

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

In the Matter of)
)
L F) OAH No. 20-0366-CMB
) Agency No.
_____)

DECISION

I. Introduction

L F is an elderly disabled woman who was receiving Adult Public Assistance cash benefits and Food Stamp benefits in March 2020. On March 2, 2020, the Division of Public Assistance (Division) notified her that her APA cash benefit would be decreased to \$228 per month beginning in April of 2020, and that her Food Stamp benefits were cancelled effective April 2020.

Ms. F requested a hearing to challenge the reduction of her APA benefit amount and the cancellation of her Food Stamp benefits. The hearing was held on August 11, 2020. Ms. F was represented by Heather Parker with Alaska Legal Services. L F and her husband, T F, both testified. The Division was represented by Jeff Miller, its Fair Hearing representative, who also testified on the Division's behalf. All of the parties' exhibits were admitted into evidence. The record was held open after the hearing for post-hearing briefing.

The facts of this case show that Mr. F, Ms. F's husband, is a member of Ms. F's household and that his membership is not temporary. As a result, Ms. F's APA benefits must be calculated based upon their joint income. Accordingly, the Division's reduction of Ms. F's monthly APA benefit is upheld. However, that reduction should be to \$250 per month rather than the \$228 amount.

With regard to the Food Stamp benefit termination, the evidence shows that Ms. F has a three-person Food Stamp household, and that the Division provided her with all of the deductions to which she was entitled. As a result, the preponderance of the evidence is that the Division correctly determined that the Fs' household was not financially eligible for Food Stamp benefits. The Division's termination of those benefits is therefore upheld.

II. Facts¹

L F is over 65 years old and is disabled. She lives in City A with her adult daughter, who is also disabled. Her husband T F maintains a home in City B. City B is a small rural community with limited medical care. Mr. and Ms. F are not estranged but have rather been living separately due to Ms. F's medical care needs which cannot be met in City B. The Fs are Alaska Native.

Mr. F has been living in City B. His own medical needs have required him to stay in City A with his wife in the past. He ended up having to go to City A again in the spring of 2019, where he had surgery in mid-April of 2019. He has since resided with Ms. F and their daughter. Mr. F's extended stay in City A is due to complications from his surgery and the need for ongoing medical treatment, which is unavailable in City B.

Ms. F and Mr. F both receive APA benefits. In April of 2019, they were receiving those benefits under separate cases.² Ms. F was also receiving Food Stamp benefits, as a two-person household consisting of her and her daughter.³

The Division became aware that Mr. F was living with Ms. F in City A in mid May 2019. Mr. Miller with the Division spoke with Mr. F on May 15, 2019, and told him that he would be added to Ms. F's Food Stamp case and that his Medicaid benefits would be changed to a couple's case.⁴ That same day Ms. F filed an eligibility review form to renew her Food Stamp benefits, which listed only herself and her daughter as residing together.⁵

On May 21, 2019, Mr. F contacted Mr. Miller and told him that he was moving back to City B in a few days.⁶ The Division did not take any action to add Mr. F to Ms. F's Food Stamp case or convert their individual APA case to a couple's case.

In February of 2020, Mr. Miller determined that Mr. and Ms. F were still living together in City A and that Mr. F needed to be added to Ms. F's Food Stamp case and that Mr. and Ms. Fs' APA benefits be combined as a couple's case.⁷ At Mr. F's request, Mr. Miller faxed Mr. F a

¹ The following facts were established by a preponderance of the evidence. Unless otherwise indicated, the facts are derived from the testimony of Mr. and Ms. F and Mr. Miller.

² Exs. 11.1, 11.3.

³ Ex. 11.4.

⁴ Ex. 8.

⁵ Ex. 8.3. The application refers to Mr. F but does not disclose him as a member of the household. *See* Exs. 8.5 – 8.6.

⁶ Ex. 9.

