

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

In the Matter of	)	
	)	
T. L.	)	OAH No. 25-1883-SNA
_____	)	

DECISION

I. Introduction

In 2024, the Division of Public Assistance (the “division”) approved Ms. L. as a Supplemental Nutrition Assistance Program (“SNAP”) beneficiary. As a condition of enrollment, Ms. L. was required to submit periodic, updated financial information, as required by state and federal law. On January 13, 2025, the division mailed a notice to Ms. L. informing her of her obligation to complete and return an eligibility review form prior to February 15, 2025.¹

The parties dispute whether the January notice included a blank GEN 72 form. But it is undisputed that Ms. L. did not return a completed GEN 72 form by February 15. Instead, eleven days later – on February 26, 2025, and perhaps cognizant of imminent benefit termination just two days away, Ms. L. obtained a different form – called a “SNAP Interim Report”² – from the agency’s web site. She completed that form and submitted it on February 26, 2025. However, because the division had not received a completed GEN 72 form from Ms. L. prior to February 15, the division terminated Ms. L.’s SNAP eligibility effective February 28, 2025. In April 2025, Ms. L. sought a fair hearing regarding this termination.³

¹ See *hearing exhibit 4* (the January 13, 2025 notice). The required form is known as a “GEN 72” form.

² This form is known as a “FSP 95” form. See *hearing Exhibit 5*.

³ In late May 2025, Ms. L. successfully re-applied for SNAP benefits, effective May 21, 2025. Ms. L. raises no complaint with this agency action. Therefore, the benefit period in controversy in this appeal is limited to the approximately 13-week period of March 1 – May 21, 2025.

That hearing was held on October 22, 2025. The agency representative testified, as did Ms. L.. Ms. L. did not dispute that she did not submit the GEN 72 form prior to February 15, 2025. Rather, she contended that the information she did submit should be deemed an adequate substitute. She further protested that the division never told her that she had submitted the wrong form prior to terminating benefits at the end of February.

Because Ms. L. did not provide the detailed financial information called for on the form that the division is obligated by federal law to request, the division did not err when terminating Ms. L.'s benefits. The division's decision is therefore AFFIRMED.

II. Facts

A hearing was convened on October 22, 2025. The division representative testified and introduced documents pertinent to Ms. L.'s case. The division representative testified that the division had initially approved Ms. L. and her household as SNAP beneficiaries in March 2024.⁴

On January 13, 2025, the division mailed Ms. L. a notice stating that in the absence of a completed Eligibility Review Form, her SNAP eligibility would terminate “on the last day of February.”⁵ The notice stated,

Your certification period for Supplemental Nutrition Assistance Program (SNAP) ends on the last day of February. If you want to continue to get SNAP benefits, you will need to fill out the enclosed Eligibility Review Form and return it to the Division of Public Assistance (DPA) as soon as possible. [] Fill out the form completely, reporting all changes, and attach all needed proof. To avoid a delay in benefits, we must receive the completed enclosed form no later than the 15th of February. Your SNAP case will close February 28, 2025 if you do not submit this recertification form.⁶

⁴ Exhibit 1.

⁵ Exhibit 4.

⁶ *Id.*

Ms. L. testified that she received this notice. The division representative contended that a blank GEN 72 form was included with the January 13, 2025 notice – as is the division’s standard practice. Ms. L. disputed this. Ms. L. contended that the January 2025 notice did not contain the GEN 72 form. However, this contention is called into question by Ms. L.’s testimony that she lost the notice itself sometime between mid-January and late-February. Ms. L. testified that on February 26, 2025, she went online and completed and submitted a four-page Interim Report form. The division received it on February 27, 2025.

The division representative explained that this was the wrong form. She testified that because Ms. L. did not submit the proper GEN 72 form, the division terminated her SNAP eligibility, effective February 28, 2025.

By fair hearing request submitted on April 21, 2025, Ms. L. sought review of the February termination. She also emailed the division on May 1 and May 12, 2025 inquiring about the status of her case. On May 21, 2025, a division representative contacted Ms. L. and explained that she had submitted the incorrect form. The division representative provided Ms. L. the appropriate re-application forms to re-establish her benefits, and conducted a telephonic interview. Ms. L.’s benefits were re-instated, effective that day -- May 21, 2025.⁷

In her testimony, Ms. L. emphasized that as of February 2025, she had experienced no substantive changes in her household or her financial situation. So, in her view, there was nothing substantive to report. She also pointed out that no division representative had ever contacted her to tell her that she had submitted the wrong form.

⁷ *Division position statement*, October 6, 2025, at pgs.1-2; *see also* Exhibits 6 & 8.

III. Discussion

Ms. L. appeals the division's termination of a previously-granted benefit. State regulation would seem to place the burden upon the division to establish a valid justification for that termination of benefits.⁸ That burden is a preponderance.⁹

Alaska's SNAP program is a highly-regulated activity governed by state and federal law. Federal law mandates that state agencies are required to collect updated periodic financial reports in cases like Ms. L.'s.¹⁰ Where a beneficiary fails to timely submit an updated report, federal law requires the division to terminate benefits.¹¹

Ms. L. argued that the agency never told her that she had submitted the wrong form on February 27 before terminating benefits the very next day. The argument calls for a simple response: the agency actually sent her the correct form six weeks earlier, and she lost it. The division has no legal obligation to immediately correct Ms. L.'s mistake.

