

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

In the Matter of)	
)	
F D)	OAH No. 14-1485-SNA
_____)	Agency No.

DECISION

I. Introduction

The Division of Public Assistance (Division) denied F D’s application for benefits under the Supplemental Nutrition Assistance Program (SNAP), more commonly referred to as food stamps,¹ because he was ineligible as a student. Mr. D requested a hearing. The telephonic hearing was held on September 18, 2014. Mr. D appeared and represented himself at the hearing, and hearing representative Jeff Miller appeared on behalf of the Division. Mr. D failed to establish that he was an eligible student. The Division therefore correctly denied his application.

II. Facts

The underlying facts are not in dispute and are taken from the evidence and testimony presented at hearing. Mr. D applied for food stamps on July 18, 2014. He was attending No Name School as a full time student. The No Name School does not have dormitories or a cafeteria for its students. Mr. D paid for his school and living expenses through student loans and educational grants. He was looking for part-time work but at the time of application was unemployed.

When Mr. D received the denial he spoke to someone at the Division’s No Name office named M. Mr. D testified that M told him that because the school did not provide a room and board option, she thought he may be eligible for food stamps, so he filed this appeal.

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¹ 7 U.S.C. §2013.

III. Discussion

As a general rule a student is not eligible for food stamps.² There are 11 “student exemptions” to this general rule.³ At the hearing, Mr. D conceded that he does not fit within one of the 11 exemptions. He believed he might be eligible because of what he was told by the No Name office. None of the 11 student exemptions, however, apply to schools that do not provide a room and board option. The regulation governing student exemptions does not grant either the Division or this tribunal the discretion to relax the rules governing student eligibility for food stamps. Under this regulation, the Division had no discretion to do anything other than deny Mr. D’s application.

IV. Conclusion

The undisputed facts establish as a matter of law that the Division correctly applied 7 CFR 273.5 when it denied Mr. D’s application for food stamps. The denial of his application, therefore, is affirmed. If Mr. D’s situation changes such that he would fall within a student exemption, nothing in this decision precludes him filing a new application.

Dated this 28th day of November, 2014.

Signed _____
Andrew M. Lebo
Administrative Law Judge

Adoption

The undersigned adopts this decision as final 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 AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 16th day of December, 2014.

By: *Signed* _____
Name: Andrew M. Lebo
Title: Administrative Law Judge

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

² 7 CFR 273.5(a).
³ 7 CFR 273.5(b).