⁷ Ex. 11.

copy of the benefits payment history for both Mr. and Ms. F.⁸ On the cover page for the fax, Mr. Miller let Mr. F know that his and his wife's APA cases would be combined, which would lower their benefits.⁹

On March 2, 2020, the Division sent Ms. F two separate notices. The first notice informed her that her monthly APA benefit payment would change to \$228 beginning with the April 2020 payment.¹⁰ The second informed her that her Food Stamp benefits were terminated after March 2020.¹¹

The rationale for the reduction in the APA benefit was that Mr. F was living with her and that as a result, their joint income had to be utilized in determining her monthly benefit amount. The Division used the amount of \$463 for Ms. F's Social Security income and a total of \$803 for Mr. F's Social Security income.¹² However, the evidence shows that Ms. F's monthly Social Security payment is nominally \$463 but that she is only receiving \$419 per month.¹³

The Division's basis for terminating Ms. F's Food Stamp benefits was that it considered her household to consist of three people, Ms. F, Mr. F, and their daughter. It totaled the income for all three (Ms. F \$463 Social Security, \$228 APA, and Senior Benefits \$175; Mr. F \$803 Social Security, \$229 APA, and Senior Benefits \$175; the daughter \$805.60 Social Security and \$359 APA), which came to \$3,237.60, provided a standard deduction of \$286 and shelter costs of rent of \$1,300 and a standard utility deduction of \$386, which resulted in a net income of \$2,741. It found the Fs ineligible for Food Stamps because that amount exceeded the Food Stamp program's net income limit of \$2,222 for a three person household.¹⁴ In calculating the household net income, the Division did not provide the Fs with any deductions for his home in City B. It did not allow any excess medical deduction costs.

Ms. F is undisputedly disabled with severe vision impairments. She and her daughter go grocery shopping together because she needs help locating items and reading prices due to her

⁸ Exs. 11.1 – 11.6.

⁹ Ex. 11.1.

¹⁰ Ex. 16.

¹¹ Ex. 16.1.

¹² Per the Division's notice, Ms. F receives Social Security in the amount of \$463 and Mr. F receives both regular Social Security (\$659) and Supplemental Security Income (\$144). Ex. 16.

¹³ Ex. 12.3 (SSA printout dated April 23, 2020); Ms. F's Ex. 8, Bates Stamped pages 39, 44, 48, 52 (May 6, 2020, April 6, 2020, March 5, 2020, and February 6, 2020 bank statements).

¹⁴ Exs. 13 – 13.1, 16.1.

vision issues. And she and her daughter prepare the family meals together: Ms. F is teaching her daughter to cook, and the daughter does a lot of the basic preparation work.

Mr. F intends to return to his home in City B. That home is lived in by Mr. and Ms. F's adult disabled son. That son has no income and Mr. and Ms. F help to financially support him and the costs associated with him living in and maintaining the City B home.¹⁵

III. Discussion

A. APA Benefits

APA benefits are provided to individuals who are aged or disabled, in addition to other criteria.¹⁶ APA benefits are calculated depending upon a recipient's living situation. In the case of a married couple who reside together, a recipient's eligibility for APA benefit and the monthly benefit amount is calculated based upon their joint income.¹⁷ This also applies when a married couple both receive APA benefits.¹⁸

1. Benefit Amount

In February and March 2020, when the Division treated Mr. and Ms. F as residing separately for the purposes of calculating their APA benefits, Ms. F received \$702 per month based solely upon her income. Mr. F received \$362 per month based solely upon his income.¹⁹ By treating them as married couple residing together, with Mr. F's Social Security income as \$803, and Ms. F's income as \$463, their monthly APA benefits are substantially reduced: Ms. F to \$288, Mr. F to \$289. However, the evidence shows that Ms. F is only receiving \$419 per month in Social Security benefits.²⁰ "Income" is defined as "any property, money, or service received by an applicant ... which can be used, directly or indirectly to meet the applicant's need for food, clothing, and shelter."²¹ There is no indication in the record showing why there is a difference between the amount nominally listed of \$463 and the actual payment of \$419. There is therefore no basis upon which to determine that the difference is used to meet Ms. F's "need

¹⁵ As Mr. F pointed out, an older home not occupied and maintained in City B's wet weather rapidly falls into disrepair.

¹⁶ 7 AAC 40.120.

¹⁷ 7 AAC 40.230 – 240.

¹⁸ 7 AAC 40.310; 7 AAC 40.370.

¹⁹ Exs. 11.1, 11.3.

²⁰ See Ex. 12.3, which is an April 23, 2020 Social Security interface printout showing that Ms. F has a gross amount of \$463 per month, but only receives \$419 per month. The printout does not contain any listing of deductions showing why the payment amount is lower than the entitlement amount. The Division was asked about the discrepancy and was not able to explain it.

