

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

In the Matter of)
)
E P) OAH No. 16-0474-CMB
) Agency Case No.
_____)

DECISION

I. Introduction

E P is a disabled adult whose only income is federal Social Security Disability Income (SSDI). She receives Adult Public Assistance and Food Stamp¹ benefits. Her SSDI payments were garnished for past due child support payments. That garnishment stopped, which increased her take home income. The Department of Health and Social Services, Division of Public Assistance recalculated Ms. P's benefits, based on the change in her income. Her Adult Public Assistance monthly payment remained the same at \$108 and her monthly Food Stamp benefits were decreased to \$19 effective April 2016. The Division's calculation of Ms. P's benefit payments is AFFIRMED because it is based upon her actual income and the deductions to which she is entitled.

II. Facts

Ms. P's hearing was held on May 31, 2016. Ms. P represented herself and testified on her own behalf. Jeff Miller, a Public Assistance Analyst with the Division, represented the Division. The following facts were proven by a preponderance of the evidence.

Ms. P has a one-person household consisting of herself. Her mailing address is in No Name. She applied to renew her Adult Public Assistance and Food Stamp benefits in February 2016.² Ms. P's only source of income is \$1,007 per month in Social Security Disability Income (SSDI).³ Prior to her renewal, Ms. P was having her SSDI payments garnished to pay past due child support. When she filed to renew her Adult Public Assistance and Food Stamp benefits, the garnishment had stopped, and Ms. P was receiving her full monthly SSDI payment of \$1,007.

¹ 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.

² Exs. 2 – 2.4.

³ Ex. 26.

The Division determined that she should continue to receive \$108 per month in Adult Public Assistance benefits.⁴

The Division then calculated that Ms. P's Food Stamp benefit amount should be changed to \$19 per month. The Division's calculations were based upon Ms. P having SSDI income of \$1,007 and Adult Public Assistance income of \$108. The Division provided Ms. P with deductions for real estate taxes (\$34.03 per month based upon yearly taxes of \$408.39), and a standard utility deduction of \$368 per month, which covers all utility expenses.⁵ Ms. P heats with propane and wood.⁶ She does not have property insurance.⁷

Ms. P testified that she was not receiving her SSDI payments. However, her testimony was confusing and inconsistent regarding the reason for that non-receipt:

- She testified that she was refusing her SSDI payment.
- She testified that she wasn't receiving the SSDI payment because there was a problem with her SSDI debit card.
- She testified that her payments were accruing.
- She testified that there was some issue regarding being issued SSDI benefits in Montana, instead of Alaska.

The Division's Social Security interface shows that Ms. P currently receives \$1,007 per month in SSDI benefits.⁸

Ms. P owns her own home. She does not have mortgage payments. She does not have property insurance. Her home needs substantial repairs.⁹ Her yearly real estate taxes total \$408.39, which comes to \$34.03 per month.¹⁰

III. Discussion

Ms. P raised a number of arguments and points in her testimony that are not related to the issues in this case.¹¹ Instead, this is a case with only financial issues: whether the Division used

⁴ Mr. Miller's statement; Exs. 3, 4, 8.

⁵ Ex. 3

⁶ Ex. 3; Ms. P's testimony.

⁷ Ms. P's testimony.

⁸ Exs. 3.1, 26.

⁹ Ms. P's testimony.

¹⁰ Exs. 3.2 – 3.3.

¹¹ Ms. P raised issues that included: nuclear testing in Montana, the No Name Borough's taxing her for the public road in front of her home, the disrepair of her home, her prior experiences with the Division of Vocational Rehabilitation and Workers' Compensation, and her claim that she has an ownership interest in the Anchorage International Airport real property.

the correct income figures and the correct deductions in arriving at her monthly benefit amounts for both the Adult Public Assistance and Food Stamp programs. Her income is \$1,007 per month in SSDI benefits. Although she argued that those funds were not accessible to her, her testimony, albeit confusing, indicated that the inaccessibility was due either to a refusal to accept those funds or to take administrative steps, such as obtaining a new debit card, with the Social Security Administration to access those funds.

