

paid after her change in income were overpayments.⁶ The notice indicated that the Division was only seeking the recoupment of benefits for March of 2022 through September of 2022. D. X. received a total of \$3,752 in SNAP benefits during March, April, May, June, July, August, and September of 2022.⁷ In its notice, the Division told D. X. that she was required to repay those SNAP benefits which totaled \$3,752.⁸ After the Division sent D. X. the notice that she was required to repay \$3,752, it sent her a second notice on June 2, 2023, stating that the Division had determined that requiring her to repay the entire \$3,752 would be a “significant hardship” given the circumstances, and that it was only requiring her to pay back \$360.⁹

D. X. did not dispute that she was overpaid but testified that she was not at fault for the overpayment and having to repay the \$360 dollars would be financially challenging for her.¹⁰

III. Discussion

The issue in this case is whether the Division was correct to require D. X. to repay the SNAP benefits that she received in March, April, May, June, July, August, and September of 2022. The original claim was for \$3,752, but the Division reduced its claim to \$360.

SNAP is a federal program which is administered by the State of Alaska.¹¹ To administer the program in Alaska, the Alaska Department of Health has adopted the federal regulations governing the program.¹² Accordingly, the decision in this case is governed by the federal SNAP regulations.¹³ The Division has the burden of proof in this case because it is seeking to recover paid SNAP benefits from D. X..¹⁴

The first step in resolving this case is determining whether the Division was correct in finding that D. X. was not eligible for SNAP benefits between March and September of 2022. Benefit eligibility and benefit amount are based on the income for the household and, if that income exceeds the maximum gross income for that household’s size, the household is not eligible for benefits.¹⁵ The gross income limit for D. X.’s household during the dates the Division is seeking to recoup benefits was \$4,205 for a household of five people and \$3,590 for a

⁶ Ex. 3.1.

⁷ Ex. 3.1.

⁸ Ex. 3.1.

⁹ Ex. 4.

¹⁰ Record at 1:14:30.

¹¹ 7 C.F.R. § 271.4(a).

¹² 7 AAC 46.010.

¹³ The applicable regulations are located at 7 C.F.R. § 273.1 *et. seq.*

¹⁴ 7 AAC 49.135.

¹⁵ 7 C.F.R. §§ 273.9 and 273.10.

household of four people.¹⁶ During the relevant period D. X.’s gross income was \$5,651.98.¹⁷ As D. X.’s gross income was over the gross income limit, she was not eligible for benefits during the relevant period.

The question then arises as to whether D. X. must repay the benefits that she subsequently received during the months of March, April, May, June, July, August, and September of 2022. The Division has not claimed fraud and the evidence shows D. X.’s receipt of ongoing benefits was due to the fact that the Division did not timely act on the change in income notice it received from D. X. until after it had already issued benefits. This was the Division’s error. While it is certainly understandable that receiving a notice that required D. X. to repay benefits that were issued to her because of the Division’s error would be distressing, the Division has no discretion in this case.

The federal statute that addresses SNAP overpayments, 7 U.S.C. § 2022(b)(1), provides that the “state agency *shall* collect any issuance of benefits issued to the household . . .” [emphasis added]. The specific federal regulation pertaining to the recoupment of SNAP benefits is 7 C.F.R. § 273.18. Subsection (a)(2) of that regulation provides that “the State agency *must* establish and collect any claim . . .” Under subsection (b) ((3), collection action is required even where (as here) the “overpayment [is] caused by an action or failure to take action by the State agency.” The Alaska Supreme Court has ruled that these federal requirements apply to Alaska SNAP recipients.¹⁸ Even though the overpayment was caused by the Division’s error, the Division is required to recover the overpaid benefits, which it reduced to \$360 from its original claim of \$3,752.

IV. Conclusion

The Division’s determination that D. X. is required to reimburse the Division \$360 for overpaid SNAP benefits is AFFIRMED.

DATED: July 26, 2023.

Signed _____
Eric M. Salinger
Administrative Law Judge

¹⁶ Exs. 3.5 – 3.14.

¹⁷ Exs. 3.5 – 3.14.

¹⁸ *Allen v. State, DHSS* 203 P.3d 1155, 1164 - 1166 (Alaska, 2009).

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 9th day of August, 2023.

By: *Signed* _____
Eric M. Salinger
Administrative Law Judge

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