²¹ 7 AAC 40.300(a)(1).

for food, clothing, and shelter.” Consequently, this decision will use the actual payment amount of \$419 per month as Ms. F’s Social Security income.

The fact that Ms. F receives only \$419 per month in Social Security benefits reduces the Fs’ joint income to \$1,222. A married couple is entitled to one \$20 deduction.²² This reduces the income to \$1,202.²³ This is subtracted from the APA payment standard, which is \$1,703 for a couple, both eligible for APA, residing in their own home.²⁴ The result is \$501. This is divided in half to arrive at an individual payment amount. Ms. F should therefore receive \$250 per month instead of the \$228 previously allotted. As a result, Ms. F’s monthly APA benefit should be reduced, but to \$250 per month beginning with April 2020.

2. Joint Residence

Ms. F maintains that Mr. F is only temporarily residing with her and that as a result, the regulatory requirement that the benefits be based upon her and her husband’s combined income does not apply. The undisputed fact is that Mr. F has been living with Ms. F since April of 2019. The Division’s benefit reduction notice was sent at the beginning of March 2020, approximately 11 months thereafter. Even though Mr. F has ongoing medical needs which would be difficult, if not impossible to meet, in City B, his factual argument is flawed given the Black’s Law Dictionary definition of temporary: “[t]hat which is to last for a limited time only, as distinguished from that which is perpetual, or indefinite in its duration.”²⁵

Despite the fact that Mr. F intends to return to his home in City B, given the duration of his stay in City A, his stay in City A is therefore of an indefinite duration, as contrasted to a temporary stay. In addition, it must be noted that the applicable regulation, 7 AAC 40.240(a), requires the Division to utilize the joint income of spouses who are “living” together. The applicable regulations do not provide an exception for when the spouses normally live apart, but are temporarily “living” together, which is the exception urged here. Finally, it must be noted that this issue was squarely dealt with in a prior decision involving both Fs:

For the purposes of determining eligibility and benefit levels, the income and resources of spouses living together are considered mutual income and resources. Living together means residing as a family unit in a single residence. The Fs meet this definition, and are clearly spouses living together. The historical

²² 7 AAC 40.320(a)(23).

²³ 7 AAC 40.350.

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

²⁵ *Black’s Law Dictionary Free Online Legal Dictionary* 2nd Ed; <https://thelawdictionary.org/temporary/> (dated accessed September 18, 2020).

facts under which they came to be living together, and the particular reasons that they continue [to] live together, are immaterial to the current nature of their living arrangement for the purposes of APA eligibility. The Division thus did not err in treating their APA benefits as a single household.²⁶

As a result, the Division's determination that the Fs must be considered as a single household for the purposes of calculating Ms. F's monthly APA benefit is correct. However, as discussed above, Ms. F's monthly benefit amount is reduced to \$250, rather than \$228.

B. Food Stamps

The Food Stamp program is a federal program which is administered by the State of Alaska.²⁷ The Code of Federal Regulations contains the rules for determining if an applicant is eligible for Food Stamp benefits. Food Stamp eligibility and benefits are determined based upon a household's composition, assets, and income.²⁸

The Division had previously provided Food Stamp benefits to Ms. F as part of a two-person household, consisting of her and her daughter. When it added Mr. F to the household and counted his income, in addition to Ms. F's and the daughter's income, the Division determined that the three-person household was financially ineligible. Although Ms. F has argued that Mr. F is only temporarily residing with her, she does not dispute that she and Mr. F, because they are married and living together, comprise a household for Food Stamp eligibility and benefit purposes. Instead, she makes two arguments. Her first argument is that she and Mr. F should be considered a separate household from their daughter. Her second argument, which contains a number of subissues, is that the Division failed to provide the Fs with all the deductions to which they are entitled.

1. Household Composition

It is undisputed that Mr. and Ms. F and their daughter reside in the same dwelling. Under general Food Stamp rules, they are one household and their eligibility and benefits are to be determined based upon their joint income and applicable deductions. There is an exception which allows for an individual, who is elderly (60 years or older) and disabled, and their spouse, if applicable, to be considered as a separate household from the other people they live with. In

²⁶ OAH Case Nos. 17-1289-APA and 17-1290-APA (Commissioner Dept. of Health and Social Services, 2018; citations omitted).

²⁷ 7 C.F.R. § 271.4(a).

