

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

In the Matter of	)	
	)	
T. J.	)	OAH No. 24-0612-SNA
_____	)	

**DECISION**

**I. Introduction**

T. J. challenges the July 26, 2024, decision of the Division of Public Assistance to stop his SNAP (food stamp) benefits<sup>1</sup> after he moved from his private home to a Senior Living Facility. He filed a request for hearing on September 12, 2024. The hearing was held telephonically on October 9, 2024, as scheduled. Mr. J. was present and represented himself<sup>2</sup>; Ms. Marie Thirlwell represented the Division. The Division's exhibits were admitted without objection. Mr. J. testified on his own behalf. The record closed at the end of the hearing.

Because Mr. J. is a resident of an institution that provides the majority of meals to residents as a regular service, he is no longer eligible to receive SNAP benefits as an individual household. The Division's decision to stop his benefits is affirmed.

**II. Facts**

Mr. J. is a person who enjoys spicy foods and cooking for himself. He previously lived alone. Mr. J. subsequently moved to a Senior Living facility that provides over 50% of his meals. Regardless, he intended to continue cooking for himself, which he states is one of his last pleasures in life.

Mr. J. was approved for Adult Public Assistance senior benefits on November 22, 2022, and he has been certified to receive it through June 2025.<sup>3</sup> He began receiving SNAP benefits in 2000.<sup>4</sup>

After Mr. J. notified the Division of his move to the Senior Living facility, the Division notified him that he would lose his SNAP benefits after August 2024, and that his Adult Public

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<sup>1</sup> Mr. J. also challenged the lowering of his Adult Public Assistance benefit to \$100/month; but because he did not request a hearing within 30 days of the notice, that matter was not referred to the Office of Administrative Hearings. Ex. 9.2.

<sup>2</sup> Mr. J. stated that he had contacted Alaska Legal Services Corporation (ALSC) to assist him with several matters, including the recent reduction of his federal Supplemental Security Income, but that they had not yet agreed to represent him. No entry of appearance was filed in this case by ALSC.

<sup>3</sup> Ex. 1.

<sup>4</sup> Ex. 7.1.

Assistance would be reduced to \$100.00 per month<sup>5</sup>, so that he can no longer afford to buy food to cook himself. While Mr. J. concedes that adequate meals are provided at the Senior Living facility, they are bland, often cold, and not to his taste. His efforts to secure a broader range of cuisine are unwelcome because the facility must please the most residents, and that there have been objections by other residents to spicier cuisines. In addition, there is no gas range in his apartment, so that he must use the main kitchen if he wants to fry something.

The Division notes that Mr. J. made a timely report of the change in his living situation in May 2024.<sup>6</sup> However, due to a processing backlog, his benefits were not immediately adjusted. In June, Mr. J. submitted an interim report form when prompted by the Division, showing his residence change.<sup>7</sup> On July 27, 2024, Division notified Mr. J. that his SNAP benefits were stopped after August 31, 2024<sup>8</sup>, and his Adult Public Assistance benefit was reduced to \$100 per month.<sup>9</sup> Because Mr. J. did not file a timely request for hearing on the reduction of his Adult Public Assistance benefit, that matter was not referred to this Office for adjudication.<sup>10</sup> As to the SNAP benefit, the Division asserts that the law clearly bars payment of SNAP benefits to residents of institutions who are provided meals by the institutions.<sup>11</sup>

### **III. Discussion**

SNAP, commonly known as Food Stamps, is a federal program administered by the State.<sup>12</sup> The purpose of the program is to provide low income households a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.<sup>13</sup> In Alaska, the Division follows federal regulations to determine both eligibility of a household and benefit amounts.<sup>14</sup> Generally, benefit amounts are calculated based on a household's monthly net income and the number of people living in the household.<sup>15</sup> However, federal regulations also include a number of exclusions from eligibility.

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<sup>5</sup> Ex. 9.

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

<sup>7</sup> Ex. 5.

<sup>8</sup> Ex. 7.

<sup>9</sup> Ex. 9.

<sup>10</sup> Ex. 9.2.

<sup>11</sup> See 7 C.F.R. 273.1(b)(7)(vi).

<sup>12</sup> 7 C.F.R. § 271.4(a).

<sup>13</sup> 7 C.F.R. § 271.1(a).

<sup>14</sup> 7 AAC 46.010.

<sup>15</sup> 7 C.F.R. § 273.9(b), (d); 7 C.F.R. § 273.10(e).

7 C.F.R § 273.1(b) lists several exclusions from eligible households, such residents of a commercial boarding house [7 C.F.R § 273.1(b)(3)(i)] or persons who must be included in a (potentially ineligible) household such as persons under 22 years of age residing with their parent [7 C.F.R § 273.1(b)(1)(ii)]. At 7 C.F.R § 273.1(b)(7), the regulation states:

*Ineligible household members.* The following persons are not eligible to participate as separate households or as a member of any household:

- (i) Ineligible aliens and students . . . ;
- (ii) SSI recipients in “cash-out” States as specified in § 273.20;
- (iii) Individuals disqualified for noncompliance with the work requirements . . . ;
- (iv) Individuals disqualified for failure to provide an SSN . . . ;
- (v) Individuals disqualified for an intentional Program violation . . . ; and
- (vi) Residents of an institution, with some exceptions. Individuals must be considered residents of an institution when the institution provides them with the majority of their meals (over 50 percent of three meals daily) as part of the institution's normal services. Exceptions to this requirement include only the individuals listed in paragraphs (b)(7)(vi)(A) through (b)(7)(vi)(E) of this section. The individuals listed in paragraphs (b)(7)(vi)(A) through (b)(7)(vi)(E) can participate in the Program and must be treated as separate households from the others with whom they reside, subject to the mandatory household combination requirements of paragraph (b)(1) of this section, unless otherwise stated:
  - (A) Individuals who are residents of federally subsidized housing for the elderly; . . .

Mr. J. concedes that the assisted living facility where he resides provides the majority of meals to residents as a part of the institution’s normal services. Mr. J. does not claim that the meals are inedible or indigestible, but that they are bland and not to his personal taste. There is no evidence that the facility where he resides is a federally subsidized housing for the elderly within the meaning of 7 C.F.R. 273.1(b)(7)(vi)(A).<sup>16</sup>

Mr. J. asks that his culinary history, quality of life, and enjoyment of food be considered. However, the SNAP regulations do not permit the exercise of discretion. Mr. J. is clearly a resident of an institution that provides its residents over 50% of three meals daily, and he does not meet any of the exceptions listed in 7 C.F.R. 273.1(b)(7)(vi). As a purely legal matter, Mr. J. is not eligible for SNAP benefits.

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<sup>16</sup> Although the land that the facility is located on is leased from the local government as well as receiving a local tax abatement, the buildings and operation are privately owned. L. B., *Juneau’s new assisted living complex helps meet senior housing need*, (KTOO radio broadcast July 14, 2023), <https://www.ktoo.org/2023/07/14/juneaus-new-assisted-living-complex-helps-meet-senior-housing-need/> (last accessed Oct. 11, 2024).

#### IV. Conclusion

The Division's decision to stop Mr. J.'s SNAP benefits is AFFIRMED.

Dated: October 16, 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.]

## 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 30th day of October, 2024.

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

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