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

In the Matter of	)	
	)	
K.D	)	OAH No. 25-2446-ADQ
	)	

DECISION

I. INTRODUCTION

K.D received Supplemental Nutrition Assistance Program ("SNAP") benefits for May 2018 and through October 2021. The amount of these benefits was based on Ms. D's representation that her household had no assets, including no bank accounts, and that her income was limited to child support for one of five children living with her. The Department of Health, Division of Public Assistance ("DPA") initiated this Administrative Disqualification case against Ms. D, claiming that she failed to disclose joint bank accounts that she maintained with her husband, thereby receiving greater benefits than she was entitled to. At the hearing, it also came out that Ms. D received SNAP benefits from Alaska for several months while living in State B. As discussed below, DPA proved by clear and convincing evidence that Ms. D committed a first-time Intentional Program Violation of the SNAP program. Accordingly, Ms. D will be barred from SNAP benefits for 12 months. Ms. D will also make restitution of any overpaid benefits.

II. BACKGROUND

K.D was in a car accident in early 2018 and spent much of that year recovering from surgery, relearning to walk, and relying on family members to do shopping for the household.[1]

Ms. D applied for SNAP benefits on May 10, 2018 for a six-person household including herself and five children.[2] At the time, her husband D.D was working and living on-site for a mining company three weeks out of the month.[3] He spent the fourth week staying with her, with his mother, or with others.[4]

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1 Ex. 21; K.D testimony.
2 Ex. 8 at 2-7.
3 Ex. 20; K.D testimony.
4 K.D testimony; Ex. 21.

As of May 2018, through at least October 2021, Ms. D and her husband held two joint checking accounts.[5]

The SNAP application requests information about income and assets, including bank accounts. Ms. D marked on the application that her household had no bank accounts or other resources.[6] The only income she reported was child support for one of the children.[7] Ms. D signed the application certifying, under penalty of perjury, that the information she provided in the application was accurate.[8]

DPA interviewed Ms. D regarding her application on May 11, 2018.[9] Ms. D again reported having no resources.[10] During the interview, DPA reviewed a written statement of her Rights and Responsibilities under benefit programs.[11] The Rights and Responsibilities statement advised Ms. D that concealing information or making false statements violated the SNAP program.[12] This document further advised Ms. D of her responsibility to repay any overpayments and potential disqualification from SNAP for intentional program violations.[13]

DPA approved Ms. D for SNAP benefits starting May 2018 and continuing through October 2021.[14] Ms. D's eligibility and benefit amount was based on a household of six with no resources and an income of $615 in child support for one of the children.[15] To continue her eligibility and benefits during this period, Ms. D submitted recertification forms and attended eligibility interviews in November 2018, April 2019, October 2019, and October 2020.[16] For October 2020, Ms. D added a vehicle valued at $2200. Otherwise, she consistently reported the

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[5] Ex. 18.
[6] Ex. 8 at 11.
[7] *Id.* at 9.
[8] *Id.* at 14.
[9] Ex. 9.
[10] *Id.*
[11] *Id.*
[12] Ex. 7 at 4.
[13] *Id.* at 3-4.
[14] Ex. 23 at 1-2.
[15] *Id.* Ms. D identified the child support amount as $626 on her May 2018 application and $606 on the November 2018 recertification form, but as $615 in her May 2018 interview, November 2018 interview, April 2019 recertification form, April 2019 interview, October 2019 recertification form, October 2019 interview, October 2020 recertification form. *See* Ex. 8 at 9; Ex. 9 at 1; Ex. 10 at 3; Ex. 11 at 1; Ex. 12 at 3; Ex. 13 at 1; Ex. 14 at 3; Ex. 15 at 1; Ex. 16 at 3. This minor discrepancy is not an issue in this matter.
[16] Exs. 10-16. The interview for October 2020 was waived because of the Covid-19 pandemic.

child support for one child and no other income or resources.[17] In interviews, Ms. D explained that Mr. D paid her rent and gas bill directly to the landlord and gas company.[18]

