

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

In the Matter of)	
)	
C. X.)	OAH No. 24-0561-ADQ
_____)	

DECISION

I. Introduction

The Division of Public Assistance (Division) alleges that C. X. intentionally concealed her move to Tennessee and continued to receive Alaska SNAP (food stamp) benefits and ATAP (Alaska Temporary Assistance Program) benefits while receiving benefits from Tennessee and that she applied for and received such benefits from Alaska while residing in Tennessee. The Division gave Ms. X. notice of administrative disqualification on August 26, 2024, by certified mail to her claimed address in Anchorage, Alaska, and at her last known address in Tennessee. Ms. X. requested a hearing which was scheduled for October 9, 2024. Although she was given notice of the hearing, Ms. X. failed to appear, by telephone or otherwise, and to respond to telephone calls from the hearing. The hearing was held in her absence. The Division's investigator, Amanda Holton, was present by telephone and presented the Division's evidence. Ms. X. was provided an opportunity to show good cause for her failure to appear but, by close of business on October 21, 2024, she had failed to respond.

Based on the clear and convincing evidence presented, this decision concludes that Ms. X. intentionally concealed her receipt of Tennessee benefits when applying for Alaska benefits, her move from Alaska to Tennessee, and her residence in Tennessee while applying for and receiving Alaska benefits. This is her first known intentional program violation. Accordingly, Ms. X. is disqualified from receiving ATAP benefits for a period of six months and from receiving SNAP benefits for a period of twelve months. In addition, she is ordered to repay the State of Alaska the full amount of overpaid benefits.

II. Facts

The following facts were established by clear and convincing evidence.

A. Applications for benefits and eligibility contacts

Ms. X. applied for ATAP, SNAP, and Medicaid benefits on October 19, 2022, by a written form (GEN 50C) that she signed on October 14, 2022.¹ She gave a mailing address on Address A. in Anchorage, and a residence on Address B. in Anchorage.² She listed no income or benefits.³ She answered “no” to the question that asked if she had “received public assistance (Temporary Assistance, cash, SNAP, Medicaid, Food Distribution Program on Indian Reservations FDPIR) in Alaska or any other state.”⁴ Ms. X. signed a statement contained in the application that certified the information she provided was correct.⁵ She also initialed the paragraph informing her that, if her residency status changed, she “must report the change to the Alaska Division of Public Assistance within 10 days.”⁶

As part of her application, she attended a telephonic eligibility interview in January 2023.⁷ In this interview, she stated she was homeless, but she provided a reference to establish that she resided in Alaska.⁸ She was approved for SNAP benefits from October 2022, and for ATAP benefits from November 2022.⁹ According to Division records, she was paid a total of \$8,746.00 in SNAP benefits from October of 2022 through March 2024.¹⁰ She was paid \$9,597.00 in ATAP benefits from November of 2022 through May 2024.¹¹ She was also referred to Ninestar for employment services.¹²

Ms. X. filed an Eligibility Review Form (GEN 72) on February 16, 2023, which she signed on February 6, 2023.¹³ Again she gave a mailing address on Address A. in Anchorage, but asserted that she was homeless.¹⁴ Again she initialed a paragraph stating she understood she

¹ Ex. 8.

² *Id.* at pg. 1.

³ *Id.* at pgs. 5-7.

⁴ *Id.* at pg. 8.

⁵ *Id.* at pg. 8.

⁶ *Id.*

⁷ Ex. 9, pg. 2.

⁸ *Id.*

⁹ *Id.* at pgs. 3-5.

¹⁰ Ex. 21.

¹¹ *Id.* The Division reduced her payments beginning in March 2024. The Division does not claim an overpayment for ATAP benefits paid from November 2022 through March 2023. *Id.*

¹² Ex. 9, at pg. 2.

¹³ Ex. 10, pgs. 1-5.

¹⁴ *Id.*

must inform the Division within 10 days if her residency changed.¹⁵ Again she certified that all the information provided was true and correct.¹⁶

Beginning in February 2023, Ms. X. had monthly telephone interviews with a caseworker.¹⁷ In the first interview, she explained she had just had a baby, so she was not looking for work. In July, she again told the interviewer that she was homeless, living with her father in a small space in Anchorage, but that she expected to have housing in August 2023.¹⁸ She was excused from further work activities in view of her child (born in January 2023) until January 2024.¹⁹ On June 30, 2023 and again on September 30, 2023, she acknowledged she had to report “all household and employment changes” within 10 days.²⁰ At no time did she disclose to the case manager that she was living anywhere but Alaska.

