

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

In the Matter of)
)
 M B) OAH No. 13-1523-SNA
) Agency Case No.
_____)

DECISION

I. Introduction

M B applied for Food Stamp¹ benefits. The Department of Health and Social Services, Division of Public Assistance (Division) granted her application for July 2013, but denied it due to excess income for the subsequent months.² Ms. B requested a hearing.

Ms. B's hearing was held on November 26, 2013. Ms. B represented herself and testified on her own behalf. Terri Gagne, a Public Assistance Analyst with the Division, represented the Division.

The Division's decision that Ms. B's Food Stamp application should have been granted for the month of July 2013 in the amount of \$52, and denied for subsequent months, is affirmed.

II. Facts

The following facts were proven by a preponderance of the evidence.

Ms. B applied for Food Stamp benefits for her one person household on July 12, 2013.³ Her application stated that she was working 22 hours per week at a \$16 per hour pay rate, her rent was \$834 per month, and that she paid electricity and telephone bills.⁴ Ms. B's rent is actually \$808 per month. Alaska Housing pays \$375 of her rent, and Ms. B pays the remaining \$433.⁵ Ms. B was also receiving unemployment benefits, beginning in July 2013. She received one unemployment check

¹ 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.

² The Division initially presented two independent reasons for denying Ms. B's application for the months after July 2013. Those reasons were (1) that Ms. B's income exceeded the Food Stamp program's income limit, and (2) that Ms. B failed to provide the Division with requested information regarding her employment. *See* Exs. 6, 10, 11.8. At hearing, the Division clarified that it was no longer maintaining the failure to provide argument, and was, instead, relying only upon the excess income argument.

³ Exs. 1, 2.0 – 2.9.

⁴ Exs. 2.2, 2.5.

⁵ Ex. 3.1. Ms. B testified that her portion of the rent was \$466. The record was left open for her to submit proof of that amount. She did not.

of \$122 in July, three unemployment checks of \$122 each in August, and four unemployment checks of \$122 each in September and October.⁶

The Division initially calculated that Ms. B was not income eligible for Food Stamp benefits and denied her application.⁷ After the denial, Ms. B informed the Division, on August 30, 2013, that her work hours were being reduced to 10 hours per week. The Division reopened Ms. B's application and requested verification of the decrease in hours.⁸ It again denied her application on the basis that Ms. B did not supply the requested information.⁹ Ms. B then requested a hearing.¹⁰

After it received Ms. B's hearing request, the Division reviewed her application again, taking her actual income into account. Ms. B's work hours continued to be 22 hours per week; her work hours did not decrease.¹¹ The Division determined that Ms. B was eligible for \$52 in Food Stamp benefits in July 2013, based upon actual income of \$1,178 (\$1,056 in wages and \$122 in unemployment), and shelter expenses consisting of \$433 in rent, and standard utility deductions for telephone and electricity. It determined that she was not eligible for Food Stamp benefits in August 2013 and succeeding months because her income for August was \$1,879 (\$1,513.60 in wages and \$366 in unemployment), and that her unemployment income in subsequent months would increase by an additional \$122 per month.¹²

III. Discussion

The Food Stamp program is a federal program which is administered by the State of Alaska.¹³ The Code of Federal Regulations contains the rules for determining if an applicant is eligible for Food Stamp benefits. A one-person household that had gross monthly income of more than \$1,514, during the period through September 2013, was not eligible for Food Stamp benefits.¹⁴

The Division's calculations are contained in the record.¹⁵ The only disagreement that Ms. B had with the amounts used in the Division's calculations was with her rental amount. She argued her rent should be counted at \$466 per month, rather than the \$433 used by the Division. However, Ms.

⁶ Ex. 4.6.

⁷ Ex. 6.0.

⁸ Ex. 8.

⁹ Ex. 10.

¹⁰ Ex. 11.1.

¹¹ B testimony.

¹² Exs. 4.4 – 4.6, 11.8.

¹³ 7 C.F.R. § 271.4(a).

¹⁴ The income limit was increased to \$1,555 beginning October 1, 2013. *See Alaska Food Stamp Manual Addendum 4.*

¹⁵ Exs. 11.2 – 11.5.

B, who has the burden of proof in this case since she applied for benefits,¹⁶ was provided an opportunity to submit evidence of her rent and did not. The Division's calculations demonstrate that Ms. B was only entitled to receive \$52 in Food Stamp benefits in July 2013. They further show that her gross income in August 2013 and immediately thereafter was a minimum of \$1,879, which exceeded the Food Stamp income limit of \$1,514. Consequently, Ms. B failed to meet her burden of proof. As a result, the Division's determination that Ms. B should have only received \$52 in Food Stamp benefits for the month of July 2013 and denied for those benefits thereafter was correct.

IV. Decision

The Division's decision that Ms. B's Food Stamp application should have been granted for the month of July 2013 in the amount of \$52, and denied for subsequent months, is affirmed.

DATED this 17th day of December, 2013.

Signed _____
Lawrence A. Pederson
Administrative Law Judge

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 31st day of December, 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.]

¹⁶ 7 AAC 49.135.