

the Division informed of her employment and income information. Ms. N also explained that requiring her to repay the over-issued SNAP benefits would create a hardship.³

B. Procedural History

In a letter dated October 16, 2014, the Division explained to Ms. N it was seeking repayment of the overpayment of \$450 in SNAP benefits that were issued due to an agency error. The Division later reviewed this determination and concluded that Ms. N actually only owed \$285.⁴

Ms. N's appealed and the hearing was held on November 13, 2014. Ms. N participated in the hearing by phone, represented herself, and testified on her own behalf. Michelle Cranford, represented the Division, and testified on its behalf. The record closed at the end of the hearing.

III. Discussion

The Food Stamp or Supplemental Nutrition Assistance Program (SNAP) is a federal program administered by the states.⁵ SNAP benefit amounts are based primarily on the number of people living in the household, and on the monthly income, after certain deductions, received by those household members.⁶ In general, the greater a household's income, the smaller the amount of SNAP benefits the household will receive each month.⁷

The federal statute pertaining to the recoupment of overpaid SNAP benefits is 7 U.S.C.A. § 2022. Subsection (b)(1) of that statute provides in relevant part that the “state agency shall collect any overissuance of benefits issued to a household” This statute requires that the Division attempt to recover overpaid SNAP benefits.

The federal implementing regulation pertaining to the recoupment of overpaid SNAP benefits is 7 C.F.R. § 273.18. Subsection (a)(2) and Subsection (e)(1) of that regulation require collection of claims for overpayment. Subsection (b)(3) of that regulation specifically requires collection of overpayments even when the overpayment was caused by an action or failure to take action by the agency issuing the benefits. This federal regulation, 7 C.F.R. § 273.18, therefore requires that the Division attempt to recover overpaid SNAP benefits, even if the overpayment was the result of the Division’s own error. This was confirmed by the Alaska Supreme Court in the case of *Allen v. State of Alaska Department of Health & Social Services*, 203 P.3d 1155 (Alaska 2009).

³ Recording of Hearing- Testimony of Ms. N.

⁴ Exhibit 2.46.

⁵ 7 C.F.R. § 271.4(a).

⁶ 7 C.F.R. § 273.10(e)(2)(ii)(A).

⁷ See Alaska Food Stamp Manual, Addendum 4.

The federal regulations, and the *Allen* decision, are binding on the Department of Health and Social Services.

Ms. N has the right to request that the Division compromise, that is, write-off or forgive repayment of all or part of the overpaid benefits. The Division explained that Ms. N could apply for this type of relief in the Division’s letter dated November 4, 2014 and the form labeled “Attachment D,” which was provided with that letter.⁸

IV. Conclusion

Even if the overpayment at issue was the Division’s fault, the applicable federal regulations require the Division to collect overpaid Food Stamp benefits. This is the case even if the overpayment is not the fault of the benefit recipient. Accordingly, the Division's decision to seek recovery of the \$285 in Food Stamp (SNAP) benefits, which the Division overpaid to Ms. N's household during the months of August and September of 2014, is affirmed.

Dated this 17th day of November, 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 16th day of December, 2014.

By: *Signed* _____
Name: Rebecca L. Pauli
Title: Administrative Law Judge

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

⁸ See SNAP regulation 7 C.F.R. § 273.18(e)(7). The letter is included in the Division’s exhibit but the numbers on the exhibits filed by the Division are not clear. “Attachment D,” to the letter is the form to request a reduction in the repayment.