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

In the Matter of)	
)	
E. N.)	OAH No. 23-0119-SNA
)	

DECISION

I. Introduction

E. N. applied for Food Stamp benefits solely for himself.¹ The Division of Public Assistance denied his application because he was living in his parents' home and was under the age of 22 years old. E. N. requested a hearing to challenge the denial of his application.²

E. N.'s hearing was held on March 2, 2023. E. N. represented himself. Sally Dial, a Fair Hearing representative employed by the Division, represented it.

The evidence at hearing shows that E. N. is 19 years old and resides in the same residence as his parents. Because the federal Food Stamp regulations require that a person, under the age of 22 years, who resides with his parents, must be counted as part of his parents' household for Food Stamp purposes, E. N. was not eligible for Food Stamp benefits for himself. Accordingly, the denial of his application is AFFIRMED.

II. Facts³

E. N. is currently 19 years old. He shares an apartment with his parents. He pays a portion of the rent, and he is responsible for his own food.⁴ His father does have an open Food Stamp case, where E. N. is included in the household. However, his father does not share the food with E. N.⁵ E. N. applied for Food Stamp benefits as a one-person household on December 1, 2022. In his application, he stated that he was the only person in his household, but it showed that he and his parents resided together in the same apartment.⁶ The Division denied E. N.'s

Congress changed the name of the Food Stamp program to the Supplemental Nutrition Assistance program. However, it continues to be referred to as "Food Stamps," and this decision will use the term "Food Stamps."

E. N. requested a hearing on January 10, 2023 (Ex. 3). The Division did not refer the case to the Office of Administrative Hearings for hearing until February 15, 2023, well after the 10-day deadline for case referral. *See* 7 AAC 49.080(2).

The following facts were established by a preponderance of the evidence.

Ex. 3.1, E. N.'s testimony.

E. N.'s testimony.

⁶ Exs. 2 - 2.14.

application because he is under the age of 22 years and residing with his parents. The denial notice also stated that he was a part of his father's Food Stamp benefit case.⁷

III. Discussion

The Food Stamp program is a federal program that is administered by the State.⁸ Under the federal regulations governing the program, if an individual is younger than 22 years old and resides with their parents (or adoptive parents or step-parents), they must be included as part of their parents' Food Stamp household:

(1) **Required household combinations.** The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified:

* * *

(ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s);⁹

The facts of this case show that E. N. is under 22, shares a home with his parents, and that his parents have a Food Stamp case, for which he is a household member. Given his age and his residence with his parents, he is not eligible to receive Food Stamp benefits on his own, even if his parents are not sharing the Food Stamp benefits with him. As a result, the federal regulations that govern his case require that his application be denied as long as he is under 22 and resides with his parents.

IV. Conclusion

The denial of E. N.'s December 1, 2022 Food Stamp application is AFFIRMED. DATED: March 3, 2023.

Signed

Lawrence A. Pederson Administrative Law Judge

Ex. 2.21.

⁸ 7 C.F.R. § 271.4(a).

⁹ 7 C.F.R. § 273.1(b)(1)(ii).

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 17th day of March, 2023.

By: <u>Signed</u>
Lawrence A. Pederson
Administrative Law Judge

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