On October 2, 2023, Ms. X. filed a new application for services form (GEN 50C), which she signed September 14, 2023.²¹ She stated she was residing at Address A. in Anchorage (that she previously gave as a mailing address) and she sought SNAP and ATAP benefits.²² She reported no income or assets.²³ Again, she answered “no” to the question that asked if she had “received public assistance (Temporary Assistance, cash, SNAP, Medicaid, Food Distribution Program on Indian Reservations FDPIR) in Alaska or any other state.”²⁴ And, again she acknowledged she must inform the Division within 10 days of a change in residence and certified that the information in her application was true and correct.²⁵

B. Residence outside Alaska

Division records show that Ms. X. used her SNAP benefits exclusively outside Alaska from February 23, 2023, through March 18, 2024, primarily in Tennessee. On March 3, 2023, Ms. X. appeared in Montgomery County Circuit Court and pled guilty to driving under the influence.²⁶ She was placed on probation, and gave a City A., Tennessee address to her

¹⁵ *Id.* at pg. 5.

¹⁶ *Id.*

¹⁷ Ex. 14. pgs. 1-34.

¹⁸ *Id.* at pg. 4.

¹⁹ *Id.* at pg. 6.

²⁰ *Id.* at pg. 5.

²¹ Ex. 12.

²² *Id.* at pg. 1.

²³ *Id.* at pg. 6.

²⁴ *Id.* at pg. 1.

²⁵ *Id.* at pg. 11.

²⁶ Ex. 18, pg. 4.

probation office.²⁷ In a personal information form for the Tennessee Department of Corrections, she stated she had lived at Address A. from 1997 to 2014 with her father; at a Tennessee address with her mother from 2014 to 2022, then “moved to Alaska;” and moved to Tennessee in 2023 to the “current” date (March 3, 2023).²⁸ She was contacted in person by probation officers at homes in Tennessee March 28, 2023 and August 28, 2023, and arrested in December 2023 for domestic assault in Tennessee.²⁹ Finally, the Tennessee Department of Human Services reported that Ms. X. received Tennessee SNAP benefits from September 1, 2022 through February 28, 2023 and from May 22, 2024 through the date of the report (July 16, 2024).³⁰ Finally, the record contains a recording of a September 18, 2024 interview of Ms. X. by Ms. Holton, in which she gave her address as Address A. and stated she was physically in Alaska on the date of the interview. She claimed she left her EBT card with her mother in Tennessee when she went on vacation.

III. Discussion

Ms. X. clearly omitted reporting receipt of Tennessee SNAP benefits to the Division. Her application in October of 2022 reflects Address A. and no income or benefits. Her son was born in Anchorage in January 2023. Her report to the Tennessee Department of Corrections states she moved to Alaska at some point in 2022. The evidence strongly suggests that she moved to Alaska in October 2022 and remained in Alaska until shortly after the birth of her child in January 2023. Nonetheless, she continued to receive Tennessee SNAP benefits from September 1, 2022, through February 28, 2023, while she was applying for (and ultimately was approved for) Alaska SNAP and ATAP benefits. It does not appear, however, that she received the benefits paid by Alaska for October 2022 through February 2023 until sometime in February or March 2023.

It is also clear and the evidence is convincing that Ms. X. moved to Tennessee in February 2023 and that she intentionally concealed her move from the Division, despite knowing she had to report the move within 10 days. She continued to report living with her father in Anchorage to the case manager. She listed Anchorage as her residence in the October 2023 application for services and certified that it was true and correct, notwithstanding that she was, in

²⁷ Id. at pg. 2.

²⁸ Id. at pg. 10.

²⁹ Id. at pg. 19.

³⁰ Ex. 16 at pg. 143.

fact, on probation for driving under the influence in Tennessee at the time. In her September 18, 2024 interview, she continued to represent that she resided at Address A. and that she was physically present in Alaska, claiming that she had only gone on a short vacation to Tennessee and left her SNAP EBT card behind. This statement is patently false, given that her card was used exclusively in Tennessee from February 23, 2023 through March 28, 2024, but she did not report its loss until September 18, 2024.

A. SNAP (Food Stamp) benefits

In order to prevail, the Division must demonstrate by clear and convincing evidence³¹ that Ms. X. committed an intentional program violation of the SNAP and ATAP programs; that is, that she intentionally “made a false or misleading statement, concealed, or withheld facts”.³² To be eligible for SNAP benefits from the State of Alaska, the recipient must be an Alaska resident.³³ In addition, eligibility for SNAP benefits is based on the households composition, assets and income.³⁴

As found above, Ms. X. intentionally misrepresented her residency by concealing her move to Tennessee in February of 2023. In addition, she omitted to inform the Division in her October 2022 application that she was receiving Tennessee SNAP benefits.

B. ATAP (Temporary Assistance) benefits

In order to establish an Intentional Program Violation of the Temporary Assistance program, the Division must prove by clear and convincing evidence³⁵ that Ms. X. intentionally misrepresented, concealed or withheld a material fact “for the purpose of establishing or maintaining a family’s eligibility for [Temporary Assistance] benefits.”³⁶ Because residence in Alaska is a requirement to receive ATAP benefits from the State of Alaska,³⁷ the recipient’s residence is a material fact. A person who recently arrived in Alaska, who is receiving assistance

³¹ 7 AAC 45.585(e) and 7 CFR § 273.16(e)(4) and (6).

