

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

In the Matter of)
)
 F J)
_____)

OAH No. 14-0341-SNA
Agency No.

DECISION

I. Introduction

On February 25, 2014, the Division of Public Assistance (Division) reduced Mr. J’s Food Stamp¹ benefit amount to \$18 per month. Mr. J appealed the reduction.

Mr. J’s hearing was held on March 24, 2014. Because the Division correctly calculated Mr. J’s benefit amount, its decision to reduce Mr. J’s Food Stamp benefits is affirmed.

II. Facts

On January 28, 2014, Mr. J submitted his Food Stamp recertification application.² Mr. J’s total monthly gross income is \$1,278.³ The Division processed Mr. J’s case on February 24, 2014 and confirmed his income during a telephonic interview.⁴ On February 25, 2014, the Division notified Mr. J that he was approved for \$18 per month in Food Stamp benefits beginning March 2014.⁵ Mr. J previously received \$50 to \$65 in Food Stamp benefits.⁶ On March 3, 2014, the Division received Mr. J’s fair hearing request.⁷

At the beginning of the hearing, the Administrative Law Judge (ALJ) explained the hearing, decision, and appeal process. Mr. J indicated that he thought the process was excessive compared to the amount of benefits at issue and declined to continue with the hearing.⁸ The Division provided an overview of its decision and how it arrived at Mr. J’s benefit amount.⁹ The

¹ Also known as the Supplemental Nutrition Assistance Program.
² Exhibit 2.
³ Ex. 7. Mr. J receives \$660 in SSA, \$81 in SSI, \$362 in APA, and \$175 in SB benefits.
⁴ Ex. 3; position statement.
⁵ Ex. 5.
⁶ Ex. 15.
⁷ Ex. 5; Ex. 5.1. Mr. J’s fair hearing request states that he is a long-time vegetarian living on the bare minimum and that the \$18 per month amount leaves him penniless. He stated that the recertification process left him victimized and hungry. He was also dissatisfied with the demeanor displayed in the Food Stamp recertification process. Mr. J did not challenge the Division’s calculations or the amount of income used to determine eligibility.
⁸ J statement. Although Mr. J hung up and ended his participation, he did not state that he was voluntarily withdrawing his hearing request and appeal rights.
⁹ Jeff Miller, hearing presentation.

Division indicated that the reason for Mr. J's benefit decrease is twofold: Mr. J received an increase in Social Security benefits, and there was a change to program income limits and deductions due to the American Recovery and Reinvestment Act's expiration in October 2013.¹⁰

III. Discussion

The issue in this case is whether the Division was correct to reduce Mr. J's Food Stamp benefit amount.

The Food Stamp program is a federal program administered by the State.¹¹ The Code of Federal Regulations (C.F.R.) contains the rules for determining eligibility. The Department of Health and Social Services administers the Food Stamp program in Alaska and has promulgated its own Food Stamp regulations at 7 AAC 46.010 - 7 AAC 46.990.

A household is required to satisfy both a gross income eligibility standard and a net income eligibility standard in order to qualify for Food Stamp benefits.¹² These income eligibility standards are based on the federal poverty income levels established in 42 U.S.C. § 9902(2) and are adjusted periodically for inflation.¹³ The Division uses a formula to determine net income and benefit amounts.¹⁴ The minimum benefit amount for a one person household is \$18.¹⁵

The Division used Mr. J's undisputed \$1,278 monthly income to calculate his benefits. Because \$1,278 is under the Food Stamp program's maximum gross income benefit, the Division went on to calculate Mr. J's net income limit. The Division used the standard \$260 general deduction, the standard \$341 utility deduction, and mortgage and insurance amounts provided by Mr. J.¹⁶ After applying the Food Stamp benefit formula, the Division arrived at \$881.59 net monthly income, a third of which (\$264.48) is used as the adjusted Food Stamp income.¹⁷ This amount is then subtracted from the \$226 one person household maximum Food Stamp allotment to arrive at the Food Stamp benefit amount, which is a negative number in this case.¹⁸ When the Food Stamp benefit amount is less than the Food Stamp minimum, as is the

¹⁰ Miller hearing presentation.

¹¹ 7 C.F.R. § 271.4(a).

¹² 7 C.F.R. § 273.9(a).

¹³ 7 C.F.R. § 273.9(a).

¹⁴ Ex. 7-7.1; Food Stamp manual § 603.

¹⁵ Ex. 6.

¹⁶ Ex. 3; Ex. 7.

¹⁷ Ex. 7 – 7.1.

¹⁸ Ex. 7.1.

case here, the Division must round up to the minimum Food Stamp benefit amount, \$18.¹⁹ No errors were identified in the Division's calculations.

The preponderance of the evidence establishes that the Division accurately calculated Mr. J's benefit amount.

IV. Conclusion

The Division's decision reducing Mr. J's Food Stamp benefits to \$18 per month is affirmed.

Dated this 28th day of March, 2014.

Signed _____
Bride A. Seifert
Administrative Law Judge

Adoption

Under a delegation from the Commissioner of Health and Social Services, I adopt this Decision as the final administrative determination in this matter, 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 Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 22nd day of April, 2014.

By: *Signed* _____
Name: **Bride Seifert**
Title: **Administrative Law Judge**

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

¹⁹ Ex. 7.1.