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

In the Matter of	)	
	)	
E.S	)	OAH No. 25-2992-SNA
	)	

DECISION

I. Introduction

E.S appealed the reduction of her monthly Supplemental Nutrition Assistance Program (SNAP) benefits. The Division of Public Assistance (Division) recalculated Ms. S's effective February 1, 2025, based on Ms. S's receipt of Social Security surviving spouse benefits due to the death of her husband, U B. N, in late summer 2024. Ms. S's SNAP benefits were reduced from $425.00 a month to $30.00, the minimum amount available to eligible households of one living in Anchorage, Alaska. The Division sent Ms. S another notice of recalculation in September 2025 that did not change her minimum SNAP benefit eligibility but did result in a fair hearing request to review the reduction altogether.

A hearing on the appeal was held on November 4, 2025. Ms. S participated and testified, as did Marie Thirwell, the Division's Fair Hearing representative. The Division's exhibits were admitted into evidence. The record was kept open until November 7, 2025, to permit Ms. S to provide evidence of the increase of her monthly rent. Ms. S did not provide that information. However, the Division relied on her testimony and recalculated her benefits only to show that the increase in rent would not impact her monthly SNAP benefit amount.

The record closed November 7, 2025, and this decision follows. Despite Ms. S's excellent representation of herself and her description of the impact of this sizable reduction in monthly SNAP benefits, the Division's reduction is AFFIRMED.

II. Facts

For purposes of calculating SNAP benefits, Ms. S lives in a household of one in Anchorage, Alaska. She is over sixty.[1] Prior to February 1, 2025, Ms. S had been receiving a monthly SNAP benefit of $342.00.[2] However, effective February 1, 2025, the Division recalculated Ms. S's monthly SNAP benefit down to the minimum SNAP benefit allowable to

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1 Division's Ex. 2, Ms. S testimony
2 Division's Ex. 4.

households of one in Anchorage, Alaska, which was $30.00 a month.[3] The Division's January 21, 2025 notice to Ms. S explained that the reduction was due to Ms. S's receipt of increased Social Security income owing, unfortunately, to the Social Security death benefits she was now receiving after her husband's death in August 2024.[4] That same notice also informed Ms. S that she must tell the Division when "monthly income of all persons receiving food stamp benefits in your case totals more than $2,038.00**."** The notice further informed Ms. S her monthly "countable income" was $1,286.00.[5] As such, Ms. S was understandably confused as to why her benefits had decreased when her monthly household income did not exceed the required reportable monthly income $2,038.00.

Ms. S questioned that same language when she received another notice from the Division following her own report of change (or lack of change) in her household. On October 1, 2025, the Division notified Ms. S:

> Thank you for reporting the change in your household. I looked at the new information and found there will be no change in your household's food stamp benefits.[6]

The notice this time informed Ms. S that she must report "when the monthly income of all persons receiving food stamp benefits in your case totals more than $2,118.00."[7] It further informed Ms. S that the Division was now calculating Ms. S's gross monthly income at $1581.33 for October 2025 and returning to $1,634.00 each month thereafter.[8] This income kept Ms. S's monthly SNAP benefits basically unchanged, with a *de minimis* increase to $31.00 a month.[9] Frustrated again with the Division's reference to a need to report monthly income over $2,118.00 when her income was decidedly below that amount, Ms. S sought a fair hearing. Her fair hearing request stated:

> I came here to find out why I am not receiving the $342 that I was, however, now I'm receiving a $30 snap benefit amount a month and I cannot live on that![10]

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3 Division's Ex. 3.
4 *Id.*
5 *Id.*
6 Division's Ex. 6.
7 *Id.*
8 *Id.*
9 *Id.*
10 Division's Ex. 2.

At the hearing, Ms. S explained the impact this reduction in SNAP benefits had on her and the extended family (not part of her household) that she continues to support. She discussed how she cared for her husband and the impact of his death. She also spoke of her previous employment at Employer A and of the young people that she assisted in finding jobs. She further explained how her current health circumstances impacted her own ability to work and reiterated that despite the receipt of her Social Security surviving spouse benefits, a $30.00 monthly SNAP benefit was not enough.

Ms. Thirwell testified, most importantly, introducing exhibits that described how the Division reached its determination on reduced benefits. Important to the analysis was the Division's "SNAP Budget Worksheet for Households with Elderly (60 or Over) or Disabled Member"[11] Ms. Thirwell filled in the worksheet in advance of the fair hearing. In Anchorage, a qualifying household of one may receive up to $377 a month in SNAP benefits, but this amount is subject to reduction due to various factors. As Ms. Thirwell explained, key factors here were monthly gross and net incomes and allowable deductions. Taking all those factors together, the Division calculated Ms. S's net monthly income minus an allowable standard deduction at $1,233.33.[12] Ms. Thirwell further explained that Ms. S might have been permitted an additional adjustment to increase her monthly SNAP benefits if her monthly shelter costs exceeded half of that net countable income of $1233, or $616.66. However, Ms. S's monthly shelter costs were calculated, with information in the Division's possession, at $306.00. As such, Ms. S's monthly net income, minus the allowable standard deduction, remained at $1,233.33.

