

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

In the Matter of:)
)
K Q) OAH No. 13-1692-SNA
) DPA Case No.

DECISION

I. Introduction

K Q is appealing a decision issued on November 14, 2013 by the Department of Health and Social Services, Division of Public Assistance (DPA or division) approving her application under the Supplemental Nutrition Assistance Program (SNAP or food stamps),¹ effective November 12, 2013. Based on the record, and after careful consideration, the division’s decision granting Ms. Q’s SNAP application effective November 12, 2013 is affirmed.

II. Facts

Ms. Q was receiving food stamp benefits in 2013.² On September 16, 2013, the division sent her a reminder that her certification period would end on October 31, and that she would need to submit her recertification application by October 15 for her benefits to continue.³ Ms. Q subsequently contacted her local DPA office and obtained an email address in order to scan her application to the division. On September 30, Ms. Q emailed her recertification application to the division and kept a copy for herself.⁴ Unfortunately, the address she entered in the “To:” line of the email caption contained a misspelled word, and as a result, the email did not go through and the DPA did not receive Ms. Q’s email.

Ms. Q had not heard back from the division for several weeks after the date she believed she had sent in the email and recertification application, so she sent an inquiry to the DPA on November 12, asking what had happened to her application. She learned that the division did not receive her email and application, so she submitted the food stamp application on November 12. To Ms. Q, this was her second submission of the same recertification application, but it was actually the first application the DPA received from her following the September 16 notice that

¹ Congress amended the Food Stamp Act in 2008. The 2008 amendment changed the official name of the Food Stamp Program to the Supplemental Nutrition Assistance Program (SNAP).

² Ex. 1.

³ Ex. 2.

⁴ Ex. 3.0.

her benefits were set to expire.⁵ On November 14, the division notified Ms. Q that her application had been approved, effective November 12, the date of her application.⁶ Ms. Q requested a fair hearing on November 22. She claims the division staff gave her the incorrect email address, so the start date for her food stamp benefits should be November 1, not November 12.

III. Discussion

The food stamp or Supplemental Nutrition Assistance Program (SNAP) is a federal program administered by the states.⁷ Its statutes are codified primarily at 7 U.S.C. §§ 2011 – 2029, and its regulations are codified primarily at 7 C.F.R. §§ 271-274. The Alaska Department of Health and Social Services administers the food stamp program in Alaska and has promulgated its own regulations at 7 AAC 46.010 - 7 AAC 46.990. Eligibility for the food stamp program, and the amount of food stamp benefits awarded, depends primarily on household size, household income, and applicable income exclusions and deductions.

In this case, there is no dispute as to Ms. Q’s eligibility for food stamps. The only issue concerns the effective date of Ms. Q’s food stamp benefits. The DPA received a recertification application from Ms. Q on November 12, 2013, so according to the division, that is the effective date of her food stamp benefits. Ms. Q claims that the staff person she spoke to in September gave her the wrong email address, so because it was the division’s mistake that caused her application not to be filed on time, she should not lose any benefits. For Ms. Q’s argument to be successful, the application she believed she sent by email on September 30 would have to be deemed “received” on that date. That would mean her recertification application would have been timely, and her benefits would have continued without interruption after October 31.

According to the federal regulations, the date food stamp benefits are to begin is “calculated from the date the application is filed in the food stamp office”⁸ Contrary to Ms. Q’s request, the regulations make no provisions for starting benefits prior to the date a recipient files an application. Neither the division nor the administrative law judge has the discretion to change the regulations or to consider her application to have been filed on a day different than the date on which it was actually received.

⁵ Ex. 3.2-3.7.

⁶ Ex. 5.

⁷ 7 C.F.R. § 271.4(a).

⁸ 7 C.F.R. § 273.2(c).

Ms. Q claims that the division gave her the wrong address, but that is not apparent from the record. Even if the division did provide the wrong address, that mistake would not change the result here. The federal regulations are clear that the effective date of food stamp benefits is the date the application is filed. In Ms. Q's case, that date was November 12, so that is the date her benefits should begin.

IV. Conclusion

Ms. Q tried to file a food stamp application on September 30, 2013, but the email failed and it was not received by the division. Ms. Q successfully filed an application on November 12, 2013, so that is the date her benefits should begin. Therefore, the division's determination that her application was approved effective November 12, 2013 should be affirmed.

Dated this 12th day of February, 2014.

Signed _____

Kay L. Howard

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 21st day of February, 2014.

By: *Signed* _____

Name: Kay L. Howard

Title: Administrative Law Judge

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