

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

In the Matter of)
)
 F U) OAH No. 13-0460-SNA
) Division No.
 _____)

DECISION

I. Introduction

F U applied to renew her Food Stamp (also referred to as Supplemental Nutrition Assistance Program) benefits.¹ The Division of Public Assistance (Division) denied her application.² Ms. U requested a hearing.

Ms. U' hearing was held on April 24, 2013. Ms. U represented herself and testified on her own behalf. Terri Gagne, Public Assistance Analyst with the Division, represented the Division.

Because Ms. U is a fulltime student who is not working, she is not eligible to receive Food Stamp benefits. The Division's decision denying her application is affirmed.

II. Facts

Ms. U goes to school fulltime. She does not have a job, although she is looking for work.³ She is 26 years old, and there are no children in her household.⁴ She was receiving Food Stamp benefits for a one person household in March 2013.⁵ She applied to renew those benefits on March 5, 2013.⁶ The Division denied her application because she is a fulltime student who is not employed.⁷

III. Discussion

Food Stamps is a federal program administered by the State.⁸ The Code of Federal Regulations contains the rules for determining whether individuals qualify for Food Stamp benefits. Pursuant to those rules, students, who are attending school half-time or more, are

¹ Exs. 2.1 – 2.6.

² Ex. 2.12.

³ Ms. U testimony.

⁴ Exs. 1, 2.1.

⁵ Although Ms. U resides with her husband, he is not a member of her Food Stamp household because he has a felony drug conviction.

⁶ Exs. 2.1 – 2.6.

⁷ Exs. 2.9 – 2.10.

⁸ 7 C.F.R. § 271.4(a).

generally not eligible for Food Stamp benefits.⁹ There are a number of exceptions to that general rule. However, where there is no young child in the home, and the applicant is older than 17 and less than 50, not receiving Temporary Assistance benefits, and is not “mentally or physically unfit,” the applicant must be working. Working includes work study programs, on the job training programs, or holding down a job for at least 20 paid hours per week. Looking for work does not satisfy the work requirement.¹⁰

Ms. U does not fall within any of the exceptions to the work requirement. She is 26 years old, has presented no evidence of physical or mental unfitness, does not receive Temporary Assistance benefits, and does not have a child in her home. She is undisputedly not working.

Ms. U argued that the denial of Food Stamp benefits penalizes her because she is attending school to better herself. However, the Food Stamp regulations do not permit the exercise of discretion. As a purely legal matter, Ms. U is not eligible to receive Food Stamp benefits in the State of Alaska.

IV. Conclusion

The Division’s decision to deny Ms. U’ application for Food Stamp benefits is affirmed.

DATED this 1st day of May, 2013.

Signed

Lawrence A. Pederson
Administrative Law Judge

⁹ 7 C.F.R. § 273.5(a).

¹⁰ 7 C.F.R. § 273.5(b).

Adoption

The undersigned, by delegation from 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 15th day of May, 2013.

By: *Signed* _____
Name: Lawrence A. Pederson
Title/Agency: Admin. Law Judge/DOA/OAH

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