

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

In the Matter of )  
 )  
K A ) OAH No. 13-0482-SNA  
 ) Division No.  
\_\_\_\_\_ )

**DECISION**

**I. Introduction**

K A is a Food Stamp<sup>1</sup> recipient. The Division of Public Assistance (Division) sent her notice that she had received \$1,329 more in Food Stamp benefits that she was entitled to receive, and was required to repay that amount.<sup>2</sup> Ms. A requested a hearing.

Ms. A's hearing was held on May 31, 2013. She represented herself and testified on her own behalf. D H, her granddaughter, also testified on her behalf. Jeff Miller, Public Assistance Analyst with the Division, represented the Division.

Because Ms. A received \$1,329 more in Food Stamp benefits than she should have, the Division's decision to require her to repay that amount is upheld.

**II. Facts**

Ms. A was receiving Food Stamp benefits in October 2012 when she added her son and her grandchildren to her Food Stamp case.<sup>3</sup> At that time, Ms. A provided the Division with income information regarding her son's monthly employment income. The Division found the household financially eligible for continued Food Stamps and issued Ms. A Food Stamp benefits for a five person for November 2012 through January 2013 in total amount of \$1,329.<sup>4</sup> The Division reviewed Ms. A's case in mid-January 2013, and determined that Ms. A's son had additional income, not reported to it, which had to be taken into account when considering her financial eligibility for Food Stamp benefits. The Division determined that Mr. A's son's additional income made Ms. A financially ineligible for Food Stamp benefits, dating back to November 2012, and closed her Food Stamp case.<sup>5</sup>

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<sup>1</sup> Congress changed the official name of the Food Stamp program to the Supplemental Nutrition Assistance program ("SNAP"). However, the program is still commonly referred to as the Food Stamp program, which usage this decision also follows.

<sup>2</sup> Exs. 8 - 8.11.

<sup>3</sup> Exs. 2.1 - 2.2, 3.

<sup>4</sup> Exs. 3, 4 - 4.1, 8.11

<sup>5</sup> Exs. 5, 7.

The Division determined that because Ms. A was not financially eligible for Food Stamp benefits during November 2012 through January 2013, she was required to repay the entire amount of benefits issued during those months: \$1,329.<sup>6</sup> Ms. A does not disagree with the Division's determination that she should not have received the benefits or that she is required to repay the benefits; the incomplete information about her son's income was not supplied intentionally, but rather by mistake on her part.<sup>7</sup> The Division does not claim that Ms. A committed fraud, but rather that the overpayment was due to an "inadvertent household error."<sup>8</sup>

### **III. Discussion**

The issue is whether Ms. A is required to reimburse the Division for Food Stamp benefits that she should not have received. Ms. A does not dispute the Division's contention that she was overpaid benefits in the amount of \$1,329, and that she is required to reimburse them. She wanted to make clear that she did not intentionally misinform the Division about her son's income.

Because there is no disagreement in this case and because the federal Food Stamp regulations require repayment of overpaid benefits, even when the overpayment is caused by a mistake by the household,<sup>9</sup> Ms. A is required to repay the Division the \$1,329 in overpaid Food Stamp benefits.

### **IV. Conclusion**

The Division's decision to require Ms. A to repay \$1,329 in Food Stamp benefits is upheld.

DATED this 7<sup>th</sup> day of June, 2013.

*Signed*  
\_\_\_\_\_  
Lawrence A. Pederson  
Administrative Law Judge

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<sup>6</sup> Exs. 8 - 8.11.

<sup>7</sup> Testimony of Ms. A and Ms. H

<sup>8</sup> Ex. 8.

<sup>9</sup> 7 C.F.R. § 273.18(a)(1)(i), (a)(2), (b)(2).

## 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 21<sup>st</sup> day of June, 2013.

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

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