Ms. D moved to State B in May 2021.[19] Mr. D drove down with her, arriving May 9, 2021, and he left about four days later.[20] Ms. D continued to receive and use Alaska SNAP benefits for several months while living in State B, which triggered a fraud investigation.[21]

As part of its fraud investigation, the Division obtained more than 800 pages of records. These included statements and other records for the two joint bank accounts held by Ms. D and her husband and Mr. D's employment records.[22] Monthly statements for May 2018 through October 2021 show Mr. D's paychecks were direct deposited into one of the joint checking accounts ("Joint Account A").[23] Monthly insurance payments for "K.D" were made out of this account.[24] Funds were also regularly transferred from Joint Account A to their other account ("Joint Account B").[25] Purchases and other payments were made out of both accounts, but largely out of Joint Account B.[26] The monthly statements do not specify who made each payment. There are, however, records of Ms. D utilizing both joint accounts. Permanent Fund Dividend payments for Ms. D and the children were direct deposited into Joint Account B.[27] And Ms. D deposited and withdrew funds from both joint accounts multiple times throughout these years.[28]

DPA gave Ms. D notice that it was proceeding with this administrative disqualification matter.[29] DPA determined that Ms. D was overpaid SNAP benefits from May 2018 through July 2021, for a total of $44,016.00 in overpayments. A hearing was held on October 1, 2025. Ms. D was advised of her right not to testify, but chose to do so. At the hearing, Ms. D admitted that she had access to the joint accounts.[30] In a recorded interview with DPA, she similarly

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17 Ex. 10 at 2-3; Ex. 11 at 1; Ex. 12 at 2-3; Ex. 13 at 1; Ex. 14 at 2-3; Ex. 15 at 1; Ex. 16 at 2-3.
18 Ex. 11 at 1; Ex. 13 at 1; Ex. 15 at 1.
19 K.D testimony.
20 *Id.*
21 Amanda Holton testimony.
22 Ex. 18.
23 Ex. 18 at 474-662.
24 *Id.*
25 *Id.* at 20-415, 473-656.
26 *Id.*
27 *Id.* at 69, 176, 260, 412.
28 *Id.* at 99, 207, 216, 224, 252, 308, 426-31, 434-39, 442-43, 445-46, 450-53, 462-65, 468-70, 472, 666-67, 670-71, 678, 680, 682, 688-89, 694-97, 700, 702.
29 Ex. 3-4.
30 K.D testimony.

acknowledged that she had access to the Wells Fargo accounts and that her husband would put funds into an account for her to pay rent or make purchases for the children.[31] She also stated in the interview that Mr. D did not pay for all of the children's needs.[32] At the hearing, Ms. D described Mr. D as controlling when she could or could not have money, while also acknowledging that she had access to their joint accounts.[33] Ms. D provided letters from two of her children describing psychological and physical abuse by Mr. D.[34]

Ms. D further admitted at the hearing that she moved to State B in May 2021.[35]

III. DISCUSSION

DPA contends Ms. D intentionally misstated or omitted income and resources by failing to disclose her joint checking accounts with her husband, resulting in overpayments of SNAP benefits. A person who intentionally makes false or misleading statements or omits facts on a SNAP application is responsible for paying back any overpayment as restitution and can be disqualified from receiving benefits for one year for a first offense.[36] The Division has the burden of demonstrating these intentional violations by clear and convincing evidence.[37]

There is no question Ms. D omitted the two joint bank accounts from her SNAP application, recertifications, and eligibility interviews. The application form explicitly asks applicants to identify "Checking Account[s]" and instructs applicants to "include items owned with someone else and accounts with no money in them right now."[38] At no point in her forms or interviews from 2018 through 2021 did she disclose the two joint bank accounts she held with her husband.

