

notified of the decision.”³ DPA was further required to provide K. X. and OAH with a position statement and the documents DPA relied on for its decision such that K. X. has reasonable time to examine the documents in advance of the hearing.⁴ And DPA is required to attend the hearing.⁵

DPA met none of these legal obligations. First, DPA did not refer this matter to OAH until June 13, 2023, which was insufficient time to provide notice of a hearing, conduct a hearing, issue a proposed decision, and issue a final decision before the June 25 deadline mandated by federal law. Second, DPA did not provide a position statement or the documents it relied on for its decision. With its case referral form, DPA provided its decision on K. X.’s application and her appeal, but no other documents and no position statement. A week before this matter was scheduled for hearing, DPA’s hearing representative emailed OAH, stating that he was going home sick and would not be able to complete a position statement.⁶ In the following week, DPA neither provided its position statement and documents nor requested the hearing be rescheduled. The ALJ called the parties for the scheduled hearing on June 27, 2023. K. X. appeared; DPA did not. The ALJ issued an order rescheduling the hearing for July 10 and ordering DPA to provide a position statement well in advance of the hearing.⁷ DPA failed to do so or to even respond to the order. The July 10 hearing thus had to be cancelled.

III. DISCUSSION

K. X. has the burden of proving, by a preponderance of the evidence, that she is entitled to greater SNAP benefits.⁸ DPA, however, has effectively prevented her from doing so. It failed to comply with state and federal law requiring it to provide her with its own evidence, to which she might respond. It failed to appear for the hearing — thereby preventing the hearing from moving forward and depriving K. X. of her right to present evidence at a hearing. And after the hearing was rescheduled and DPA ordered to provide again failed to provide the position statement and evidence necessary for that hearing to move forward. DPA’s hearing representative is not to blame here. Certainly no one person is solely responsible for satisfying

³ 7 C.F.R. § 273.15(c)(1).

⁴ 7 C.F.R. 273.15(p); 7 AAC 49.115. *See also* 2 AAC 64.120(4).

⁵ 7 C.F.R. 273.15(o).

⁶ June 20, 2023 email.

⁷ June 27, 2023 order.

⁸ 7 AAC 49.135.

an agency's legal obligations, particularly when experiencing health issues. But having an ill employee does not absolve an agency of its obligations to the public. K. X. has a right to appeal, a right to access to the agency's documents, a right to a position statement, a right to a hearing, and a right to a timely decision. By continuing to not provide the documents or appear for hearing — or to even request a postponement and timeline for complying with its obligations — DPA is depriving K. X. of these rights. And without DPA meeting its legal obligations, the ALJ has no ability to provide K. X. with a fair and just hearing. Accordingly, the hearing will not be rescheduled again. Instead, this decision is issued based on the evidence the parties have provided — as minimal as that evidence might be.

According to DPA's decision, K. X. has a combined gross income of \$1455 from SSI and APA benefits. DPA uses a worksheet to calculate an applicant's SNAP benefits.⁹ A copy of this worksheet, filled out with the information DPA has provided, is set forth below.

Based on this information, DPA's decision correctly determined that K. X.'s total income for SNAP purposes is \$1125.¹⁰ But for a two-person household with a monthly income of \$1125 in an urban location, the worksheet indicates K. X. should receive \$306 per month, not \$275, as DPA found. That \$306 prorates to \$88 in benefits for January, as DPA correctly determined. The \$275 monthly benefit DPA found would translate to \$79 for January. How DPA could have calculated \$88 from \$275 is unclear.

Based on the information provided, the preponderance of the evidence demonstrates that K. X. is entitled to \$88 in SNAP benefits for January 2023 and \$306 in benefits for the remainder of 2023 unless her income or eligibility change during the year. Accordingly, DPA's decision is affirmed as to January and reversed as to February through December 2023, with instructions to provide \$306 in monthly benefits. The Commissioner may want to remand this matter for the parties to provide more evidence.¹¹ But OAH ordering DPA to provide evidence and attend hearings has proven fruitless and continuing to deprive K. X. of her rights on appeal is unacceptable.

⁹ This worksheet appears at <http://dpaweb.hss.state.ak.us/e-forms/pdf/fsp74-1022-0923.pdf>. See also http://dpaweb.hss.state.ak.us/manuals/fs/fsp.htm#t=addenda%2Faddendum_1.htm, indicating that No Name, where K. X. lives, is considered urban for SNAP purposes.

¹⁰ Application Approval attached to case referral.

¹¹ AS 44.64.060(e)(2). K. X. will also get an opportunity to request that the Commissioner remand.

