

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

In the Matter of	)	
	)	
K.E	)	OAH No. 25-2475-CMB
_____	)	

DECISION

I. Introduction

K.E seeks SNAP benefits for the entirety of 2025 based on correspondence that she had with the Division of Public Assistance (the “Division”) regarding benefits she had applied for in 2024. However, prior to that correspondence the Division clearly advised that Ms. E would have to submit a new application if she wanted to receive benefits in 2025. Since it is undisputed that Ms. E did not submit that application, the Division’s decision not to grant her benefits in 2025 is affirmed.

II. Background

A. Legal Background

The Food Stamp program only provides benefits for specified periods known as “certification periods.” A SNAP recipient must reapply to receive benefits after the end of a certification period. Each recertification application involves a new eligibility determination and courts have repeatedly found that applicants cannot rely on past applications to receive continuing SNAP benefits.¹ As a result, when a certification period ends the associated benefits automatically end and an individual has no protected interest in them continuing.²

Potentially because of this, 7 U.S.C. § 2020(e)(4) requires state agencies managing SNAP benefits to notify each participating household of this reapplication requirement prior to the start of the last month of their certification period. This is further clarified at 7 C.F.R. § 273.14(b)(1)(i), which requires state agencies to provide households certified to receive SNAP benefits for longer than two months a notice of expiration “before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month.”

The burden of proof in SNAP fair hearings is set by 7 AAC 49.135. As this is not an action involving the termination or reduction of previously awarded benefits, the burden of proof

¹ See, e.g., *Banks v. Block*, 700 F.2d 292, 296–297 (6th Cir. 1983).

² *Jackson v. Jackson*, 857 F.2d 951, 957 (4th Cir. 1988).

is on Ms. E. That means she must demonstrate an error on the Division's part by a preponderance of evidence.

B. Factual Background

The relevant facts in this case are not in dispute and are sourced from the statements of the parties at hearing and exhibits 1 through 10.

Ms. E has been intermittently receiving SNAP benefits for years and estimates she has completed the certification or recertification process at least once a year for each of the last five years. She additionally relies upon the experience and assistance of her mother, C.E, to comply with SNAP requirements. Ms. E's mother, who testified during the hearing, spoke knowledgeably about regulations governing SNAP and the process of reapplication and how she helps her daughter with SNAP applications and compliance.³

In December 2023, Ms. E applied for 2024 SNAP benefits. On March 1, 2024, she received a notice that her benefits were approved through December 2024, but that she would have to reapply to receive any SNAP benefits after December 2024.⁴

In June 2024, there was a dispute between Ms. E and the Division regarding her continued eligibility for food stamps for the rest of 2024. As a result, Ms. E's SNAP benefits were terminated at the end of August 2024 for an alleged failure to provide information the Division requested.⁵ Ms. E was sent a notice informing her of that action.⁶ Under 7 C.F.R. § 273.15(g) that termination was appealable for 90 days—meaning here until the end of November 2025.

Other than the March 2024 notice, the Division did not send Ms. E any reminders that she would need to reapply to be eligible for SNAP benefits in 2025. At the time the Division was required by 7 C.F.R. § 273.14(b)(1)(i) to remind current SNAP recipients with applications expiring in December that they would need to reapply for continued benefits, Ms. E was not a SNAP recipient as her benefits had been previously terminated. Ms. E admits she never submitted an application for 2025 benefits.

³ Testimony, August 28, 2025, hearing.

⁴ Ex. 9.

⁵ Ex. 6.

⁶ *Id.*

On January 23, 2025, Ms. E requested a fair hearing challenging the Division’s determination that she was ineligible for some 2024 benefits.⁷ Despite the request’s apparent untimeliness, during that fair hearing process the Division determined that Ms. E had submitted the necessary information and reprocessed the application anyway—finding Ms. E eligible for the rest of her 2024 benefits.⁸

On May 12, 2025, Ms. E received a notice informing her of this determination. That letter stated that there would be no change in her household’s food stamp benefits and that they would “continue to be” \$374.⁹ No further notice or details were provided regarding the timeframe of those statements. After receiving that notice, Ms. E withdrew her request for a fair hearing over her 2024 benefit application on May 21, 2025.¹⁰

However, Ms. E was surprised she did not receive 2025 benefits going forward or retroactively to the beginning of the year. Accordingly, on July 1, 2025, Ms. E filed a second request for a fair hearing. In that request she stated that she believed her SNAP and Medicaid benefit cases were not processed correctly.¹¹ At hearing, however, Ms. E conceded that she was not contesting anything regarding her Medicaid benefits.¹² Instead Ms. E stated she requested a fair hearing with the goal of receiving SNAP benefits for the entirety of 2025 because the notice she received in May 2025 was ambiguous, and that it would be unreasonable to expect her to remember the previous notice telling her she had to apply for 2025 benefits.¹³

The Division moved to dismiss the matter as already settled by the previous fair hearing withdrawal since Ms. E had never submitted an application for benefits in 2025 that could have been processed incorrectly. The hearing in this matter was held on August 26 and 28, 2025. During the hearing Ms. E was encouraged to apply for 2025 benefits immediately.