Ms. D's omission was intentional. There can be no question that Ms. D was aware of the two joint accounts and had the ability to and did access them. Ms. D explained that her husband was controlling and dictated when she should spend money from the accounts.[39] But critically, Ms. D admitted she had access to the accounts and money from them was spent by her or others for the household. Her husband may not have agreed to all the spending Ms. D wanted for the

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31 Ex. 21.
32 *Id.*
33 K.D testimony.
34 Letter submitted by email October 1, 2025.
35 K.D testimony.
36 7 U.S.C. § 2015(b)(1); 7 C.F.R. § 273.16(b)(1), (b)(12), (c)(1).
37 7 C.F.R. § 273.16(e) (6).
38 Ex. 8 at 11.
39 K.D testimony.

children. And he may have been controlling or abusive in doing so. But by her own admission, Ms. D had access to these joint accounts. The bank records further show multiple occurrences of Ms. D depositing and withdrawing funds from both accounts. She knew about the accounts, held joint ownership in them, withdrew money or made purchases from them herself, and benefitted from purchases made from these accounts by others for her household. But when asked to disclose income or resources, including bank accounts, on her SNAP applications, Ms. D chose to omit the two joint bank accounts.

The fact that Mr. D did not live with the family much of the time — whether because he was working and living on-site at the mine or staying with others while the marriage struggled — does not absolve Ms. D from disclosing the joint bank accounts on her SNAP applications. When a spouse not living with the household deposits paychecks into a joint bank account owned by a member of the household, those funds are unearned income for the household.[40] Similarly, when two households jointly own the same resource — such as with a joint bank account — the entire resource is considered available to each household unless a SNAP applicant can demonstrate that the resources are inaccessible to that household.[41] Mr. D's paychecks were deposited into Joint Account A. Funds were transferred to Joint Account B. Ms. D jointly owned both accounts. And she spent money from or withdrew funds from both accounts. That Mr. D did not want her to spend all of the money from these accounts — or was abusive in enforcing those wishes — does not negate the fact that funds from his paychecks, deposited into and transferred between their joint accounts, were used by Ms. D's household. His paychecks thus constitute income for Ms. D's household. And the funds in these joint accounts were resources for the household.

Ms. D's intentional omission of the two joint accounts was material to her benefits eligibility. SNAP benefits are not available to households whose income or resources exceed certain limits. Ms. D received SNAP benefits from May 2018 and through October 2021. For a six-person household, the gross income limit for SNAP eligibility was $4,465 in fiscal year

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[40] 7 C.F.R. § 273.9(b)(2)(v) (unearned income includes "all other direct money payments from any source which can be construed to be a gain or benefit"); *In re X*, OHA 09-FH-452 at 7 (2009) (pay from husband not living with the household, but deposited into a joint account, is unearned income for the household); DPA SNAP Manual at 602-3B ("A deposit made to a joint or account will be considered income to the household unless it can be documented that the deposit is not intended for and will not be used by the household.").

[41] 7 C.F.R. § 273.8(d).

2018, $4,570 for fiscal year 2019, $4,686 for fiscal year 2020, and $4,762 for fiscal year 2021.[42] Throughout these same years, a household's resources could not exceed $2,250.[43] Countable resources include money in checking accounts.[44] The household's unearned income from Mr. D's paychecks alone far exceeded the SNAP income limit from May 2018 through April 2021 — two or three times the limit in some months.[45] In May 2021, when Ms. D moved to State B, Mr. D's paychecks were smaller — no doubt because he spent part of the month moving Ms. D and the children — but Ms. D received a lawsuit settlement from her car accident for $56,905.41, which was deposited into Joint Account A.[46] Ms. D explained that she used much of these funds to buy furniture and set up household in State B.[47] The following two months, the income and assets in the joint accounts continued to exceed the limit for SNAP eligibility.[48] Then starting in August 2021, the paycheck deposits from Mr. D ceased.[49]

DPA focused on months when the joint accounts exceeded income and resource limits. However, at the hearing, Ms. D admitted that she moved to State B in May 2021. SNAP is a federal program administered by individual states.[50] Persons seeking these benefits must apply in the state where they reside.[51] A person may continue receiving benefits while visiting another state. For example, in *In re EL*, a woman travelled out of state for three months to care for a daughter and granddaughter who underwent successive surgeries during that time.[52] Because she maintained a home with her possessions in Alaska, continued to vote in Alaska, and held a return plane ticket, E.L was found to be still living in Alaska and therefore eligible for SNAP benefits from Alaska despite her absence.[53] But the evidence shows Ms. D moved to State B in

