

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

In the Matter of:)
)
 U Q) OAH No. 14-1956-SNA
) DPA Case No.
 _____)

DECISION

I. Introduction

The Division of Public Assistance approved U Q's application for Food Stamps benefits, effective October 29, 2014. Ms. Q requested a hearing, asserting that she had submitted an application on October 14. The assigned administrative law judge conducted a telephonic hearing on November 26. Ms. Q testified, as did two division employees.

Ms. Q did not prove that the division erred in providing an effective date of October 29. Therefore, the Division's action is affirmed.

II. Facts

U Q filed a written application for Food Stamps on October 29, 2014.¹ The Division of Public Assistance approved the application with an effective date of October 29.²

Ms. Q testified that she submitted a written application to the division's no name office on October 14. She did not retain a copy of the application.³ The division does not have a written application from Ms. Q dated October 14. The division conducted a thorough search at its no name city and no name city offices for an application from Ms. Q dated October 14 and did not locate one.⁴

III. Discussion

Food Stamps benefits are payable beginning on the date an identifiable application is received from an eligible recipient.⁵ In this case, Ms. Q did not provide any documentary evidence to support her testimony that she submitted an application on October 14. While it is possible that an application may be submitted and subsequently misfiled, the division conducted a search and has been unable to locate any written application or other document showing that Ms. Q submitted an application on October 14.

IV. Conclusion

¹ See Ex. 2-2.13.

² See Ex. 5.

³ U. Q testimony.

⁴ N. C testimony; K. F testimony.

⁵ 7 C.F.R. §273.10(a)(ii). See Ex. 9 (Food Stamps Manual 601-5 B).

In the absence of an identifiable application, Ms. Q has not established the division's decision to provide benefits effective October 29 was mistaken or contrary to law.⁶ Accordingly, the division's determination is **AFFIRMED**.

DATED December 10, 2014.

Signed _____
Andrew M. Hemenway
Administrative Law Judge

Adoption

The undersigned by delegation from the Commissioner of Health and Social Services, 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 24th day of December, 2014.

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

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

⁶ See In Re K.W., OAH No. 14-003-SNA (Commissioner of Health and Social Services 2014).