

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

In the Matter of)
)
 B J)
_____)

OAH No. 13-0687-SNA
Agency No.

DECISION

I. Introduction

B J applied for food stamp benefits. Because he was self employed, the Division of Public Assistance (division) required verification of income. It gave Mr. J written notice of the need for verification and the date by which the information must be provided. The notice also informed Mr. J that if he failed to provide within 60 days of the date of his application, he would be required to reapply. Mr. J provided the requested information beyond the 60 day time frame. The division denied his application. Mr. J appealed. Because the information was provided after the 60 day period, the division’s denial is affirmed.

II. Introduction

B J applied for Food Stamp¹ benefits on March 14, 2013.² On March 28, 2013, an intake interview was conducted. During the interview Mr. J revealed that he was self-employed. On March 29, 2013, the division provided Mr. J with written notice that it would require verification of income. The notice told Mr. J what documents were acceptable, and that if he did not provide the information by April 8, 2013 the application would be denied.³ The notice also informed Mr. J that if his application was denied, he had 60 days from the date of his application to supply the additional information. If he met the 60 day deadline, the division could use his March 14, 2013 application. If not, he would need to file a new application.⁴

On May 2, 2013, 49 days after the application was filed, the division gave Mr. J written notice it was denying his application because the division had not received the verification

¹ Congress amended the Food Stamp Act in 2008. *See* Food, Conservation, and Energy Act of 2008, Public Law No. 110-246 Section 4001, 122 Statutes at Large 1651, 1853. The 2008 amendment changed the official name of the food stamp program to the Supplemental Nutrition Assistance program (“SNAP”). However, the common usage refers to the program as the food stamp program, which usage this decision also follows.

² Exhibit 1.

³ Exhibits 2, 9.

⁴ *Id.*

information as requested.⁵ Again, the division informed Mr. J that if he provided the requested information by May 13, 2013 (60 days from the date of application), he would not need to reapply.⁶

Mr. J received the March 29, 2013 notice, and in response, he mailed the information requested in early April. He did not have proof of mailing or delivery. The division's records do not reference receipt of the verification information. The division denied Mr. J's application on May 1, 2013 for failure to provide verification.⁷

Mr. J requested a hearing. On May 17, 2013, Mr. J spoke with the division's fair hearing section, explaining that he had provided the information. The division's note of this conversation provides that Mr. J was informed that, although it was past the 60 day window, if he filed the verification information with the division the division would process his March application and Mr. J would not be required to complete a new application.⁸ There is no mention of the division setting the May 21, 2013, deadline. Rather, the note reveals that Mr. J "said he would submit it on [May 21, 2013]."⁹

Mr. J recalled the conversation and recalled the division telling him they would process his application if he provided the information, but he did not recall any deadline for submitting the information.¹⁰ When the conversation took place, Mr. J was outside on his cell phone. He admitted that he may have missed some words here and there.¹¹ Regardless, he did not submit the information by May 21, 2013.

III. Discussion

The application process requires certain applicant information be verified.¹² The processing standard for a food stamp application is 30 days.¹³ If the division denies an application because the individual failed to submit verification information, under Alaska's food stamp program, the individual will not be required to submit a new application if he or she

⁵ Exh. 2.11.

⁶ *Id.* May 13, 2013 is 60 days after the date Mr. J first applied for food stamp benefits.

⁷ Exhibit 2.12.

⁸ Exhibit 2.13.

⁹ Exhibit 2.13.

¹⁰ J Testimony.

¹¹ J Testimony.

¹² 7 CFR §273.2(a)(2), (d).

¹³ 7 CFR §273.2(g)(1).

provides the information within 60 days of the date of application.¹⁴ For Mr. J, the 60th day was May 13, 2013.

Mr. J received two notices informing him of the 60 day rule. Regardless of whether he believed he had complied with request for more information in early April, once he received the May 2, 2013 notice of denial for failure to provide verification information, Mr. J knew the division did not have his information.¹⁵ The May 2, 2013, notice of denial provided a reminder that, to avoid filing a new application, he needed to get the verification information to the division on or before May 13, 2013. The division denied Mr. J's application and he failed to comply with the 60 day rule. This is where the inquiry should stop, but it does not.

At the fair hearing appeal level, the division was willing to accept the verification information and consider the original application even though there was no obligation to do so.

The Case Note Display entry mentions that Mr. J said he would bring in the information the following Monday, May 21, 2013. The next Case Note Display mentions that Mr. J did not provide the information and the matter would continue to be processed for hearing. Reconciling the division's records with Mr. J's testimony it is easy to envision that Mr. J spoke to the division and said he could get the information to the division the following Monday. When he failed to file the information on Monday, considering it was already beyond the 60 day deadline, the division reasonably moved forward with processing Mr. J's request. Therefore, the division was correct to close his case file and require a new application.

IV. Conclusion

The division's decision to deny Mr. J's application for food stamps for failure to provide verification information is AFFIRMED.

DATED this 20th day of June, 2013.

By: Signed
Rebecca L. Pauli
Administrative Law Judge

¹⁴ 7 CFR § 273.2(h)(2)(A).

¹⁵ The food stamp program rules place the responsibility on applicants to ensure that any submission has been received by the division. 7 CFR § 273.2(h). For example, signed return receipts, a conformed copy of the submission, etc. would be evidence that the applicant submitted the information.

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 AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 1st day of July, 2013.

By: Signed
Signature
Rebecca L. Pauli
Name
Administrative Law Judge
Title

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