

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

In the Matter of)	
)	OAH No. 13-0159-CMB
K O)	Division No.
_____)	

DECISION

I. Introduction

K O and her family were receiving Food Stamp (also referred to as Supplemental Nutrition Assistance Program) and Medicaid benefits.¹ The Division of Public Assistance (Division) denied Ms. O's renewal application for Food Stamp benefits and terminated Ms. O and her husband's Medicaid benefits.² Ms. O requested a hearing.

Ms. O's hearing was held on February 27, 2013. Ms. O represented herself and testified on her own behalf. Terri Gagne, Public Assistance Analyst with the Division, represented the Division and testified on its behalf. On February 27, 2013, after the hearing, the Division issued a written concession and reinstated the Food Stamp and Medicaid benefits. A telephonic status conference was held on February 28, 2013, at which Ms. O declined to dismiss this case and requested a written decision be issued.

Because the Division made an error when it denied Ms. O's Food Stamp application and terminated her and her husband's Medicaid benefits, those actions would normally be reversed. However, because the Division admitted and corrected its error immediately after the hearing, there is no further relief that can be provided to Ms. O through this case, which is dismissed as moot.

II. Facts

Ms. O was receiving Food Stamp benefits in November 2012. Her Food Stamp benefits were due to expire at the end of December 2012.³ She applied to renew her Food Stamp benefits on December 3, 2012.⁴ On January 9, 2013, the Division sent Ms. O notice that it required additional information from her, and that if she did not provide the requested information by

¹ Ex. 1.
² Exs. 2.11 – 2.12.
³ Ex. 2.0.
⁴ Exs. 2.1 – 2.6.

January 24, 2013, her Food Stamp renewal application could be denied and her household's medical assistance benefits could be terminated.⁵ On January 28, 2013, the Division denied the Food Stamp renewal application and terminated Mr. and Ms. O's Medicaid benefits as of February 28, 2013.⁶

Ms. O testified at hearing that she had provided the Division with the requested financial information and that it had returned those same documents to her. Immediately after the February 27, 2013 hearing, she submitted documentation that corroborated her testimony.⁷ On February 27, 2013, the Division conceded the case in writing, reopened the Medicaid and Food Stamp benefit cases, and issued Food Stamp corrective benefits.⁸

III. Discussion

Both the Food Stamp and Medicaid programs provide the Division with the authority to request information that affects the applicant/recipient's eligibility.⁹ If an applicant/recipient refuses to provide the Agency with the requested information, then the Division may deny or terminate benefits.¹⁰

The evidence shows that Ms. O complied with the Division's information request. Consequently, the Division should not have denied her Food Stamp renewal application and should not have closed her and her husband's Medicaid benefit case.

IV. Conclusion

The Division's denial of Ms. O's Food Stamp renewal application and the closure of her and her husband's Medicaid benefits are subject to reversal. However, upon becoming aware of its error, the Division immediately corrected its error, reopened the O's Medicaid and Food

⁵ Exs. 2.8 – 2.9.

⁶ Exs. 2.11 – 2.12. The Division did not terminate the O children's' Medicaid benefits, only that of the parents. Ex. 2.12.

⁷ Ex. A.

⁸ Ex. 29.

⁹ 7 C.F.R. § 273.2(d)(1) (Food Stamp program); 7 AAC 100.016(a)(2) and (b), 7 AAC 100.905(a) (Medicaid program).

¹⁰ 7 C.F.R. § 273.2(d)(1) (Food Stamp program); 7 AAC 100.016(b), 7 AAC 100.905(b) (Medicaid program).

Stamp benefit cases, and issued corrective benefits. Because there is no relief that can be provided to Ms. O that she has not already received, this case should be dismissed as moot.

DATED this 7th day of March, 2013.

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 21st day of March, 2013.

By: *Signed* _____
Name: Lawrence A. Pederson
Title: Administrative Law Judge

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