A. Adult Public Assistance

The Adult Public Assistance program provides financial support to aged, blind, or disabled Alaskans. The benefit amount is calculated by taking a recipient's income and subtracting applicable deductions or exclusions. The number of available deductions or exclusions is limited.¹² Ms. P is a single person with only unearned income (SSDI). She is only eligible for a \$20 exclusion from her income.¹³ This makes her countable income, for Adult Public Assistance purposes, \$987.¹⁴ The benefit amount is then arrived at by subtracting a recipient's countable income from the appropriate payment standard. The payment standard for a single person who lives in his or her own home is \$1,095.¹⁵ When Ms. P's countable income of \$987 is subtracted from the payment standard of \$1,095, the result is \$108. This is what the Division correctly determined she should receive.

B. Food Stamps

The Food Stamp program is a federal program which is administered by the State of Alaska.¹⁶ The Code of Federal Regulations contains the rules for determining if an applicant is eligible for Food Stamp benefits. Food Stamp benefit calculations begin with a household's gross monthly income, both earned income and unearned income, such as SSDI and Adult Public Assistance.¹⁷ The next step is to subtract the standard deduction, which is \$265 for a household of 5 persons or less.¹⁸ A household with earned income is entitled to an additional deduction which is based upon the amount of income earned by the household.¹⁹

¹² The list of available deductions and exclusions is contained at 7 AAC 40.320.

¹³ 7 AAC 40.320(a)(23).

¹⁴ \$1,007 - \$20 = \$987. *See* 7 AAC 40.350.

¹⁵ 7 AAC 40.370(b) and (c); *Alaska Adult Public Assistance Manual* Addendum 1.

¹⁶ 7 C.F.R. § 271.4(a).

¹⁷ 7 C.F.R. § 273.9(b).

¹⁸ *Alaska Food Stamp Manual* Addendum 4.

¹⁹ 7 C.F.R. § 273.9(d).

After subtracting the standard deduction and medical expense deduction from the household's gross monthly income, the household's "shelter expenses" (mortgage or rent, property taxes, insurance, and utilities) are taken into account. Ms. P owns her property and does not have any mortgage or insurance payments. She pays property tax, which is \$34.03 per month. The Division provided her with that property tax deduction. The Division also provided her with a standard utility deduction of \$368 per month, which is inclusive of all utility costs including telephone. The standard utility deducted was used because Ms. P's application states that she heats with propane. This is the highest utility deduction available for a person who lives in the Central Utility District, which is where Ms. P resides.²⁰ After reviewing the evidence, Ms. P did not have any other deductions available to her. For instance, she does not now pay child support, whereas she had previously.

The Division's calculations resulted in Ms. P only being eligible for \$19 per month in Food Stamps, based upon her living in urban Alaska. Those calculations took her actual income, both SSDI and Adult Public Assistance, and her available deductions in account.²¹ Ms. P argued that the calculations should have treated her as being in rural Alaska, which would have resulted in a higher Food Stamp benefit.²² However, Ms. P has a mailing address in No Name, which the Food Stamp program categorizes as "urban."²³ The evidence in this case shows that it is more likely true than not true that the Division's calculation of Ms. P's Food Stamp benefit was correct.

IV. Decision

The Division's decision setting Ms. P's monthly Adult Public Assistance payment at \$108 and her monthly Food Stamp benefit at \$19 is AFFIRMED.

DATED this 14th day of June, 2016.

Signed

Lawrence A. Pederson
Administrative Law Judge

²⁰ Ms. P lives in the No Name Borough, which is located in the Central Utility District. *See Alaska Food Stamp Manual Addendum 4.*

²¹ The Division's calculations are contained in 5 – 5.1.

²² *See Alaska Food Stamp Manual Addendum 4.*

²³ *See Alaska Food Stamp Manual Addendum 1.*

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 29th day of June, 2016.

By: Signed _____
Name: Deborah L. Erickson
Title: Project Coordinator
Agency: Office of the Commissioner, DHSS

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