

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

In the Matter of)
)
L N) OAH No. 21-0195-CMB
) Agency No.
_____)

DECISION

I. Introduction

L N was a Food Stamp¹ and Adult Public Assistance benefit recipient. The Division of Public Assistance (Division) terminated both his Food Stamp and Adult Public Assistance benefits at the end of December 2020. Mr. N requested a hearing to challenge the termination of those benefits. His hearing was held on February 25, 2021. Mr. N represented himself and testified on his own behalf. Jeff Miller, a Division hearing representative, represented the Division and testified on its behalf.

The evidence presented at hearing showed that Mr. N did not file applications to renew his Food Stamp and Adult Public Assistance benefits in a timely manner. As a result, the Division’s termination of those benefits because they expired, is AFFIRMED.

II. Facts²

Mr. N has been a recipient of both Food Stamp and Adult Public Assistance benefits for a number of years. During the course of receiving those benefits, he has had occasion to notify the Division that his mailing address had changed. One of those occasions occurred on February 21, 2020 when he notified the Division, by email, that his Anchorage mailing address had changed.³

On November 16, 2020, the Division mailed a notice to Mr. N that his Food Stamp benefits would expire at the end of December 2020, and that he was required to submit a renewal application (recertification form) in order to continue receiving benefits past then.⁴ The Division also mailed him a separate notice on November 16, 2020, that his Adult Public Assistance benefits would expire at the end of December 2020, unless he submitted a renewal application by

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 The following facts were established by a preponderance of the evidence. Unless otherwise noted, the facts are derived from Mr. N’s and Mr. Miller’s testimony.
³ Ex. 3.1.
⁴ Ex. 5.

December 31, 2020.⁵ Both of these notices were mailed to Mr. N at the Anchorage mailing address he provided on February 21, 2020.⁶ Mr. N was also mailed, again to the same Anchorage mailing address, another notice on December 16, 2020, notifying him that his Adult Public Assistance benefits were about to expire unless he filed a renewal application by the end of December, 2020.⁷ Those notices were not returned to the Division as undelivered by the U.S. Postal Service.

Mr. N did not file renewal applications or otherwise respond to the notices informing him that his Food Stamp and Adult Public Assistance benefits needed to be renewed if he wished to have them continue beyond the end of December 2020. His Food Stamp and Adult Public Assistance benefits expired at the end of December 2020.

On January 1, 2021, Mr. N emailed the Division notifying it that he had moved to North Pole in October 2020 and giving it his new mailing address.⁸ This was the first time Mr. N's notified the Division of his address change.⁹ Mr. N did not submit renewal applications until January 25, 2021.

III. Discussion

Public Assistance benefits such as Food Stamps and Adult Public Assistance are only issued for specified periods of time. It is the recipient's obligation to apply to renew those benefits before they expire in order to ensure that there is no lapse in receiving the benefits. The federal regulations governing the Food Stamp program require that the Division notify recipients in the month before benefits are due to expire that they must file a renewal application or face the termination of their benefits. Failure to do so results in their benefits expiring at the end of their certification period.¹⁰ The Adult Public Assistance program also requires periodic reviews of eligibility, including that a recipient submit a renewal application.¹¹

The evidence in this case shows that that the Division sent Mr. N warning notices that his Food Stamp and Adult Public Assistance benefits were about to expire and that he needed to

⁵ Ex. 6.

⁶ Exs. 5, 6.

⁷ Ex. 7.

⁸ Ex. 10.1.

⁹ Mr. N testified that he may not have reported the move before the January 1, 2021 email, but could not recall. However, the Division records do not reflect an earlier contact. Consequently, it is more likely true than not true that Mr. N did not notify the Division of his address change before the January 1, 2021 email.

¹⁰ 7 CFR § 273.14(a) and (b).

¹¹ 7 AAC 40.450(b).

submit renewal applications for both benefit programs before the end of the expiration period. That notice was sent to him at his last known mailing address.

The evidence shows that Mr. N did not notify the Division of his October 2020 move to North Pole and his new mailing address until January 1, 2021, one day after his benefits expired. It was Mr. N's responsibility to notify the Division of his change of address within 10 days of the date the address change occurred.¹² Given that Mr. N had earlier that year, in February of 2020, notified the Division of his then change of address, Mr. N was aware of the need to keep the Division advised of his current mailing address.

Mr. N did not submit reapplications for either of his Food Stamp or Adult Public Assistance benefits before they expired, which meant that he lost those benefits at the end of December 2020. While his action in not timely filing his reapplications was probably due to him not receiving the written notices that he needed to file those reapplications, that lack of notice is directly attributable to his not notifying the Division of his change of address until after the benefits lapsed. Mr. N argued, however, that the Division did not take adequate steps to notify him that his benefits would expire if he did not reapply. The Division did not make any attempts to email him or telephone him. However, the Division is only required to give "adequate" written notice to the party.¹³

The Division's mailing Mr. N written notice to his last known address of the expiration of his benefits and the need to file renewal applications was adequate notice. The Division is not required to exhaust all means of notice. It should be noted that providing the Division with a current mailing/residence address has a legitimate purpose in determining public assistance program eligibility. An Adult Public Assistance recipient must be an Alaska resident who is physically present in the state, absent very specific exceptions.¹⁴ Similarly, a Food Stamp recipient must be physically present in the state.¹⁵ Sending a notice by mail, as compared to email or telephonically, and requiring the recipient to respond to that mailed notice helps to verify that the recipient is within the state in a way that emailed or telephoned communications do not.

¹² 7 AAC 40.440 (Adult Public Assistance); 7 CFR § 273.12(a)(1) (Food Stamps).

¹³ See *Alaska Adult Public Assistance Manual* § 481; *Alaska SNAP Manual* § 604-4.

¹⁴ 7 AAC 40.090 and 100.

¹⁵ 7 CFR § 273.3(a).

In this case, the Division acted in compliance with the notice requirements by sending Mr. N written notice at his last known address. Because Mr. N's lack of receipt of those notices was within his control and caused by him not providing the Division with his most current mailing address, the fact that he did not file his renewal applications in a timely manner to avoid expiration of the benefits cannot be attributed to any action or inaction on the Division's part. Accordingly, the Division's action in terminating Mr. N's Adult Public Assistance and Food Stamp benefits because they expired, is upheld.

IV. Conclusion

The Division's action in terminating Mr. N's Adult Public Assistance and Food Stamp benefits, because they expired at the end of December 2020, is AFFIRMED.

Dated: March 9, 2021

Signed _____
Lawrence A. Pederson
Administrative Law Judge

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 23rd day of March, 2021.

By: *Signed* _____
Name: Lawrence A. Pederson
Title: Administrative Law Judge

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

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