Again, as explained by Ms. Thirwell, the next important calculation was to take that amount and multiply it by .33. This amounted to a calculation of $370.00 that Ms. S would otherwise have been available through her receipt of Social Security for the monthly purchase of food. Under the worksheet calculation, this amount was subtracted from the maximum monthly SNAP benefit for an Anchorage household of one of $377.00, leaving Ms. S eligible for a mere $7.00 monthly SNAP benefit. This amount was increased to the minimum SNAP monthly benefit of $30.00 a month – the amount identified in the Division's January 2025 notice.

In her testimony, Ms. S agreed with most of the calculations, but she raised the important issue that with her increased receipt of Social Security benefits, her monthly rent rose as well

11 Division's Ex. 8 – 8.1.
12 Division's Ex. 8.

from $281.00 to $555.00. Ms. S noted she could supplement the record to show her new monthly rent, and she was provided with an extension of time, through November 7, 2025, to do so. The Office of Administrative Hearings has yet to receive that information. However, taking Ms. S at her word, Ms. Thirwell recalculated the Benefits Worksheet to show Ms. S's monthly shelter costs at $581.00 (this included the increased rent and uncontested telephone charges). Since $581.00 was still less than $616.66 (again, half of the monthly net income minus the allowable standard deduction), Ms. Thirwell explained the increased rent did not impact the monthly SNAP benefits calculation. Those remained the standard minimum SNAP benefit for an Anchorage household. In October 2025, that amount was $31.00 a month.[13]

The question at issue in this fair hearing is whether the Division's calculation is correct.

III. Discussion

Ms. S has the burden of proving by a preponderance of the evidence that she is entitled to greater SNAP benefits.[14] SNAP is a federal program administered by the states. As described in Ms. Thirwell's testimony and applied in the calculations described above, there are many regulations on eligibility for the food stamp program. An important regulation for Ms. S's case is 7 C.F.R. § 273.10, the regulation addressing SNAP household eligibility and benefit levels**.**[15] This regulation requires the Division to determine monthly income based on anticipated income, such as monthly Social Security survivor benefits,[16] to take into account allowable and disallowable deductions, such as monthly shelter costs that do not exceed half of the monthly net income minus standard deductions,[17] and, in the end, calculate allowable monthly SNAP benefits to an eligible recipient.[18] Even if the Division would want to recognize the significant contributions Ms. S makes to her family and community, federal regulations are binding on the Division. Reviewing the regulation and the exhibits entered into evidence, the Division correctly calculated Ms. S's monthly SNAP benefit in both January 2025 and October 2025.

The only remaining issue to address is Ms. S's well-argued point that both of the Division's notices were confusing when they informed her that she must report a monthly gross income that exceeds $2,038.00 and $2,118.00, respectively. Her point of confusion is well taken.

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13 Division's Supplemental Ex. 10-10.1.
14 7 AAC 49.13.
15 7 C.F.R. § 273.10. The Division attached this regulation as Exhibit 9 to its position statement.
16 7 C.F.R. § 273.10(c).
17 7 C.F.R. § 273.10(e)(1).
18 7 C.F.R. § 273.10(e)(2).

Both of these amounts are well above the gross monthly amount Ms. S receives from Social Security surviving spouse benefits. However, the purpose of this language was to inform Ms. S when she had an affirmative duty to inform the Division of an income change that might impact her SNAP eligibility altogether. These particular references did not mean that her benefits wouldn't be reduced if her monthly income went up. Ms. S had testified that prior to her husband's death her monthly income from her own Social Security benefits was approximately $500.00 a month. As such, she received a higher monthly SNAP benefit of $425.00 a month. With her gross income now including increased surviving-spouse benefits of between $1581.33 and $1,634.00 a month, it would follow that her SNAP benefits would similarly reduce. As such, the notice, while perhaps confusing, at no point impacts the correctness of the Division's calculations of available SNAP benefits.

IV. Conclusion

Ms. S is a self-represented advocate who eloquently and diligently advanced her arguments against the Division reducing her monthly SNAP benefits. However, the Division must apply applicable federal law. It did so when it correctly determined the SNAP benefits, as described in its January 2025 and October 2025 notices. Accordingly, the Division's decision is AFFIRMED.

DATED: November 10, 2025

Signed

Joan M. Wilson
Chief 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 November, 2025.

By: *Signed*
Name: Joan M. Wilson
Title: Chief Administrative Law Judge