

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

In the Matter of:)
)
N.D.) OAH No. 22-0277-CMB
) Agency No. 05958536
_____)

DECISION

I. Introduction

N.D. receives Alaska Temporary Assistance and Food Stamp benefits. The Division of Public Assistance (Division) notified her that these benefits would be terminated effective the end of March 2022 because she had household income that rendered her ineligible for continued benefits.

N.D. requested a hearing to challenge the Division’s determinations. The hearing was held telephonically on April 18, 2022. N.D. represented herself and testified on her own behalf. Fair Hearing representative Jessica Hartley represented the Division and testified on its behalf.

The evidence presented shows that N.D.’s monthly household income exceeds the 185% eligibility standard for Alaska Temporary Assistance and the net income standard for Food Stamps. Thus, N.D. is not eligible for continued benefits. The Division’s termination of benefits effective the end of March 2022 is AFFIRMED.

II. Facts

N.D. lives with her daughter, B.D., and her boyfriend, O.X.. O.X. is not B.D.’s father.

N.D. applied for Alaska Temporary Assistance and Food Stamps for her household in October of 2020.¹ She identified no sources of household income on her application.² Her monthly rent, including utilities, was specified as \$500.00.³ Her application was approved for both programs through March 2021, and her benefits were extended through March 2022, pursuant to the Continuing Appropriations Act.⁴

In January 2022, the Division received a report that N.D.’s household income had changed because she was receiving Social Security.⁵ The Division verified that N.D. was

¹ Exs. 2.1-2.11
² Ex. 2.6.
³ Ex. 2.
⁴ Exs. 3, 3.1, 4, 4.1.
⁵ Ex. 5.1. Ms. Hartley testified that N.D. may have reported her income from Social Security earlier.

receiving Social Security disability of \$2,235.00 per month, and B.D. was receiving Social Security of \$1,037.00 per month.⁶ The Division determined that (1) the household's gross income exceeded the 185% eligibility standard for a household size of two for Alaska Temporary Assistance, and (2) the household's net income exceeded the net income eligibility standard for a household size of three for Food Stamp benefits.

N.D. said she received a liver and kidney transplant in March 2021. She pays for all of her household's expenses, including rent, car payments, and car insurance. She acknowledged that the Division's calculations are correct but claimed her Social Security benefits are insufficient to cover her household's monthly expenses.

III. Discussion

This case involves the Division's termination of Alaska Temporary Assistance and Food Stamp benefits. The Division has the burden of proving evidence supporting the termination of benefits by a preponderance of the evidence.⁷ This standard is met when the evidence, taken as a whole, shows that the facts the Division seeks to prove more likely than not occurred.

A. Alaska Temporary Assistance

The Alaska Temporary Assistance Program provides temporary cash assistance to needy families. The program contains financial eligibility requirements. One of these requirements is that a household's monthly income may not exceed the 185% standard for a household of its size.⁸ Social Security is included in a household's monthly income.⁹

A Temporary Assistance household is called an "assistance unit". An assistance unit consists of one or more caretaker relative(s), which can be parents or closely-related relatives, and their dependent children residing with them.¹⁰

The assistance unit in this case consists of N.D. and her daughter, B.D. O.X. is not a member of the assistance unit because he is not related to B.D. The size of the assistance unit is two.

N.D.'s and B.D.'s combined income from Social Security is \$3,202.00. The 185% eligibility standard for an assistance unit of two (i.e., one-caretaker relative and one child) is

⁶ Exs. 5, 6, 6.1.

⁷ 7 AAC 49.135.

⁸ 7 AAC 45.275(b)(2).

⁹ 7 AAC 375(b).

¹⁰ 7 AAC 45.335(a).

\$2,989.00.¹¹ Because the combined income exceeds the 185% standard, the Division properly determined that N.D. and B.D. are not eligible for continued Temporary Assistance.

B. Food Stamps

Food Stamps is a federal program administered by the states. The Division administers the program in Alaska and follows the rules contained in the Code of Federal Rules to determine eligibility for benefits. Like the Temporary Assistance program, the Food Stamp program contains financial eligibility requirements. A household with at least one disabled person is considered a Special Category household.¹² To be eligible for Food Stamps, the monthly net income of a Special Category household may not exceed the monthly net income limit for a household of its size.¹³ The net income of the household consists of its gross income, including Social Security benefits, minus specific deductions.¹⁴ Those deductions include a standard deduction, out-of-pocket monthly medical expenses over \$35.00, and shelter expenses that exceed 50% of the household's income after other deductions are taken.¹⁵ A household under the Food Stamp program consists of all individuals who live together, customarily purchase food, and prepare meals together.¹⁶

The household here for determining Food Stamp eligibility consists of N.D., B.D., and O.X., as they reside, purchase food, and prepare meals together. Because N.D. is disabled, the household is a Special Category household subject to the net income limit. The monthly net household income consists of the \$3,202.00 in N.D.'s and B.D.'s combined Social Security benefits, minus a standard deduction of \$303.00, for a total of \$2,899.00. N.D. is not entitled to a deduction for her medical expenses, because they are covered by Medicaid.¹⁷ Nor is she entitled to a deduction for excess shelter costs, because her monthly rent of \$500.00 (plus an allowance of \$16.00 for telephone and garbage collection costs) is not more than half of \$2,899.00, which is \$1,449.50.¹⁸

¹¹ Ex. 22.

¹² Ex. 27.

¹³ 7 CFR § 273.10(e)(2).

¹⁴ 7 CFR §§ 273.9(b)(2)(ii) and (a)(3); Ex. 29.

¹⁵ 7 CFR § 273.9(d)

¹⁶ 7 CFR § 273.1(a)(3).

¹⁷ N.D. did not provide documentation of any medical expenses not covered by Medicaid.

¹⁸ Ex. 12.2.

The monthly net income limit for a household of three under the Food Stamp program is \$2,288.00. N.D.'s net household income of \$2,899.00 exceeds this amount.¹⁹ Accordingly, the Division correctly determined that N.D.'s household is no longer eligible for Food Stamps.

N.D. did not dispute the income or expense amounts used in the Division's calculations. Nor did she suggest that the Division incorrectly applied the regulations. Instead, she argued that the amount she receives each month is not enough to pay her expenses and support her household. Although N.D. is undoubtedly facing significant challenges, the Division is obligated by law to apply the Temporary Assistance and Food Stamp regulations as they are written. The Division has no discretion in this matter: "[a]dministrative agencies are bound by their regulations just as the public is bound by them."²⁰ The regulations allow for no discretion in applying the strict income limits for benefits eligibility.

IV. Conclusion

The Division has met its burden of establishing that N.D. is no longer financially eligible for Alaska Temporary Assistance or Food Stamp benefits. The Division's decision to terminate her eligibility for these programs is affirmed.

Dated: April 28, 2022

Signed

Lisa M. Toussaint
Administrative Law Judge

¹⁹ Ex. 31.

²⁰ *Burke v. Houston NANA, L.L.C.*, 222 P.3d 851, 868-869 (Alaska 2010).

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 13th day of May, 2022.

By: Signed _____
Name: Lisa M. Toussaint
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.]