

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

In the Matter of )  
 )  
B S ) OAH No. 18-0626-SNA  
 ) Agency No. 05618535  
\_\_\_\_\_ )

**DECISION**

**I. Introduction**

B S requested a hearing to challenge the determination of the Division of Public Assistance (“Division”) that his family was not eligible for benefits under the Supplemental Nutrition Assistance (Food Stamp) Program because the household’s income exceeded the regulatory maximum for a family of four. A hearing was held on July 2, 2018 in which Mr. S and Division representative Jeff Miller participated and testified by telephone, with the assistance of a Tagalog translator. The record closed at the hearing’s conclusion.

As discussed below, the evidence presented by the Division established that Mr. S’s monthly household income was in excess of the Food Stamp Program net income limit for a household of four. Therefore, the Division’s denial of Mr. S’s application is affirmed.

**II. Facts**

There are no genuine issues of material fact in dispute. Mr. S challenged the Division’s application of the law to the following undisputed facts:

On April 20, 2018 Mr. S applied for Food Stamp benefits for his household, which consists of himself, his wife, and their two adult children.<sup>1</sup> The application was “pending” for a short period of time while Mr. S was asked to provide additional information regarding household income.<sup>2</sup> The application was denied on or about May 17, 2018, based on the household income exceeding the maximum net income standard.<sup>3</sup> Mr. S then filed this appeal.<sup>4</sup>

At the hearing, the Division’s representative Mr. Miller explained that because Mr. S is over 60-years old (he is 65), his household is considered a “Special Category Household/Individual” or “SPECAT” household, which means that rather than requiring the

---

<sup>1</sup> Exhs. 2-2.12.  
<sup>2</sup> Exhs. 4, 4.1.  
<sup>3</sup> Exh. 6.  
<sup>4</sup> Exh. 9.1.

household to meet the program's gross income limit, it must meet the program's net income limit after certain deductions are applied.<sup>5</sup>

Prior to the hearing, the Division submitted a position statement that described the basis for the denial of the household's eligibility, including the Division's calculations of the household's income. During the hearing, Mr. Miller explained that the original calculations described in the position statement contained some errors, but the errors did not change the result regarding the household's eligibility; the corrected calculations were described in an exhibit to the position statement.<sup>6</sup>

The Division's calculations showed that Mr. S's household's total adjusted net income, after allowable deductions, was \$5,138.70 per month.<sup>7</sup> Mr. Miller explained that this figure exceeds the Food Stamp program maximum net income of \$2,563 for a household of four.<sup>8</sup>

Mr. S did not dispute the Division's calculations or argue that his household should have been allowed to more deductions in the net income calculations. Rather, he argued in his written appeal that one of his sons has been out of work since May 1, 2018.<sup>9</sup> Mr. S also explained at the hearing that he has been out of work since June 14, 2018.<sup>10</sup> Mr. S testified that he understood that these changes in the employment of household members post-dated the timeframe that is relevant to this appeal, and therefore that they would only be relevant to any more recent Food Stamp application that he may file.

### **III. Discussion**

The Food Stamp program is a federal program administered by the State of Alaska. The Code of Federal Regulations (CFR) contains the rules for determining a household's financial eligibility, which is determined, in part, based on the income earned by the household members.

As mentioned above, Mr. S did not dispute the calculations performed by Division staff in determining his household's ineligibility. Rather, he appealed the denial of benefits because he and one of his sons have recently lost their jobs, and as a result his family needs help surviving on their limited income.

Unfortunately, the statutes and regulations governing the Food Stamp Program provide no room for discretion. The Commissioner of Health and Social Services, the Division, and the

---

<sup>5</sup> N testimony; *see* Exhs. 11-11.4, 12.

<sup>6</sup> *See* Exh. 7.

<sup>7</sup> *See* Exh. 11.

<sup>8</sup> Exh. 7.1.

<sup>9</sup> Exh. 9.1.

<sup>10</sup> S testimony.

undersigned administrative law judge must apply the regulations as written and must adhere to the bright line between eligibility and non-eligibility. Those regulations provide that a household whose income is over the applicable limit must be deemed ineligible for Food Stamp benefits. As Mr. S did not dispute the Division's calculations, nor the specific manner in which it applied deductions to arrive at the household's adjusted net income, there is no basis on which to overturn the Division's decision to deny Mr. S's application for benefits.

#### IV. Conclusion

The total adjusted net income of Mr. S's household of four persons exceeded the standard for a *SPECAT* household of four under the Food Stamp program. Therefore, the household was not eligible for benefits, and the Division's denial of Mr. S's application is affirmed.<sup>11</sup>

Dated this 23<sup>rd</sup> day of July, 2018.

By: Signed  
Signature  
Andrew M. Lebo  
Name  
Administrative Law Judge  
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]

### 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 31<sup>st</sup> day of July, 2018.

By: Signed  
Signature  
Andrew M. Lebo  
Name  
Administrative Law Judge  
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]

---

<sup>11</sup> Mr. S is encouraged to reapply for Food Stamp benefits if he and his son are unable to find employment.