

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

In the Matter of:)	
)	
C.M.)	OAH No. 22-0836-CMB
_____)	Agency No. 052850885

DECISION

I. Introduction

C.M. was receiving Food Stamps¹ and Alaska Temporary Assistance (Temporary Assistance) benefits in May 2022. The Division of Public Assistance (Division) notified her that her Temporary Assistance and Food Stamp benefits would increase in May of 2022 because of a change in her income. C.M. requested a hearing because she maintained that her benefits should have been increased earlier.²

C.M.’s hearing was held on October 31, 2022. C.M. and Sally Dial, a Division Fair Hearing representative, participated in the hearing and testified. The record was held open after the hearing until November 7, 2022 for C.M. to submit additional documentation. C.M. did not submit any additional documents by the deadline. As a result, this case was ripe for decision on November 8, 2022.

The weight of the evidence in this case shows that C.M. did not inform the Division of the change in her income. The Division, instead, found out about the decrease in her income when it was processing a Medicaid review in early April 2022. Consequently, the Division’s action in increasing C.M.’s Food Stamps and Temporary Assistance benefits effective with May 2022, rather than earlier, is AFFIRMED.

II. Facts

C.M. was receiving Food Stamps and Temporary Assistance benefits in the fall and winter of 2021. The amount of benefits that she was receiving for both of those programs was based upon her total monthly income, which at that time included unemployment benefits. C.M.’s unemployment benefits ended in mid-December 2021.

¹ The Food Stamp program was officially renamed as the Supplemental Nutrition Assistance Program in 1996. However, it is still commonly referred to as “Food Stamps.” This decision will use the term “Food Stamps.”

² C.M. was also notified that her Temporary Assistance benefits would be terminated after May 2022 because her daughter was graduating from high school. At hearing, she clarified that she was not challenging the termination of her Temporary Assistance benefits.

On April 1, 2022, C.M. phoned the Division asking about Medicaid coverage for her daughter.³ Division staff performed a review of C.M.'s public assistance benefits and accessed the Dept. of Labor and Workforce Development's unemployment database, which showed that C.M.'s unemployment ended on December 18, 2021.⁴ Following requests for information and some interim actions which are not relevant to this case, the Division notified C.M. that her monthly Temporary Assistance benefit would change to \$616 for May 2022 alone⁵ and that her monthly Food Stamp benefit would be \$556 beginning in May 2022.⁶ This was an increase in the benefit amount for both programs.⁷

C.M. did not dispute the Division's calculations of her monthly benefits for May 2022. However, she testified that she telephoned the Division in December of 2021, spoke to a woman who was not a caseworker, and reported that her unemployment benefits had stopped. Consequently, she maintained that her benefits should have increased well before May 2022.⁸

A Division casenote shows that the Division's records were searched on October 7, 2022 to determine whether there was a record of C.M. contacting the Division in December 2021 to report her income change. Those records do not show any such contact.⁹ During the hearing, the Division representative reviewed all of the Division's computer databases that show all contacts made to the Division by benefit recipients. Those databases show no contacts or phone calls made by C.M. during November or December of 2021. They do show a phone call on February 25, 2022.¹⁰ C.M. testified that the February 2022 call was about her daughter's Medicaid card.¹¹

C.M. was asked whether she had phone records showing a call made to the Division in December 2021. She agreed to provide those records by November 7, 2022. She did not provide any records.

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³ Ms. Dial's testimony.

⁴ Exs. 3 – 3.4. Ms. Dial's testimony.

⁵ C.M. was simultaneously notified that she would no longer be receiving Temporary Assistance benefits after May 2022. *See* Ex. 6. The closure of her Temporary Assistance benefit case is not an issue in dispute.

⁶ Ex. 6.1.

⁷ Ms. Dial's testimony.

⁸ C.M.'s testimony.

⁹ Ex. 9.5.

¹⁰ Ms. Dial's testimony.

¹¹ C.M.'s testimony.

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III. Discussion

A. Did C.M. Inform the Division of Her Income Decrease?

This is a disputed factual issue. C.M. testified that she informed the Division in mid-December 2021 that her unemployment benefits had stopped. The Division's casenote and the Division Hearing Representative's testimony both provided that the Division had no record showing any contacts made to it by C.M. in December 2021. C.M. was provided an opportunity to provide telephone records to support her testimony that she called the Division in mid-December 2021. She did not. Consequently, the weight of the evidence demonstrates that C.M. did not contact the Division in mid-December 2021 to report the change in her income. Instead, the evidence shows that the Division did not find out about the decrease in C.M.'s income from C.M., but rather when it was reviewing C.M.'s case in early April 2022. C.M. had the burden of proof on this issue because she is requesting an increase in her benefits.¹² She did not satisfy her burden of proof on this factual issue.

B. Temporary Assistance

A Temporary Assistance benefit recipient is supposed to report income changes of more than \$50 a month within 10 days of the change occurring. Once the Division becomes aware of a change that increases a recipient's benefit amount, the Division has 10 days to implement that change.¹³ However, as found above, C.M. did not report the change in her income. The evidence also shows that the Division increased C.M.'s monthly Temporary Assistance benefit for May 2022, the next monthly allotment after it found out about the change. Consequently, the Division complied with its obligations following the discovery of the income change and C.M. is not eligible to have her Temporary Assistance benefits increased prior to May of 2022.

C. Food Stamps

The Food Stamp program, like Temporary Assistance, requires that when a recipient reports a change, that the Division is required to act on that change within 10 days. For income changes that would result in an increase in benefits, such as this one, the Division "shall make the change effective no later than the first allotment issued 10 days after the change was

¹² 7 AAC 49.135.

¹³ *Alaska Temporary Assistance Manual* § 790-3A; 7 AAC 45.270; 7 AAC 45.277(a).

reported.”¹⁴ However, when a recipient requests restoration of benefits, such as in this case where C.M. is requesting that her benefits be increased retroactively due to her no longer receiving unemployment as of mid-December 2021, the Division is only required to restore benefits if the benefit loss was due to agency error.¹⁵ However, as found above, the evidence shows that C.M. did not report her income decrease. The evidence also shows that the Division increased C.M.’s monthly Food Stamp benefit amount beginning with May 2022 which was the next allotment following the Division finding out about the income decrease. Consequently, C.M. did not demonstrate that her Food Stamp benefit amount should have been increased before May 2022.

IV. Conclusion

The Division’s action in increasing C.M.’s Food Stamps and Temporary Assistance benefits effective with May 2022, rather than earlier, is AFFIRMED.

Dated: November 17, 2022

Signed _____
Lawrence A. Pederson
Administrative Law Judge

Adoption

The undersigned, by delegation from the Commissioner of Health, 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 1st day of December, 2022.

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.]

¹⁴ 7 C.F.R. § 273.12(c)(1)(i). *Also see* 7 C.F.R. § 273.12(c)(1)(ii).

¹⁵ 7 C.F.R. § 273.17(a)(1).