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42 https://fns-prod.azureedge.us/sites/default/files/snap/SNAP_Fiscal_Year_2018_Cost_of_Living_Adjustments.pdf (2018); https://fns-prod.azureedge.us/sites/default/files/resource-files/COLAMemoFY19.pdf (2019); https://fns-prod.azureedge.us/sites/default/files/media/file/COLA%20Memo%20FY%202020.pdf (2020); https://fns-prod.azureedge.us/sites/default/files/resource-files/COLAMemoFY2021.pdf (2021).

43 *Id.*; 7 C.F.R. § 273.8(b). There are different limits for households with elderly or disabled members. While Ms. D indicated she has injuries from a car accident, no evidence was provided to suggest she falls under the federal regulatory definition of disabled for purposes of the SNAP program. *See* 7 C.F.R. § 271.2.

44 7 C.F.R. § 273.8(c).

45 Ex. 23; Ex. 18.

46 Ex. 18 at 639; K.D testimony.

47 K.D testimony.

48 Ex. 18 at 387, 397, 644, 648.

49 Ex. 18 at 649-56.

50 7 C.F.R. § 271.4(a).

51 7 C.FR. § 273.3(a).

52 *In re EL*, OAH No. 18-1174-SNA at 1 (DHSS 2018).

53 *Id.* at 3.

May 2021. She testified that she initially went to State B for medical treatment and did not decide to remain permanently until October 2021, but she did not maintain a home in Alaska after leaving in May. Rather, she described buying furniture and setting up house in State B in May and June 2021. The bank statements show the family traveling across the country from late April through early May and making a total of $10,575 in payments to a moving company during May 2021, as well as purchases to establish a home in State B.[54] Ms. D and the children were no longer residing in Alaska after April 2021. Yet she continued collecting SNAP benefits from May through October 2021, even while residing in State B during those months. Thus even if the income or resources in the bank accounts did not exceed limits for these months, Ms. D was not eligible for SNAP benefits from Alaska starting in May 2021 because she no longer resided in Alaska.

Ms. D had a challenging time in Alaska. She sustained injuries from a serious car accident, spent considerable time rehabilitating, while caring for five children, with a controlling, abusive husband who was largely absent from her home. These challenges, however, do not excuse intentionally omitting two joint bank accounts with sizable income and resources that would have rendered her ineligible for SNAP benefits. Nor do Ms. D's challenges excuse her continuing to collect SNAP benefits from Alaska after moving to State B in May 2021.

DPA has met its burden to demonstrate intentional program violations.

IV. CONCLUSION

Ms. D committed a first-time Intentional Program Violation of the SNAP program. She is disqualified from receiving benefits for 12 months starting December 1, 2025.[55]

This disqualification applies only to Ms. D and not to other individuals in her household. If other household members seek benefits during the disqualification period, Ms. D will need to report her income and resources, but her own needs will not be considered when determining SNAP eligibility or benefit amounts.[56]

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54 Ex. 18 at 368-74.
55 7 C.F.R. § 273.16(b)(13), (e)(8)(i).
56 7 C.F.R. § 273.16(b)(11), (c)(1).

If there were over-issued benefits that have not been repaid, Ms. D or any remaining household members are now required to make restitution.[57] If Ms. D disagrees with the Division's calculation of $44,016.00 in overpaid benefits, she may request a separate hearing on that limited issue.[58]

Dated: October 21, 2025

Signed
Rebecca Kruse
Administrative Law Judge

[57] 7 C.F.R. § 273.16(b)(12); 7 C.F.R. § 273.16(e)(8)(iii).
[58] 7 C.F.R. § 273.15.

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 5th day of November, 2025.

By: *Signed*
Name: Rebecca Kruse
Title: Administrative Law Judge

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