State of Alaska
 Department of Health
 Division of Public Assistance
FOOD STAMP BUDGET WORK SHEET
 For Households with Elderly (60 or Over) or Disabled Member

[Reset Form](#)

PART I: Find Net Income

Case Number (Optional)			
Case Name (Optional)			
A. Household Size	2	(A)	
B. Gross Monthly Earned Income		(B)	
C. Subtract Earned Income Deduction (20% of Earned Income) (B ÷ 5)	-	(C)	
D. Net Monthly Earned Income (B - C)	=	(D)	
E. Add Other Unearned Income (SSI, Social Security, Pensions, TA, GA, UIB etc.)	+ \$1,455.00	(E)	
F. Subtotal Monthly Income (D + E)	= 1455	(F)	
G. Subtract Standard Deduction (\$330 for HH of 5 or less, \$330 for HH > 5)	- 330	(G)	
H. Subtotal (F - G)	= 1125	(H)	
I. Subtract Medical Costs over \$35 (Total medical cost - \$35)	-	(I)	
J. Subtotal (H - I)	=	(J)	
K. Subtract Dependent Care Costs	-	(K)	
L. Subtract Child Support Deduction (Actual amount expected to be paid)	-	(L)	
M. Subtract Homeless Shelter Deduction	-	(M)	
N. TOTAL INCOME [J - (K + L+M)]	=	(N)	

FIND MONTHLY SHELTER COSTS: Select Region: Central (CE)
 (Do not enter Monthly Shelter Costs if N. Homeless Shelter Deduction selected)

1. Rent/Mortgage			
2. Insurance on Home			
3. Property Tax		(a) Subtotal 1 thru 3	_____ (a)
4. Garbage Collection			
5. Heating Fuel		<i>If household incurs heating fuel cost, use SUD. Check this box to use the SUD --></i> <input type="checkbox"/>	
6. Telephone		<i>If household does not incur heating fuel costs, use the</i>	
7. Electricity		<i>Non-heating utility standard (NHUS) for 6 - 9.</i>	
8. Water			
9. Sewer		(b) Subtotal SUD or total 4, 6, 7, 8, 9	_____ (b)
O. TOTAL MONTHLY SHELTER COSTS (a + b)	=	(O)	
P. Subtract ½ OF Total Adjusted Income (N ÷ 2)	-	(P)	
Q. Excess Shelter Costs (O - P)	=	(Q)	
Enter Total Adjusted Income (N)		(N)	
Subtract Excess Shelter Costs (Q)	-	(Q)	
R. MONTHLY NET INCOME (N - Q)	=	(R)	

[Calculate Net Income](#)

FOOD STAMP BUDGET WORK SHEET, page 2

For Households with Elderly (60 or Over) or Disabled Member

S. Compare MONTHLY NET INCOME (R) to chart. [Check Net Income](#)
 If prospective net income exceeds the amount on the chart, the household is ineligible.

Household Size	1	2	3	4	5	6	7	8	+1
Maximum Net Income	\$1,416	\$1,908	\$2,400	\$2,891	\$3,383	\$3,875	\$4,366	\$4,858	\$492

PART II: Find SNAP Benefit Amount

T. Find MAXIMUM SNAP ALLOTMENT from chart below: (T)

HH Size		1	2	3	4	5	6	7	8	+1
Maximum FS Allotment	Urban	\$351	\$644	\$923	\$1,172	\$1,391	\$1,670	\$1,846	\$2,109	\$264
	Rural I	\$448	\$822	\$1,177	\$1,494	\$1,774	\$2,129	\$2,354	\$2,690	\$336
	Rural II	\$545	\$1,000	\$1,432	\$1,819	\$2,160	\$2,592	\$2,865	\$3,274	\$409

U. Multiply the MONTHLY NET INCOME (R) by 0.3 (R x 0.3) to find the ADJUSTED SNAP INCOME (U) - 337.50 (U)

V. Subtract the ADJUSTED SNAP INCOME (U) from the MAXIMUM SNAP ALLOTMENT (T) (T - U) = 306.50 (V)

W. Round down to the next whole dollar to find the MONTHLY SNAP BENEFIT AMOUNT (W) 306 (W)

X. If there are 3 or more household members, and (W) is \$1, \$3, or \$5, Round up to \$2, \$4, or \$6 (X)

Y. If there are 1 or 2 household members, and (W) is less than the minimum benefit, round up to the minimum benefit. If the ADJUSTED SNAP INCOME (U) is greater than the MAXIMUM SNAP ALLOTMENT (T), the allotment is the minimum benefit. (Y)

Z. **MONTHLY SNAP BENEFIT AMOUNT:** [Calculate Benefit Amt](#) (Z)
 (Enter (W), or (X), or (Y) if they apply)

PART III: Pro-rate the First Month SNAP Benefit

1) Number of days in month + 1 (1)

2) **Subtract** the day of the month the household applied - (2)

3) Subtotal (1 - 2) = 9 (3)

4) **Divide** by number of days in month (28 or 29 or 30 or 31) + (4)

5) Subtotal (3 ÷ 4) = 0.29 (5)

6) **Multiply** by the MONTHLY SNAP BENEFIT AMOUNT (5 x Z) x 306 (6)

7) Unrounded SNAP benefit amount = 88.74 (7)

8) Round down to the next whole dollar to find the SNAP BENEFIT AMOUNT. If rounded amount is less than \$10, household gets no allotment for first month.) (8)

[Calculate Pro-rated Amt](#)

[Reset Form](#)

IV. CONCLUSION

DPA's decision as to February through December 2023 benefits is reversed. Based on the information DPA has provided, K. X. is entitled to \$306 in SNAP benefits for those months, subject to continued eligibility.

DATED: July 10, 2023.

Signed _____
Rebecca Kruse
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 28th day of July, 2023.

By: *Signed* _____
Daniel R. Phelps II
Project Coordinator

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