²⁸ 7 C.F.R. § 273.10(e)(1)(i)(A).

order to qualify for this exception, Ms. F would need to be elderly and “unable to purchase and prepare meals because . . . she suffers from a disability considered permanent under the Social Security Act.”²⁹ The Division does not dispute that Ms. F is elderly and permanently disabled. The critical factual issue is whether she is “unable to purchase and prepare meals.” If the answer to this question is yes, then her household for Food Stamp purposes consists solely of her and Mr. F. Otherwise, the household would be a three-person household consisting of the Fs and their daughter.

The evidence on this point shows that it is more likely true than not true that Ms. F goes shopping with her daughter and that she and her daughter prepare the meals together. Indeed, Ms. F is teaching her daughter to cook. As a result, Ms. F, although both elderly and disabled, is not “unable to purchase and prepare meals” as is required to fit under this exception. Consequently, the F Food Stamp household consists of three persons: Ms. F, Mr. F, and their daughter.

2. Deductions

The Food Stamp program provides for certain deductions from income. It first totals up the income from all the household members, regardless of whether the income is earned or unearned. The Fs family income has three sources: Social Security payments (all three), APA payments (all three), and Senior Benefit payments (Mr. and Ms. F). All of these are classified as unearned income and are countable for the purposes of the Food Stamp program.³⁰

The Division calculated that the family’s combined gross income was \$3,237.60. As found above, Ms. F’s Social Security Income was \$419 per month and Mr. and Ms. F’s joint APA income should have been \$501 per month. However, that does not change the household gross income:

Mr. F	\$803 Social Security total
Ms. F	\$419 Social Security
Mr. F	\$175 Senior Benefits
Ms. F	\$175 Senior Benefits
Mr. and Ms. F	\$501 APA joint payment
Daughter	\$359 APA

²⁹ 7 C.F.R. § 273.1(b)(2).

³⁰ 7 C.F.R. § 273.9(b)(2)

Daughter	\$805 Social Security
Total	\$3,237.

The Division then subtracts a standard deduction from the total income of \$286, and a deduction for earned income, which does not apply in this case. There is also an excess medical cost deduction available for household members who are elderly or disabled, such as both Mr. and Ms. F.³¹ The Division applied the standard deduction of \$286 to the combined F family income of \$3,237.60 to arrive as an adjusted income figure of \$2,951.60. It did not allow an excess medical cost deduction.³²

The next step in the Food Stamp calculation process is to figure out what the household's shelter costs. Shelter costs include items such as rent, utilities, and telephone costs.³³ For a household with elderly and/or disabled members, if the shelter costs are more than one-half of the adjusted income, which the Division determined was \$2,951.60, the difference between the shelter cost and one-half of the adjusted income is an additional deduction.³⁴ If, after applying the deduction from the adjusted income, the result is more than \$2,222, then the household is not eligible for Food Stamp benefits.³⁵ The Division's calculations allowed shelter costs of \$1,300 for rent and \$386 as a standard utility deduction in its calculations. Those same calculations showed that the Fs' household income, after application of all deductions was \$2,741.40, which placed it over the income limit.³⁶

Ms. F made two objections to the Division's calculations. She objected to it not providing her with an excess medical cost deduction for Mr. F's medical costs, and she objected to the Division's calculations of their shelter costs.

i. Excess Medical Costs

Uncovered medical costs incurred by an elderly or disabled member of the Food Stamp household that exceed \$35 a month are a deduction from the household's income for the purposes of calculating eligibility and benefits.³⁷ Ms. F specifically requested a deduction for

³¹ 7 C.F.R. § 273.9(d)(1) – (3).

³² Ex. 13.

³³ 7 C.F.R. § 273.9(d)(6).

³⁴ 7 C.F.R. § 273.9(d)(6)(ii).

³⁵ See *Alaska SNAP Standards Income Limits and Standard Deductions Effective 10/1/2019*. This document is available online at [http://dpaweb.hss.state.ak.us/e-forms/pdf/FSP76\(06-4127\)FFY2020.pdf](http://dpaweb.hss.state.ak.us/e-forms/pdf/FSP76(06-4127)FFY2020.pdf) (date accessed September 20, 2020).

³⁶ Ex. 13.

