

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

In the Matter of)	
)	
D. T.)	OAH No. 24-0483-ADQ
_____)	

DECISION

I. Introduction

D. T. has received Supplemental Nutrition Assistance Program (“SNAP”) benefits periodically for many years. On two 2023 applications, Ms. T. failed to list her spouse’s employment, which is material to her household’s eligibility and amount of potential benefits. The Department of Health, Division of Public Assistance (“DPA”) initiated this Administrative Disqualification case against Ms. T., claiming that she intentionally omitted her spouse’s employment income from those applications. As discussed below, DPA proved by clear and convincing evidence that Ms. T. committed a second-time Intentional Program Violation of the SNAP program. Accordingly, Ms. T. will be barred from SNAP benefits for 24 months.

II. Background

D. T. has applied for and received SNAP benefits periodically since 2013.¹ In 2020, Ms. T. was found to have committed a first-time Intentional Program Violation for failing to declare her spouse’s employment and earned income on a SNAP application.²

Ms. T. submitted SNAP applications on April 25, 2023 and August 24, 2023 for a four-person household including her spouse and two children.³ The application form requests information about employment and income. On the April application, Ms. T. reported that she worked part time for a food delivery service, but listed no employment or income for her spouse.⁴ On the August application, Ms. T. reported that she was employed full time at a blood bank, but again listed no employment or income for her spouse.⁵ Ms. T. initialed and signed language on both applications certifying that the information was true and correct and that she

¹ Ex. 15.
² Ex. 13 (*In re CS*, 20-0658-ADQ (Commissioner Health and Social Services 2020)).
³ Ex. 8.
⁴ Ex. 8 at 6.
⁵ Ex. 8 at 24.

had read a statement of Rights and Responsibilities.⁶ The Rights and Responsibilities statement advises applicants that failure to include information can result in a loss of SNAP benefits.⁷

DPA waived interviews for these two applications because of COVID, but about a week before her April 25, 2023 application, Ms. T. was interviewed in connection with an earlier SNAP application. During that interview, DPA reviewed the Rights and Responsibilities statement with Ms. T.⁸

In reviewing both applications, DPA discovered that Ms. T.'s spouse was working at Employer A.⁹ DPA requested additional information about this employment.¹⁰ When Ms. T. failed to provide this information, DPA denied her applications.¹¹

DPA proceeded to investigate Ms. T. for an Intentional Program Violation for omitting her spouse's employment and income on her April and August 2023 applications.¹² DPA confirmed, through certified employment and wage records, that Ms. T.'s spouse was hired in January 2022 by Employer A and as of February 2024 was still employed there.¹³

DPA gave Ms. T. notice that it was proceeding with this administrative disqualification matter.¹⁴ Despite being notified of this matter and a hearing scheduled for August 29, 2024, Ms. T. did not answer any of the telephone numbers OAH had on file for her, nor respond to voicemails left for her at the time of the hearing. The hearing proceeded without her, as is allowed for this type of matter.¹⁵

III. Discussion

DPA claims Ms. T. intentionally omitted income by not reporting her spouse's employment or income on her April and August 2023 SNAP applications. A person who intentionally makes false or misleading statements or omits facts on a SNAP application can be

⁶ Ex. at 12, 30.

⁷ Ex. 7 at 4.

⁸ Ex. 9 at 1; Daryl Johnson testimony.

⁹ Ex. 1 ¶ 14; Ex. 10.

¹⁰ Ex. 11 at 1-2.

¹¹ Ex. 11 at 3-4.

¹² Ex. 1 ¶ 16.

¹³ *Id.*; Ex. 12.

¹⁴ Ex. 1 ¶ 6; Ex. 3-7; Anna Avila testimony. Notice was made to a more recent address reflected in the agency's files rather than the address Ms. T. had originally listed on her applications. See Ex. 11 at 4 (SNAP denial, listing same address for Ms. T. as notice of this proceeding).

¹⁵ 7 C.F.R. §273.16(e)(4).

disqualified from receiving benefits for two years for a second offense.¹⁶ The Division has the burden of demonstrating these intentional violations by clear and convincing evidence.¹⁷

Ms. T. is no stranger to the requirements for a SNAP application or the repercussions for misstating or omitting material facts. Ms. T. was disqualified from the program for a year in 2020 for failing to declare her spouse's employment and income. She initialed the Rights and Responsibilities statement for her April and August applications, which advised her that she could lose benefits again if she misstated or omitted information. She further participated in a qualification interview shortly before she filed her April application — albeit for an earlier SNAP application — during which DPA reviewed the Rights and Responsibilities with her. Despite her prior disqualification for omitting facts and the numerous times DPA advised her of the potential for disqualification for omitting facts, Ms. T. chose not to include her spouse's employment and income on her April and August 2023 SNAP applications.

The spouse's employment and income Ms. T. omitted was material. SNAP eligibility and the amount of benefits depend, in part, on household income.¹⁸ Indeed, when DPA discovered the omitted employment, and Ms. T. continued not to provide information about it, DPA ultimately denied both the April and August applications.

The evidence demonstrates Ms. T.'s omissions were intentional. Although she did not appear at the hearing, intent can be determined from circumstantial evidence.¹⁹ Here, Ms. T. filled out an application that asked for employment and income of household members, yet she failed to disclose her spouse's employment and income. This was not new employment either; Ms. T.'s spouse has held this particular job since 2022, so Ms. T. would have been well aware of it. Ms. T. understood the need to list employment and income sufficiently to list her own on both applications. She was also aware of the potential repercussions of omitting her spouse's employment income, having been previously disqualified for omitting this information. Ms. T. was further advised of the potential repercussions through the Rights and Responsibilities statement and during a contemporaneous interview. These circumstances all demonstrate that Ms. T. intentionally omitted her spouse's employment and income.

¹⁶ 7 U.S.C. § 2015(b)(1); 7 C.F.R. § 273.16(b)(1), (c)(1).

¹⁷ 7 C.F.R. § 273.16(e)(6).

¹⁸ 7 C.F.R. § 273.10.

¹⁹ *In re TO*, OAH 20-0953-ADQ (2021) (when benefit recipient opts not to testify at disqualification hearing, “[n]onetheless her intent can be deduced from circumstantial evidence.”).

DPA has met its burden to demonstrate a second intentional program violation.

IV. Conclusion

Ms. T. committed a second-time Intentional Program Violation of the SNAP program with her April and August 2023 SNAP applications. She is disqualified from receiving SNAP benefits for 24 months starting November 1, 2024.²⁰

This disqualification applies only to Ms. T. and not to other individuals in her household. For the duration of the disqualification periods, Ms. T. will need to report her income and resources, but her own needs will not be considered when determining SNAP eligibility or benefit amounts.²¹

Dated: September 9, 2024

By: Signed
Signature
Rebecca Kruse
Name
Administrative Law Judge
Title

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

²⁰ 7 C.F.R. § 273.16(b)(13), (e)(8)(i).

²¹ 7 C.F.R. § 273.16(b)(11), (c)(1)

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 24 day of September, 2024.

By: Signed
Signature
Rebecca Kruse
Name
Administrative Law Judge
Title

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