.1.
² Exhibit 4.1.
³ Exhibit 5.
⁴ Exhibit 7.

adjusted income was \$695.27.⁵ The Division did not subtract excess shelter costs because the only shelter cost reported by Ms. B was her telephone bill, which is capped at \$27 per month.⁶ At the hearing, Ms. B agreed that these numbers were accurate.⁷

Ms. B also agreed that her benefit should be determined based on a two-person household.⁸ Although Ms. B's mother lives in the household, Ms. B explained that her mother purchases and prepares food separately from the rest of the household.⁹ Therefore, Ms. B agreed that her household size for purposes of food stamps was two.

Discussion

The Department of Health and Social Services is authorized by the legislature to implement the food stamp program consistent with the requirements of federal law.¹⁰ The Department's regulations adopt by reference the federal regulations that control the food stamp program.¹¹ The monthly maximum amount is computed in accordance with federal law.¹²

Under the tables currently in use, the maximum food stamp benefit amount for a two-person household in No Name is \$438.¹³ Actual food stamp benefits are calculated by multiplying the household's adjusted income of \$695.27 by 0.3, which equals 208.58, and then subtracting the product of that multiplication from the maximum benefit.¹⁴ That means that Ms. B's benefit was calculated by subtracting 208.58 (0.3 times Ms. B's adjusted income) from 438.00 (maximum benefit for two-person household), which equals \$229. Ms. B agreed that these calculations were accurate and she did not indicate any error in the Division's methodology or identification of the maximum benefit.

Here, Ms. B does not dispute that the Division correctly identified her household size, household income, and shelter expenses. Once these items are identified, the Division does not have any discretion in how to calculate the food stamp allotment, but must apply the formula as

⁵ *Id.*

⁶ *Id.* Excess shelter costs are determined by adding all shelter costs together and subtracted ½ of the adjusted income from that number. *Id.* For Ms. B, that comes to zero because she had only \$27 of allowable shelter costs.

⁷ B testimony.

⁸ B testimony.

⁹ B testimony

¹⁰ AS 47.25.975; 47.25.980.

¹¹ 7 AAC 46.010.

¹² *See, e.g.,* 7 C.F.R. 272.7.

¹³ Exhibit 7.1.

¹⁴ *Id.*

written. Ms. B did not identify any errors and a review of the Division's calculations did not identify any mistakes. Accordingly, the Division's calculation of Ms. B's benefit is affirmed.

Conclusion

Because the Division did not make any errors in its calculation of Ms. B's food stamp allotment, the Division's decision is affirmed.

DATED this 28th day of March, 2013.

By: Signed
Stephen C. Slotnick
Administrative Law Judge

Adoption

Under a delegation from the Commissioner of Health and Social Services, I adopt this Decision as the final administrative determination in this matter, 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 23rd day of April, 2013.

By: Signed
Name: Stephen C. Slotnick
Title: Administrative Law Judge/DOA

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