

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

In the Matter of	)	
	)	
Q E	)	OAH No. 17-0869-SNA
_____	)	Agency No.

**DECISION**

**I. Introduction**

The Division of Public Assistance (Division) added Q E’s children to her household for purposes of the Food Stamp<sup>1</sup> program starting September 1, 2017.<sup>2</sup> Ms. E appealed, asserting that the children should have been added starting August 1, 2017.<sup>3</sup>

The record supports a finding that the Division correctly added the children as of September 1, 2017.

**II. Facts**

Food stamp benefit amounts are calculated based on household size and income, among other factors. If a person moves into a household, that individual is added to a household for benefit calculation purposes the month following the report of the new household member.<sup>4</sup>

Ms. E’s children returned to her home on July 28, 2017. Ms. E submitted a report of change, documenting the addition of her children, to the Division of Public Assistance on August 1, 2017.<sup>5</sup> Under the federal regulations, Ms. E’s benefit calculation would reflect the addition of her children in September 2017 (the month following the report).

After learning that her children would not be added until the following month, Ms. E explained that she went to the Division office with a letter from the Office of Children’s Services detailing the children’s return to her household on July 24, 2017.<sup>6</sup> According to Ms. E, staff at the front counter told her she would have to submit a report of change form.<sup>7</sup> The Division

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<sup>1</sup> Also known as the Supplemental Nutrition Assistance Program.  
<sup>2</sup> Ex. 5.  
<sup>3</sup> Ex. 3.3. – 3.4.  
<sup>4</sup> 7 CFR 273.12(c)(1)(ii).  
<sup>5</sup> Ex. 3 – 3.2.  
<sup>6</sup> Auguafa testimony; Ex. 3.1; Ex. 4.  
<sup>7</sup> E testimony.

database does not contain any record of contact between Ms. E and the Division on July 24, 2017.<sup>8</sup>

Ms. E's hearing was held on September 5, 2017. Jeff Miller, hearing representative, presented the Division's position, and called the following Division employees as witnesses: Philip Augafa, Amanda Bowles, Modesta Henriquez, and Brady Jackson. Ms. E represented herself.

When a client enters the Division office, they wait in line to speak with someone at the front desk.<sup>9</sup> The front desk person generally looks up a person's case when they begin talking.<sup>10</sup> Front desk staff will take document submissions from recipients, date stamp it, scan the document, and enter the document and contact in the database. If the person needed to make a copy, she would use the copier in the office, near the door.<sup>11</sup> If front desk staff had reason to believe the person needed assistance with the copy, staff would help them, or perhaps make a copy themselves.<sup>12</sup> Otherwise, the person would make her own copy, and come back to the counter for assistance, without having to wait in line again.<sup>13</sup>

To have information processed and acted upon, a client would ask to speak to an eligibility technician (ET), and then wait for the next available ET.<sup>14</sup> If the beneficiary did not have time to wait, front desk staff recommends completing a report of change, and coming in later to talk with an ET.<sup>15</sup>

At hearing, Ms. E testified that on July 24, 2017, she waited to speak with someone at the front counter (not an ET) at the Division's Muldoon office. Mr. Jackson worked the front counter that day. Ms. E testified that Mr. Jackson did not look her up in the system or ask for any of her personal identification information. Ms. E understood that Mr. Jackson directed her to submit a report of change, and instructed her that she only needed one form for all the children.<sup>16</sup> Ms. E left without turning in the OCS letter or the report of change form.

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<sup>8</sup> Bowles testimony; Ex. 6.

<sup>9</sup> Henriquez testimony.

<sup>10</sup> Jackson testimony.

<sup>11</sup> Jackson testimony.

<sup>12</sup> Jackson testimony.

<sup>13</sup> Jackson testimony.

<sup>14</sup> Bowles testimony; E testimony.

<sup>15</sup> Bowles testimony.

<sup>16</sup> E testimony.

Ms. E also testified that she went to the office at approximately 10:00 a.m., but had an appointment at 1:00 p.m. She did not have time to meet with an ET on July 24, 2017. Furthermore, Ms. E had concerns that reporting the children's return before they were in the home would be fraud.<sup>17</sup> Ms. E described that she was rushed and distraught when she went into the Muldoon office on July 24, 2017.<sup>18</sup>

Mr. Jackson did not remember the specific interaction with Ms. E.<sup>19</sup> Instead, he testified generally that if a person wanted to submit a document (like Ms. E's letter from OCS) he would look the person up in the system, take the document, and add it to the case file.<sup>20</sup> If Mr. Jackson understood that Ms. E wanted to turn in the letter, he would have advised her to make a copy and give it to him for submission.<sup>21</sup> He also would have looked her up in the system, and the database would reflect that contact.

Ms. E and her children went on a trip with the tribal council from July 28<sup>th</sup> through the evening July 31, 2017.<sup>22</sup> The next day, on August 1, 2017, Ms. E submitted the report of change form.<sup>23</sup>

The record remained open after hearing for the Division to submit the backside of the Ms. E's report of change, and for Ms. E to contact the security guard at the Muldoon office to see if he remembered her being at the office on July 24, 2017. The Division could not locate the backside of the Ms. E's report of change.<sup>24</sup> Ms. E did not contact the OAH requesting additional hearing time to call the security guard as a witness.

Ms. E explained that she appealed, in large part, so that this type of communication failure does not happen in the future. If she had been told the consequence of reporting after July 31<sup>st</sup> – that the children would not be added to the household until September, she would have ensured that the Division received the report of change, or letter, or she would have met with an ET on or before July 31, 2017.

### **III. Discussion**

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<sup>17</sup> E testimony.

<sup>18</sup> E testimony.

<sup>19</sup> Jackson testimony.

<sup>20</sup> Jackson testimony.

<sup>21</sup> Jackson testimony.

<sup>22</sup> E testimony.

<sup>23</sup> Ex. 3.2.

<sup>24</sup> Jeff Miller letter, September 8, 2017.

The issue in this case is when the children should have been added to the household for Food Stamp purposes – September 1<sup>st</sup> or August 1<sup>st</sup>.

Based on the record it is more likely than not that Ms. E went to the Muldoon office on July 24, 2017. Unfortunately, Ms. E and Division staff did not communicate clearly with each other. Ms. E, not having time to wait to see and ET, decided to leave without giving the Division a copy of the OCS letter. Furthermore, Ms. E was under the mistaken impression that if she made a copy, she would have to stand in line again. Understandably, Ms. E did not want to wait and possibly miss her 1:00 appointment. While Ms. E attempted to adequately inform the Division that her children were returning to her home, she did not do so.

Federal regulations require that household members are added for the purpose of benefit calculation the month following receiving the report of their addition. Here, although Ms. E attempted to report that her children would begin living with her on July 28, 2017, the Division did not receive sufficient notice until August 1, 2017.

#### **IV. Conclusion**

The Division did not receive effective notice of Ms. E's children's return to her home until August 1, 2017. Therefore, its decision adding the children as of September 1<sup>st</sup> is affirmed.

Ms. E's request that Division staff communicate more clearly with clients is well taken. Every Division, and state agency, should continue to work on improving their customer interface.

Dated this 10<sup>th</sup> day of October, 2017.

*Signed*

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Bride 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 25th day of October, 2017.

By: *Signed* \_\_\_\_\_  
Name: Bride A. Seifert  
Title: Administrative Law Judge

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