

Division may not have properly accounted for the amount of rent that his household pays. Mr. Q was concerned that he could not afford the loss of ten percent of his ongoing Food Stamps to pay down the overpayment.⁷

At the hearing the Division explained how it had accounted for rent, going over its calculations at exhibit 8, and Mr. Q agreed that the Division had used the right amount for his rent. The Division also agreed to reduce overpayment collections from his ongoing Food Stamps to \$10 per month. The Division explained that it had already compromised this obligation, reducing Mr. Q's debt to \$360.⁸

III. Discussion

The issue in this case is whether the Division correctly determined that Mr. Q was required to pay back \$463 in Food Stamp benefits that were issued to his in error. No facts are now in dispute.

The Food Stamp program is a federal program administered by the State.⁹ The Code of Federal Regulations (C.F.R.) establishes the rules for determining a household's monthly Food Stamp benefit. Benefit amounts are calculated based on the number of people living in the household and monthly income.¹⁰

The federal regulations are clear that the Division "must establish and collect any claim" for overpaid Food Stamp benefits issued.¹¹ This is true even when, as in Mr. Q's case, the overpayment is caused by the Division's error.¹² Mr. Q was overpaid \$463 in Food Stamp benefits and would be required to repay those benefits to the Division, regardless of the fact that the overpayment was the result of the Division's error. Because of the compromise that debt has been reduced to \$360, which will be collected his ongoing Food Stamps at a rate of \$10 per month starting in October.

⁷ Recording of Hearing.

⁸ Recording of Hearing.

⁹ 7 C.F.R. § 271.4(a).

¹⁰ 7 C.F.R. § 273.10(e)(2)(ii)(A).

¹¹ 7 C.F.R. § 273.18(a)(1)(i); 7 C.F.R. § 273.18(a)(2).

¹² 7 C.F.R. § 273.18(b)(3); *Allen v. State, DHSS* 203 P.3d 1155, 1164 - 1166 (Alaska, 2009).

IV. Conclusion

The Division's decision to recover \$463 in Food Stamp benefits overpaid to Mr. Q, compromised to \$360, is affirmed.

DATED this 26th day of August, 2014.

Signed _____
Mark T. Handley
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 22nd day of September, 2014.

By: *Signed* _____
Name: Mark T. Handley
Title: Administrative Law Judge

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