

On May 16, 2014, the division sent Mr. N two notices. One notice informed him that he had to apply to recertify his eligibility for ATAP benefits. The other notice informed him that he had to apply to recertify his eligibility for Food Stamp benefits. Mr. N did not respond.

On June 16, 2014, the division sent a follow-up notice informing Mr. N that he needed to timely file his applications for recertification to avoid having his benefit payments interrupted. Mr. N did not respond before June 30, 2014. The division did not credit Mr. N's Quest Card on July 1, 2014 because Mr. N had not timely applied for recertification. Mr. N contacted the division that day. Mr. N explained that he had only received the recertification application four days before July 1, 2014. Mr. N requested a hearing.

On July 3, 2014, Mr. N filed his application for recertification. On July 4, 2014, the division interviewed Mr. N regarding his applications. His applications for Food Stamp and ATAP benefits were approved on July 7, 2014, with an effective date of July 3, 2014, the date that he applied for recertification. Mr. N maintained his request for a hearing.

At the hearing, Mr. N explained that he is disabled, he did not timely receive notice of his need to apply for recertification, and he had his electricity turned off because he owed \$67. Mr. N explained that he cannot live in his home without electricity. Mr. N explained that he often does not stay at his address of record because his landlord does not allow his service dog to stay with him. Mr. N described his ongoing struggle with his landlord to get approval for his service dog.

III. Discussion

The ATAP and Food Stamp regulations require the division to recertify eligibility on an annual basis. The division acted within its authority in requiring Mr. N to file recertification applications, and acted expeditiously to provide him with an interview and approve his application once he filed his application.² Mr. N admitted that he received the notice that he needed to file his recertification application at least three days before his eligibility expired.³ At the hearing, Mr. N explained that he wanted a hearing not so much

² 7AAC 40.450(b) & (c) give the division the authority to require an application for recertification of eligibility.

³ 7AAC 40.450(b) & (c) give the division the authority to require an application for recertification of eligibility.

to appeal the division's actions as to put on record his frustration at having his electricity shut off because he did not get his July benefits in time to pay his bill. Mr. N indicated that he did not receive notice of his need to file for recertification until just a few days before his benefits expired. While it is very unfortunate that Mr. N had to go through this hardship, the division correctly applied the law in handling his case. Hopefully communication between Mr. N and the division will be better going forward.

IV. Conclusion

The division properly terminated Mr. N's benefits when he failed to timely apply for recertification.

DATED this 29th day of July, 2014.

By: Signed
Mark T. Handley
Administrative Law Judge

Adoption

The undersigned, by delegation from of 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 12th day of August, 2014.

By: Signed
Name: Mark T. Handley
Title: Administrative Law Judge

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