³⁷ 7 C.F.R. § 273.9(d)(3).

medical care items, that she purchased for Mr. F's following complications following his surgery in April 2019. The record contains Walmart receipts from April 20, 26, 30, and May 7, 2019.³⁸ In order to qualify for that deduction, Mr. F would first need to have been a member of Ms. F's Food Stamp household, and secondly, the items would have needed to be prescribed or recommended by his physician. This deduction specifically allows the deduction for "costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment."³⁹

Ms. F does not satisfy the requirements for a medical expense deduction for two separate reasons. First, Mr. F was not a member of Ms. F's Food Stamp household in April and May of 2019, when the expenses were incurred. There is no evidence of ongoing medical supply requirements not provided through Medicaid or Medicare.⁴⁰ Second, there is no showing, outside of a prescription for Mr. F for Depends and pain medication, that these supplies were approved or recommended by a doctor.⁴¹

In addition, Ms. F's closing brief argues that the receipts show approximately \$400 in coverable supplies,⁴² while the Division argues the amount was much less. Assuming that Ms. F's figure of \$400 is correct, the Division averages costs over the certification period, which was twelve months.⁴³ This then comes to \$33.33 per month, which is less than the \$35 threshold necessary to qualify for this deduction. It must be noted that if the actual month of purchase is used, which was April and May 2019, Ms. F would not be entitled to claim this deduction since Mr. F was not part of her Food Stamp household then. While based upon Ms. F's testimony, Mr. F's aftercare urgently required these supplies, there is no evidence that these supplies were prescribed, approved, or recommended.

Ms. F's argument on this deduction is not persuasive.

ii. Shelter Costs

There are two components to this shelter cost argument. The first is that because Mr. F owns a home in City B, where he pays the shelter costs, that the Fs' Food Stamp household shelter costs should include not only the shelter costs for Ms. F's City A home, but should also

³⁸ Exs. 36.3 – 36.4

³⁹ 7 C.F.R. § 273.9(d)(3)(iii).

⁴⁰ Ms. F testified that Mr. F has an ongoing need for incontinence supplies. However, she further testified that those were being furnished to him.

⁴¹ Exs. 36 – 36.1.

⁴² Ms. F actually testified that she spent approximately \$1,500 in medical supplies for Mr. F after his April 2019 surgery.

⁴³ *See Alaska Food Stamp Manual* § 602-4 D (4).

include shelter costs for the City B home. Ms. F also argued that her shelter costs were understated and should be increased.

The argument supporting the City B home costs deduction is based upon the federal Food Stamp regulation that allows a deduction for

shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss. For costs of a home vacated by the household to be included in the household's shelter costs, the household must intend to return to the home[.]⁴⁴

Ms. F argues that Mr. F intends to return to his City B home and that he is only temporarily in City A due to his complicated medical care needs. Mr. F's testimony is that he intends to return home. However, eligibility for this deduction requires that he be only temporarily in City A.

Mr. F has been in City A with his wife since at least mid-April 2019 when he had his surgery. The Division decided that it had to add him to Ms. F's Food Stamp case at the beginning of March 2020, some 10.5 months later.

The Black's Law Dictionary definition of temporary is "[t]hat which is to last for a limited time only, as distinguished from that which is perpetual, or indefinite in its duration,"⁴⁵ The preponderance of the evidence therefore shows that Mr. F's stay in City A is not temporary. It is indefinite, dependent upon his health care needs. Additionally, it should be noted that the regulation applies to the household as a whole, not to an individual member of the household. The intent to return component, assuming arguendo that Mr. F's absence satisfied the requirement that it be temporary, is not satisfied inasmuch as there is no evidence that the entire household intends to return to City B.

When it calculated Ms. F's shelter costs, the Division used the amount of \$1,300 for her rent and the standard heating utility deduction of \$386 for her utility costs, which include heating, electric, water, sewer, garbage, and telephone. It is undisputed that Ms. F's monthly rent is \$1,300. Ms. F, however, argued that the utility deduction was insufficient. She submitted a phone bill, which includes internet and cable costs, of \$190.76,⁴⁶ and a utility bill, which covered her electricity, water, wastewater, garbage, and surcharges, of \$295.23.⁴⁷

⁴⁴ 7 C.F.R. § 273.9(d)(6)(ii)(D).

⁴⁵ *Black's Law Dictionary Free Online Legal Dictionary* 2nd Ed; <https://thelawdictionary.org/temporary/> (dated accessed September 18, 2020).

