



N. Q. applied for SNAP benefits on January 6, 2023.<sup>3</sup> Her application stated that her household consisted of four people, herself and three minors. Her daughter S. S. is currently 17 years old, and the application does not indicate if she is a full-time student, although the application asks for that information.<sup>4</sup>

While processing N. Q.'s application, Division personnel reviewed a Dept. of Labor and Workforce Development database that showed that N. Q. had been employed in 2022 and that she had a job end on January 26, 2023, that she had an active unemployment claim, and that S. S. had been employed during the last quarter of 2022.<sup>5</sup>

N. Q.'s application was approved on February 13, 2023 for January 2023 benefits only. N. Q. was sent a notice that if she wanted to continue to receive SNAP benefits after January 2023, the Division needed the following information no later than February 23, 2023:

- Information about her job with Employer A that had just ended, which needed to come from her employer, including pay information, the last day worked, and the reason for the job ending.
- Information about whether she was still employed with Employer B and if so, her income information, and if not, the same information as it requested about Employer A.
- Information as to whether S. S. was still in high school, and if not information about her job with Employer C, including whether she was still working for them, and if not, the reason for ending the job, and pay information.<sup>6</sup>

N. Q. emailed the Division on February 22, 2023 with an email that had no attachments and text that said only "with Employer D."<sup>7</sup> On March 2, 2023, the Division sent her notice that she would not receive SNAP benefits after January 2023. The reason for the denial was that N. Q. had not provided the information requested regarding her employment at Employer A and Employer B, and whether S. S. was still attending school.<sup>8</sup>

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<sup>3</sup> Exs. 2 – 2.15.

<sup>4</sup> Ex. 2.2.

<sup>5</sup> Exs. 3, 4 – 4.1, 4.4 – 4.5.

<sup>6</sup> Exs. 5 – 5.4.

<sup>7</sup> Ex. 6.

<sup>8</sup> Exs. 8 and 12.

N. Q. requested a hearing on March 14, 2023, stating that she had responded to the information request in her February 22, 2023 email. At that time, she also provided a letter dated February 13, 2023, offering her a job at Employer D in Anchorage.<sup>9</sup>

N. Q. testified that she did not need to provide information regarding S. S.'s education because the Division had that information available to them from the School District. She also testified that the Division already had her employment information because she had received benefits in the past. Ms. Hartley testified that the Division did not have access to the school district information.

### **III. Discussion**

The issue in this case is whether the Division was correct to close N. Q.'s SNAP benefit case after January 2023.

SNAP is a federal program which is administered by the State of Alaska.<sup>10</sup> To administer the program in Alaska, the Alaska Department of Health has adopted the federal regulations governing the program.<sup>11</sup> Accordingly, the decision in this case is governed by the federal SNAP regulations.<sup>12</sup>

The first step in resolving this case is determining whether the Division reasonably asked N. Q. for information about her employment, and S. S.'s educational status or employment. Benefit eligibility and benefit amount are based upon the income for each person in the household and the number of persons in the household.<sup>13</sup> For someone such as S. S., who is under 18, her income is counted as part of the household income unless she is attending school.<sup>14</sup> In addition, when someone leaves a job, the reason why the job ended has the potential to affect whether a person is eligible for SNAP benefits.<sup>15</sup>

N. Q. argued that the Division already had the necessary information because she had received benefits in the past. This argument is not persuasive. SNAP benefits eligibility is based upon current information for the most part. For instance, whether S. S. was employed or in school in November or December 2022 did not necessarily mean that she was in school or

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<sup>9</sup> Exs. 9 – 10.

<sup>10</sup> 7 C.F.R. § 271.4(a).

<sup>11</sup> 7 AAC 46.010.

<sup>12</sup> The applicable regulations are located at 7 C.F.R. § 273.1 *et. seq.*

<sup>13</sup> 7 C.F.R. §§ 273.9 and 273.10.

<sup>14</sup> 7 C.F.R. § 273.9(c)(7).

<sup>15</sup> 7 C.F.R. § 273.7(a)(1)(vii).

employed in January or February 2023. And N. Q. had a job that ended in January 2023, which was current relevant information that the Division would have had no record of, regardless of what prior information the Division might have had.

N. Q. further argued that the information regarding whether S. S. was attending school was available to the Division and that as a result, the Division did not need to request that information. Ms. Hartley, as a Division employee, is knowledgeable about what information is available to the Division, and as a result, her testimony that the Division did not have access to that information is credible.

It follows that the Division's requests for information regarding N. Q.'s prior employment and S. S.'s educational status/employment were reasonable and relevant and were necessary to process N. Q.'s application.

The next question to be answered is whether N. Q. provided the requested information. The only information provided by N. Q. by the February 23, 2023 deadline was a one-line email stating "with Employer D." The email does not indicate that there is an attachment. It does not address N. Q.'s prior employment, nor does it mention S. S.'s educational or employment status. N. Q. argued that the Division should have contacted her because there was no attachment. This argument is not persuasive. Absent an indication in the email that there was an attachment, the Division would not have had any information that would lead it to follow up with N. Q. As a result, the evidence shows, by a preponderance of the evidence, that N. Q. did not respond to the Division's reasonable relevant information requests by the deadline. It should be noted that the employment offer letter with Employer D supplied late on March 14, 2023 does not respond to the Division's information requests.

The next step is to determine whether N. Q. failed to comply with the information request or refused to comply. SNAP distinguishes between a failure to comply and a refusal to comply. A failure to comply would not be grounds for a denial of an application or termination of benefits, whereas a refusal to comply would be grounds for denial of an application or termination of benefits.<sup>16</sup> N. Q. had some of the information required readily at hand. For instance, she would have been able to respond, at a minimum, with information about her last job and about S. S.'s educational status. She, however, submitted only an email about Employer D without any other information. Regardless of whether she thought the Division had some of the

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<sup>16</sup> 7 C.F.R. § 273.2(d)(1).

information accessible to it, the weight of the evidence leads to the conclusion that she chose not to respond to the Division's request with the information requested. This is a refusal to provide the requested information, which means that the Division had valid grounds to close her SNAP benefit case after January 2023.

**IV. Conclusion**

The Division's closure of N. Q.'s SNAP benefit case effective after the end of January 2023 is AFFIRMED.

DATED: April 27, 2023.

*Signed*

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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 11<sup>th</sup> day of May, 2023.

By: *Signed* \_\_\_\_\_  
Lawrence A. Pederson  
Administrative Law Judge

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