

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

In the Matter of:)
)
L.C.) OAH No. 20-0050-SNA
) Agency No. 05544723
_____)

DECISION

I. Introduction

L.C. is a former Food Stamp¹ recipient whose benefits were terminated as of the end of December 2019. She applied to renew those benefits in January. The Division of Public Assistance (Division) denied her application because it found that she was not fulfilling the Food Stamp program’s work requirement. L.C. requested a hearing to challenge both termination of her benefits and the denial of her subsequent application.

L.C.’s hearing was held on February 13, 2020. L.C. represented herself and testified on her own behalf. The Division was represented by Sally Dial, a Fair Hearing Representative employed by it. Ms. Dial also testified on the Division’s behalf.

The evidence in this case shows that L.C. has already received three months of Food Stamp benefits, October through December of 2019. L.C. is unemployed and has been unemployed for quite some time. However, L.C.’s community is not exempt from the Food Stamp program’s work requirement. Because L.C. is not employed, does not fit within any of the exceptions to the work requirement, and had received three months of benefits, the termination of her benefits at the end of that three-month period and the denial of her subsequent application is upheld.

II. Facts

L.C. works in City A. She is not working and has not worked for some time. L.C. is not disabled. She is an adult who is less than 50 years old, and she has no minor children living with her. She is indigent and was homeless until recently. She is actively looking for work and hopes to be employed soon. She may have some mental health issues but has not applied for disability.²

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 L.C.’s testimony.

L.C. received three months of Food Stamp benefits in 2019: October through December.³ She was notified on October 10, 2019 that she would be limited to receiving Food Stamp benefits for three months unless she was working or participating in a work activity for at least 20 hours per week, or if she was exempt from the work requirement.⁴ She was then notified on December 9, 2019 that her Food Stamp benefits would terminate at the end of December 2019 because she had received benefits in October through December, and because she was “not currently working, not participating in a work program, and [was] not exempt from this work requirement.”⁵ She then applied for Food Stamp benefits on January 7, 2020. That application was denied on January 8, 2020 because she had already received three months of benefits and was “not working, not participating in a work program, and [was] not exempt from this work requirement.”⁶

III. Discussion

The Food Stamp program is a federal program which is administered by the State of Alaska.⁷ The Code of Federal Regulations contains the rules for determining if an applicant is eligible for Food Stamp benefits. One of those rules is that an individual is normally required to be working, participating in a work program, or a workfare program in order to receive Food Stamp benefits. If they are not working, they are only allowed to receive Food Stamp benefits for a total of three months over a three-year period.⁸

It is undisputed that L.C. received three months of Food Stamp benefits in 2019 and that she is not currently working. She does not claim that she is participating in any type of work program or workfare program. On its face, the regulation applies to her. That regulation contains a number of exceptions. However, as an adult non-disabled person, who is less than 50 years old, and who does not have a minor living with her, the other possible exemption available to L.C. is if she resides in an area that is exempt from the work requirement.⁹

³ Ex. 3.

⁴ Ex. 2.

⁵ Ex. 3.1.

⁶ Ex. 4.1.

⁷ 7 C.F.R. § 271.4(a).

⁸ 7 C.F.R. § 273.24(b). The definitions for “working,” “work program,” and “workfare program” are found at 7 C.F.R. § 273.24(a).

⁹ See *Alaska Food Stamp Manual* § 602-1 L (Ex. 9) and 7 C.F.R. § 273.24(c) for the list of available exemptions.

Until the end of September 2019, the entire State of Alaska was exempt from the work requirement.¹⁰ Effective October 1, 2019, the federal government changed that exemption and applied it only to selected areas in Alaska. For instance, City B and its surrounding communities are exempt from the work requirement.¹¹ However, City A and its surrounding communities are not exempt.¹²

The undisputed facts of this case are that L.C. is unemployed and without any income. Regardless of her need, because she received three months of Food Stamp benefits (October through December 2019) and because the federal government has chosen to not exempt her community from the work requirement, L.C. is not eligible for Food Stamp benefits beyond that three-month period.

IV. Conclusion

The Division's decisions terminating L.C.'s Food Stamp benefits at the end of December 2019 and denying her January 7, 2020 Food Stamp application are both affirmed.

Dated: February 26, 2020

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 11th day of March, 2020.

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.]

¹⁰ *Alaska Food Stamp Manual* § 602-1 L (Ex. 9).

¹¹ *Alaska Food Stamp Manual* Addendum 2.

¹² *Alaska Food Stamp Manual* Addendum 2.