

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

In the Matter of	)	
	)	
K K	)	OAH No. 19-0025-SNA
<hr style="width: 80%; margin-left: 0;"/>	)	Agency No. 05526755

**DECISION**

**I. Introduction**

K S K has been a Food Stamp recipient for some time, seeking employment in the daytime and taking classes in the evening. When she applied to recertify in November of 2019, her benefits were denied on the basis that she was a student taking classes more than half-time, and such students are generally ineligible. She appealed.

This decision affirms the denial. Although Ms. K’s desire for self-improvement is commendable, her student status does disqualify her from the Supplemental Nutrition Assistance Program (SNAP), commonly known as Food Stamps.

**II. Facts**

There are no material facts in dispute in this case. K K was enrolled in the Food Stamps program in the months leading up to October of 2018. At the same time, she was taking evening classes at Alaska Career College. On October 30, 2018, she graduated with an Associate’s degree in business administration. In the month of November, she was not enrolled in classes. On December 4, 2018, she re-enrolled and began taking classes toward another degree. She now takes classes two days per week from 6:00 p.m. to 10:00 p.m., yielding eight hours per week.<sup>1</sup>

For reasons that have not been explained, Alaska Career College classifies all students—even those taking the most minimal class load—as “full time” students.<sup>2</sup> However, a normal load for night students at the college is 16 hours per week.<sup>3</sup> Ms. K is taking half of that load.

On November 5, 2018, Ms. K submitted a recertification application for Food Stamps, explicitly and correctly disclosing that she was a college student.<sup>4</sup> The application was

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<sup>1</sup> Testimony of K K; Ex. 5.  
<sup>2</sup> Testimony of Sally Dial.  
<sup>3</sup> Testimony of Ms. K.  
<sup>4</sup> Ex. 2.1 - 2.2.

eventually denied on the basis that “You are enrolled as a full time student at Career College.”<sup>5</sup>

Ms. K appealed immediately, but referral to the Office of Administrative Hearings was slightly delayed. She received her hearing by telephone on January 28 and February 4, 2019. Ms. K represented herself and testified on her own behalf. Public Assistance Analyst Sally Dial represented the Division of Public Assistance (DPA), and also gave some factual testimony. All submitted documents were admitted to the record, which closed at the end of the hearing.

### **III. Discussion**

SNAP benefits, or Food Stamps, are governed by federal law, which establishes the rules for determining an individual’s or household’s eligibility. Federal regulation 7 C.F.R. § 273.5(a) provides that an “individual who is enrolled at least half-time in an institution of higher education shall be ineligible to participate in SNAP unless the individual qualifies for one of the exemptions”. The regulation then lists various exemptions, such as one for students enrolled in work-study and one for students working 20 hours per week.<sup>6</sup> In this case, however, neither party contends that Ms. K is potentially eligible for one of the exemptions.

Although the federal regulation does not say so, state Food Stamp programs generally interpret 7 C.F.R. § 273.5(a) to mean that a student is ineligible if the student’s institution classifies the enrollment as half time or greater; that is, there does not generally seem to be an inquiry into whether the student’s load is truly 50 percent of a reasonable full-time class load.<sup>7</sup> Alaska has a policy of applying the regulation this way; the Alaska SNAP Manual says that whether a student is half-time or more will be “as defined by the institution.”<sup>8</sup> This is why the Alaska program adopted Alaska Career College’s classification of Ms. K as “full time.”

There may be a basis for a state to disregard an institution’s classification of a student if the classification is completely counterfactual. However, it is not necessary to resolve that issue in this case, because even if Ms. K is not “full time”, as determined by the college and by DPA, she is certainly at least half-time, in that she takes half of a normal course load. The regulation disqualifies students who are half-time or more.

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<sup>5</sup> Ex. 8. This amended denial replaced an earlier one for failure to provide information. Ms. K did provide the requested information, and the earlier denial is no longer at issue.

<sup>6</sup> 7 C.F.R. § 273.5(b).

<sup>7</sup> See, e.g., CalFresh Handbook 63-4.5: Student Eligibility, Part III (California SNAP).

<sup>8</sup> Alaska SNAP Manual 605-1(B)(1).

The above discussion resolves Ms. K's eligibility going forward. Notwithstanding the usual practice of suspending Food Stamp benefits in the absence of a recertification, Ms. K's benefits seem to have been maintained for a time after her prior recertification period expired. Regarding November 2018 benefits, Ms. Dial acknowledged at the hearing that Ms. K would not have been disqualified by student status during that month. Eligibility ended in December upon her reenrollment at Alaska Career College.

#### IV. Conclusion

DPA's decision to deny recertification to Ms. K is affirmed.

Dated: February 7, 2019.

By: Signed  
Signature  
Christopher Kennedy  
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 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 21<sup>st</sup> day of February, 2019.

By: Signed  
Signature  
Christopher Kennedy  
Name  
Commissioner's Delegate  
Title

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