⁴⁶ Ms. F's Ex. 5.

⁴⁷ Ms. F's Ex. 6.

The federal Food Stamp regulations allow a state to select a standard utility deduction amount.⁴⁸ The State of Alaska has elected that option.⁴⁹ The standard utility deduction for City A, that includes all utilities, including heating costs, is \$386.⁵⁰ While an applicant can opt out of the standard utility deduction and use actual costs, it may not opt out of the standard deduction for telephone costs, which is \$21.⁵¹ There is no utility deduction allowed for cable and internet services.⁵²

What this means is that Ms. F may elect to use either the standard utility deduction of \$386, which covers all expenses, or her actual expenses with the exception of the telephone, where she is limited to a \$21 deduction. She cannot get a deduction for her cable and internet. Her actual non-telephone expenses were \$295.23. When the standard deduction for telephone of \$21 is added in, that comes to \$316.23. Even if her actual telephone expense of 48.15⁵³ is used, the amount comes to \$341.58. Both figures are less than the \$386 standard utility deduction allowed by the Division. As a result, the preponderance of the evidence supports the Division's use of the standard utility deduction of \$386. Ms. F's argument on this point is not persuasive.

Because Ms. F's household for Food Stamp purposes was three people, and because the Fs are not entitled to the additional deductions they requested, the Division was correct to terminate the household's Food Stamp benefits.

C. *Disparate Impact*

Ms. F argued that the application of the Food Stamp regulations to the Fs' situation essentially discriminated against them as Alaska Natives. She argued that the otherwise facially neutral Food Stamp regulations had a disparate impact as applied to them, given their unique circumstances. Essentially, she requested that a narrow exception be carved out for the Fs. She relied upon a 1975 Ninth Circuit Court of Appeals case that found that Congress did not intend to consider Alaska Native Claims Settlement Act payments to Alaska Natives to preclude them

⁴⁸ 7 C.F.R. § 273.9(d)(6)(iii)(A).

⁴⁹ 7 AAC 46.021(a)(22), (23), (25).

⁵⁰ *Alaska SNAP Standards Income Limits and Standard Deductions Effective 10/1/2019*. This document is available online at [http://dpaweb.hss.state.ak.us/e-forms/pdf/FSP76\(06-4127\)FFY2020.pdf](http://dpaweb.hss.state.ak.us/e-forms/pdf/FSP76(06-4127)FFY2020.pdf) (date accessed September 20, 2020).

⁵¹ 7 C.F.R. § 273.9(d)(6)(iii)(D); *Alaska SNAP Standards Income Limits and Standard Deductions Effective 10/1/2019*. This document is available online at [http://dpaweb.hss.state.ak.us/e-forms/pdf/FSP76\(06-4127\)FFY2020.pdf](http://dpaweb.hss.state.ak.us/e-forms/pdf/FSP76(06-4127)FFY2020.pdf) (date accessed September 20, 2020).

⁵² 7 C.F.R. § 273.9(d)(6)(iii).

⁵³ See the Division's *Response to Mrs. F Submissions*, p. 5.

from eligibility for Food Stamp benefits.⁵⁴ That decision, after careful reading, does not state that the Food Stamp regulations had a disparate impact on Alaska Natives, but instead is based upon the appellate court’s reading of the Alaska Native Claims Settlement Act. It is not on point.

Ms. F also did not furnish any evidentiary basis for her argument. Per the Alaska Fair Hearing regulations, the Administrative Law Judges are to determine whether “the laws and policies have been properly applied in the case.” Ms. F has supplied neither persuasive legal authority nor a factual basis for her argument showing that the Food Stamp regulations and policies were not properly applied in this case. Accordingly, it is not persuasive.⁵⁵

IV. Conclusion

The Division’s decision reducing Ms. F’s APA monthly benefit is upheld. However, that reduction should be to \$250 per month. The decision terminating her Food Stamp benefits after March 2020 is upheld.

Dated: September 21, 2020

Signed

Lawrence A. Pederson
Administrative Law Judge

⁵⁴ *Hamilton v. Butz*, 520 F.2d 709 (9th Circuit 1975).

⁵⁵ 7 AAC 49.170.

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 8th day of October, 2020.

By: Signed _____
Name: Jillian Gellings
Title: Project Analyst
Agency: Office of the Commissioner, DHSS

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