Ms. L. argued that the notice she received in January 2025 did not contain the GEN 72 form. But the division representative testified that the division's practice has always been to include the form with the notices. Indeed, the notice itself refers to "the enclosed Eligibility Review Form."¹² Thus, if Ms. L. had carefully read the notice in January, she would have realized – at that time – that something was missing and that she needed to obtain, complete and submit an important form. But Ms. L. did not do that. Rather, she waited until the very end of February –

⁸ 7 AAC 49.135.

⁹ *Id.* This decision places the burden upon the division, and concludes that it has been sustained. There are prior decisions in this area, which, relying upon federal decisional law, have placed the burden upon the applicant. *See e.g., In re: T.S.*, OAH No. 23-0169-SNA (Dep't of Revenue 2023) (placing burden to establish valid SNAP recertification upon the applicant) (available at <https://aws.state.ak.us/OAH/Decision/Display?rec=6982>). Were the burden in this case to be placed upon Ms. L., for the reasons articulated here, this decision would conclude that she had failed to sustain it – and would reach the same result affirming the agency's action.

¹⁰ 7 CFR §273.12(a)(5)(iii)(E).

¹¹ *Id.*

¹² See note 7, *supra*.

eleven days after the filing deadline had passed – before attempting to submit the required form. And then, Ms. L. submitted the incorrect form.¹³

The fact that Ms. L. admitted that she lost the January notice tends to undermine her memory of its precise contents. If a witness does not recall where she placed important mail, then it is reasonable to conclude that the witness probably does not remember what the mail contained, either. Those two facts rise and fall together. Stated differently: If someone can't remember where they put an envelope, then one might be skeptical of that person's memory of what was in it.

Viewed objectively, evidence supports the conclusion, by a preponderance, that the division mailed the correct form to Ms. L.. Further, the evidence establishes, by a preponderance, that even if the notice did not contain the blank form, the notice alerted Ms. L. that she was required to obtain the correct form and submit it by February 15.

It is also true that, prior to May 21, no division representative alerted Ms. L. to the error. But the division is not required to perform real-time proofreading services for beneficiaries. The obligation rests with Ms. L., the beneficiary, to provide prompt and accurate eligibility information, not with the division to proofread for her. In other words, even if this case were to be viewed equitably as a case of “dueling mistakes,” Ms. L.’s mistake occurred first.

Finally, Ms. L. argues that there were no substantive household or financial changes to report in February. Ms. L. argues that the division should have accepted the FSP 95 form she actually submitted as a substitute for the GEN 72 form she did not submit.

This argument fails for two reasons. First, the division’s manual specifically states that the FSP 95 Interim Report may not be used for recertification purposes.¹⁴

¹³ Exhibit 4.

¹⁴ Exhibit 13.2, *citing Alaska Division of Public Assistance SNAP Manual*, §604-2 A (last substantive section).

But perhaps more importantly, there are substantial differences between the two forms. The GEN 72 form is six pages long. It poses detailed questions about household membership, composition, anticipated federal tax filing status, pregnancies, criminal prosecutions and convictions, and unauthorized diversion of SNAP benefits. It requests detailed enumeration of personal property and assets, financial accounts including account numbers and balances, Native benefits, household expenses, child support received and owed, a statement of Alaska residency, and identification of two persons who might serve as third-party verifiers. The form contains an admonition that the requested information is submitted under penalty of perjury.¹⁵

In comparison, the FSP 95 form is far less detailed. It is four pages long. It does not call for household members' specific biographic information. It does not inquire about pregnancies, law enforcement contacts, criminal cases, or unlawful benefit diversion. It does not solicit detailed financial information such as specific account numbers, account balances or Native benefits. It does not inquire about anticipated federal tax filing status. Nor does it solicit identities of potential third-party verifiers.

In sum, by submitting the shorter FSP 95 form, Ms. L. failed to provide the division with important information it was entitled to know to verify her continued eligibility for this benefit program. The two forms are simply not the same. Thus, there is a good reason that the division's manual specifically provides that the shorter FSP 95 form is not a substitute for the longer GEN 72 form.¹⁶

¹⁵ See hearing exhibit; GEN 72 form, pages 1-6.

¹⁶ For this reason, the doctrine of substantial compliance does not apply here, and does not cure Ms. L.'s error. See *Jones v. Short*, 696 P.2d 665, 667 n.10 (Alaska 1985) ("...substantial compliance involves conduct which falls short of strict compliance [] but which affords the public the same protection that strict compliance would offer.").

IV. Conclusion

The division sustained its burden to establish, by a preponderance, its compliance with the regulations governing this case. The division's February 2025 termination of Ms. L.'s SNAP eligibility is therefore AFFIRMED. Nothing in this decision impedes or undermines Ms. L.'s May 2025 re-enrollment.

Dated: November 24, 2025.

SIGNED
James Fayette
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 17th day of December, 2025.

By: Signed

Name: James Fayette

Title: Administrative Law Judge

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