

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

In the Matter of	)	
	)	OAH No. 17-1263-SNA
D X	)	Agency Case No.
_____	)	

**DECISION**

**I. Introduction**

D X applied to renew his Food Stamp<sup>1</sup> benefits on November 13, 2017. The Department of Health and Social Services, Division of Public Assistance (Division) denied his renewal application on November 22, 2017. Mr. X requested a hearing.

Mr. X's hearing was held on December 28, 2017. Mr. X represented himself and testified on his own behalf. Jeff Miller, a Public Assistance Analyst with the Division, represented the Division.

The evidence in this case shows that Mr. X's gross monthly income, as of the end of November 2017, exceeded the Food Stamp program's gross income limit. As a result, the Division's denial of his Food Stamp renewal application is upheld.

**II. Facts<sup>2</sup>**

The following facts were proven by a preponderance of the evidence.

Mr. X is a single, homeless person. He was receiving Food Stamp benefits, which were due to expire at the end of November 2017.<sup>3</sup> Mr. X began working and got his first paycheck at the beginning of July 2017. He applied to renew his Food Stamp benefits on November 13, 2017. He stated he was employed on the application.<sup>4</sup>

A Division eligibility technician checked an online database. The database showed that Mr. X began working on June 13, 2017. He is paid biweekly. Since his employment, he received the following gross paychecks:

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<sup>1</sup> Congress changed the official name of the Food Stamp program to the Supplemental Nutrition Assistance program ("SNAP"). However, the program is still commonly referred to as the Food Stamp program.

<sup>2</sup> Unless otherwise stated, these factual findings are based on Mr. X's testimony.

<sup>3</sup> Exs 1 – 1.1.

<sup>4</sup> Exs. 2 – 2.4.

<u>Date</u>	<u>Gross Amount</u>
July 3, 2017	\$492.00
July 18, 2017	\$432.00
August 1, 2017	\$522.00
August 15, 2017	\$670.50
August 29, 2017	\$573.00
September 12, 2017	\$705.00
September 26, 2017	\$945.00
October 10, 2017	\$940.50
October 24, 2017	\$882.00
November 7, 2017	\$870.00
November 21, 2017	\$915.00
December 5, 2017	\$955.50 <sup>5</sup>

The eligibility technician then took Mr. X's gross paychecks for October 10 (\$940.50), October 24 (\$882), and November 7 (\$870), and averaged them to arrive at an average gross monthly income for Mr. X of \$1929.63. Based upon that calculation, the eligibility technician determined that Mr. X's gross monthly income exceeded the gross monthly income limit for his household size, and sent him a notice, on November 22, 2017, that his Food Stamp renewal application was denied.<sup>6</sup>

Mr. X then requested a hearing.<sup>7</sup> Mr. X did not dispute the Division's calculations. However, he pointed out that his take home pay was much less than his gross income. For instance, his take home pay for November's two paychecks was \$723.17 and \$757.79 respectively.<sup>8</sup> Mr. X credibly testified that his take home pay was totally inadequate to make ends meet, and that he was going hungry as a result. Mr. X also had a recent change of circumstances: his work hours were decreased in mid-December, which will cause his pay to decrease.

### **III. Discussion**

The Food Stamp program is a federal program which is administered by the State of Alaska.<sup>9</sup> The Code of Federal Regulations contains the rules for determining if an applicant is eligible for Food Stamp benefits. A one-person household that had gross monthly income of

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<sup>5</sup> Exs. 3.1 – 3.2.

<sup>6</sup> Exs. 3, 4.

<sup>7</sup> Ex. 11.1.

<sup>8</sup> See Mr. X's handwritten list of net pay amounts faxed on December 28, 2017.

<sup>9</sup> 7 C.F.R. § 271.4(a).

more than \$1,623 during the period through September 2018, is not eligible for Food Stamp benefits.<sup>10</sup>

The Division's calculations are contained in the record.<sup>11</sup> Mr. X did not dispute the figures used by the Division. However, Mr. X credibly testified that his take home income was not sufficient to meet his basic needs, including food. Regardless, the income limits are set by law, and the Division does not have the ability to ignore those limits, or adjust them, despite an individual applicant's circumstances. The evidence shows that Mr. X's gross monthly income, as of November 22, 2017, was greater than the allowable gross monthly income limit for the Food Stamp program. Mr. X testified that his income had recently decreased. However, that decrease occurred after the Division denied his application. Accordingly, this decision cannot take that decrease into account. Consequently, the Division's determination that Mr. X's renewal application should be denied is upheld.

#### **IV. Decision**

The Division's November 22, 2017 denial of Mr. X's Food Stamp renewal application due to excess income is affirmed.

DATED this 2<sup>nd</sup> day of January, 2018.

*Signed* \_\_\_\_\_  
Lawrence A. Pederson  
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 17<sup>th</sup> day of January, 2018.

By: *Signed* \_\_\_\_\_  
Name: Lawrence A. Pederson  
Title: Administrative Law Judge/OAH

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

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<sup>10</sup> Ex 6: *Alaska Food Stamp Manual* Addendum 4.

<sup>11</sup> Ex. 3.