³² 7 CFR § 273.16(c); see also 7 AAC 45.585(n) (providing an intentional program violation of ATAP is “an action taken by an individual for the purpose of establishing . . . eligibility for ATAP benefits . . . or for increasing or preventing a reduction in the amount of the benefit, that intentionally conceals or withholds a material fact.”).

³³ 7 CFR § 273.3(a).

³⁴ 7 CFR § 273.10(e)(1)(i)(A).

³⁵ 7 AAC 45.585(d).

³⁶ 7 AAC 45.580(n).

³⁷ 7 AAC 45.220(a).

from another state may be considered to meet the residency requirement, but the Division will not pay benefits until eligibility in the other state is terminated.³⁸

As found above, Ms. X. intentionally misrepresented and concealed her change of residence from Alaska to Tennessee in February of 2023. She continued to state falsely that she resided in Alaska to her case manager and in the October 2023 application for services.

Accordingly, the Division has met its burden of proof and demonstrated by clear and convincing evidence that (1) Ms. X. concealed her receipt of Tennessee SNAP benefits in her October 2022 application and her January 2023 eligibility interview;³⁹ and, (2) Ms. X. made a false statement and concealed material facts concerning her residence with regard to the statements to her case manager and her October 2, 2023 application for services. Ms. X. has therefore committed a first Intentional Program Violation of both Alaska's SNAP benefit program⁴⁰ and Alaska's ATAP benefit program.⁴¹

IV. Conclusion and Order

A. SNAP (Food Stamp) benefits

Ms. X. has committed a first time Intentional Program Violation of the SNAP (food stamp program). She is disqualified from receiving SNAP benefits for a 12-month period and is required to reimburse the Division for the benefits that were overpaid as a result of this Intentional Program Violation, calculated by the Division as \$8,746.00.⁴² The period of disqualification shall begin January 1, 2025.⁴³

The Division shall provide written notice to Ms. X. and any remaining household members of the benefits (if any) they may receive during the periods of disqualification, or that they must reapply because her certification period has expired.⁴⁴

If the above overpaid SNAP benefits have not yet been repaid, Ms. X. or any remaining household members are now required to make restitution.⁴⁵ If Ms. X. disagrees with the

³⁸ 7 AAC 45.220(d).

³⁹ The evidence is clear and convincing that Ms. X. was paid Tennessee SNAP benefits while residing in Anchorage from October through January; however, it is not clear that she made false statements on her application for Alaska SNAP, ATAP and Medicaid benefits intentionally "in order to receive multiple SNAP benefits simultaneously." See, 7 C.F.R. § 273.16(b)(5)(emphasis added).

⁴⁰ 7 CFR § 273.16(c).

⁴¹ 7 AAC 45.580(n).

⁴² 7 C.F.R. § 273.16(b)(1)(i); 7 C.F.R. § 273.16(b)(12); 7 C.F.R. § 273.16(e)(8)(iii).

⁴³ 7 C.F.R. § 273.16(b)(13).

⁴⁴ 7 C.F.R. § 273.16(e)(9)(ii).

⁴⁵ 7 C.F.R. § 273.16(b)(12).

division's calculation of the overpayment of SNAP and ATAP benefits, she may request a hearing on that limited issue.⁴⁶

B. ATAP (Temporary Assistance) benefits

Ms. X. has committed a first Intentional Program Violation of the Alaska Temporary Assistance Program (ATAP). Ms. X. is disqualified from receiving ATAP benefits for a 6-month period⁴⁷ and is required to reimburse the Division for the benefits that were overpaid as a result of this Intentional Program Violation,⁴⁸ which is calculated by the Division as \$7,480.00. Because Ms. X. is not currently receiving ATAP, the period of disqualification shall begin when she applies for and is determined eligible ATAP benefits.⁴⁹

The Division shall provide written notice to Ms. X. and any remaining household members of the benefits (if any) they may receive during the periods of disqualification, or that they must reapply because her certification period has expired.⁵⁰

This disqualification applies only to Ms. X. and not to any member of her household.⁵¹ For the duration of the disqualification period, Ms. X.'s needs will not be considered when determining eligibility or benefit amounts for her household. However, she must report her income and resources as these may be used in these determinations.⁵²

Dated: October 25, 2024

By: Signed
Signature
Kristin S. Knudsen
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.]

⁴⁶ 7 C.F.R. § 273.15.
⁴⁷ AS 47.27.015(e)(1).
⁴⁸ 7 AAC 45.570(a).
⁴⁹ 7 AAC 580(g).
⁵⁰ 7 AAC 580(k).
⁵¹ 7AAC 45.580(e)(1).
⁵² 7 AAC 45.580(e)(3).

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 12th day of November, 2024.

By: Signed
Signature
Kristin S. Knudsen
Name
Administrative Law Judge
Title