



receive significant assistance from food banks because they also have limited resources, and give priority to families and children.

### III. Discussion

It is undisputed that the division had previously determined that Mr. T was eligible to receive \$192 per month in food stamp benefits. The division asserts that this amount was calculated in error. There is no claim that the error was in any way Mr. T's fault and he testified credibly that he has only provided completely accurate information to the division during all of his eligibility reviews.<sup>5</sup>

Mr. T does not dispute that under the formula used to determine benefits he is only entitled to receive \$129 per month. Instead, he asserts that he should not have to suffer for the division's mistake. He has been relying on receipt of \$192 per month in benefits based on the division's prior determinations, and he should not now have that amount reduced.

Mr. T also argues that \$129 is not nearly enough to purchase an adequate supply of food. He spends his benefit wisely, buying inexpensive food, and can just barely get by with \$192 in food stamp benefits. He argues that formulas do not always work in every situation, and that it is cruel and unfair not to provide sufficient support for someone who is unable to work through no fault of his own.

The food stamp program was established to alleviate hunger and malnutrition among low income households.<sup>6</sup> Although this is a federal program, administration has been delegated to the individual states.<sup>7</sup> The federal government has developed the cost of a thrifty meal plan for a household of four.<sup>8</sup> This cost is then adjusted to account for the actual household size<sup>9</sup> and further adjusted for the higher cost of food in Alaska.<sup>10</sup> Each

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<sup>5</sup> Where overpayments have been made, the division is required to seek repayment even when the overpayments are due to division error. However, the division may compromise some or all of the repayment claim if, because of the household's economic situation, the claim will not be repaid within three years. *See In re K.Q.*, OAH No. 12-0909-SNA (Commissioner of Revenue 2013), available online at <http://aws.state.ak.us/officeofadminhearings/Documents/SNA/SNA120909.pdf>. Given Mr. T's situation, he may qualify for not being able to repay the overpayments.

<sup>6</sup> 7 CFR §271.1.

<sup>7</sup> 7 CFR §271.4.

<sup>8</sup> 7 CFR §271.2.

<sup>9</sup> 7 CFR §271.2.

<sup>10</sup> 7 CFR §271.10(e)(4)(i).

individual household's benefits are then determined based on the household's size, income, expenses, and standard deductions.<sup>11</sup>

There is no reason to doubt Mr. T's assertion that \$129 in benefits is insufficient. Unfortunately, neither the division nor the Commissioner has the authority to deviate from the formula set up by the food stamp regulations. If the benefit amount allowed under the current regulations is too little, then the remedy is to change the regulations and the amount of funding for the program to provide an adequate level of benefits.

After reviewing the relevant regulations and Mr. T's income and expense, it appears that his benefits were correctly calculated. No variation from the calculated amount is permitted under the food stamp statute and regulations.

#### **IV. Conclusion**

The division correctly calculated Mr. T's food stamp benefit amount, and its determination is upheld.

Dated this 19<sup>th</sup> day of August, 2013.

*Signed*  
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Jeffrey A. Friedman  
Administrative Law Judge

### **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 4<sup>th</sup> day of September, 2013.

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

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

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<sup>11</sup> 7 CFR §271.10(c) – (e).