III. Discussion

Ms. E testified she was never informed that she needed to have a new application submitted for food stamps in 2025.¹⁴ When documentation was introduced showing she was informed in March 2025, she then argued that she could not be expected to remember

⁷ Ex. 10.2. That case is 25-0564-SNA.

⁸ Ex. 10.5 – 10.8.

⁹ Ex. 7.3.

¹⁰ Ex. 8.

¹¹ Ex. 1.

¹² Testimony, August 26, 2025, hearing.

¹³ Testimony, August 26, 2025, hearing.

¹⁴ Testimony, August 26, 2025, hearing.

information like that.¹⁵ She stated that she was not arguing that the 2024 application should have been valid for more than 12 months, but that she was contesting the failure to properly communicate the reapplication requirement.¹⁶ There is no question that clear and timely communication is important and that the Division sometimes struggles to meet that bar. Here, however, Ms. E failed to demonstrate that the perceived shortcomings in the Division's communications entitle her to SNAP benefits for which she never submitted an application.

Ms. E made two related arguments to support her claim for benefits. First, she argues that due process required the Division to provide her with additional notice and process before determining that she was not going to receive 2025 SNAP benefits. Second, she claims she was entitled to rely upon the mid 2025 notice—resolving her hearing over her 2024 benefits—that informed her that benefits would continue to be \$374. Each of these arguments will be addressed below.

A. Due Process

Ms. E was notified in March 2024 that her benefits would expire at the end of 2024, and she would need to reapply to receive any further benefits. However, Ms. E asserted at hearing that her due process was violated by the Division's failure to give her continuing benefits and she argued that it was unfair to expect her to remember months later to reapply for benefits. That said, she failed to identify any legal basis to absolve her of that responsibility. Standards set by the Alaska Supreme Court and United States Supreme Court require the Division to give notice prior to the termination of benefits,¹⁷ and the Division provided just such a notice in 2024. Indeed, Ms. E appealed the termination of her 2024 benefits because she received adequate notice—eventually recouping her lost benefits. But no such termination is at issue here, where Ms. E never applied for 2025 benefits. Neither Ms. E nor an obvious precedent identified any requirement requiring the Division to inform individuals who are not receiving SNAP benefits that they need to apply to receive SNAP benefits.

Upon the tribunal's review of applicable regulations, it appears Ms. E's argument may be that her due process was violated by the Division's failure to provide a notice under 7 § C.F.R.

¹⁵ Testimony, August 28, 2025, hearing.

¹⁶ Testimony, August 28, 2025, hearing.

¹⁷ See, e.g. *Baker v. State, Dep't of Health & Soc. Servs.*, 191 P.3d 1005, 1009 (Alaska 2008). *Mathews v. Eldridge*, 424 U.S. 319, (1976).

§ 273.14(b)(1)(i). That regulation requires state agencies to provide households receiving SNAP benefits for longer than two months a notice of expiration “before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month.” However, Ms. E’s 2024 benefits were terminated before the point that regulation would have required the Division to send a reminder that benefits would be expiring. Even if that termination was later vacated, because Ms. E was not receiving benefits in November the Division had no obligation to notify her in November of a need to reapply for future benefits.

B. Reliance

Turning to Ms. E’s reliance argument. It appears that she is making a case that the Division should be equitably estopped from not providing 2025 SNAP benefits.

As outlined by the Alaska Supreme Court, the analysis of an equitable-estoppel claim against a governmental entity is fourfold:

[E]stoppel may apply against the government and in favor of a private party if four elements are present: (1) the government body asserts a position by conduct or words; (2) the private party acts in reasonable reliance thereon; (3) the private party suffers resulting prejudice; and (4) the estoppel serves the interest of justice so as to limit public injury.¹⁸

While this is a four-part test, here, there is no need to look past the second factor of reasonable reliance in assessing Ms. E’s claim that she should be receiving uninterrupted benefits from 2024. This analysis is split into three parts to cover the length of Ms. E’s claim.

1. The time in 2025 before Ms. E submitted a hearing request on her 2024 application.
2. The time in 2025 between Ms. E submitting her hearing request and her receipt of a notice from the Division saying her benefits would continue.
3. The time in 2025 after Ms. E received a notice saying her benefits would continue.

Any reliance claim for the first time period is easily dismissed. The Division notified Ms. E in early 2024 she needed to submit a new application to receive 2025 benefits. Later the Division notified Ms. E her 2024 benefits were being terminated. Ms. E cannot reasonably have believed her benefits would continue into 2025 after being told she would need to reapply and that her 2024 benefits were terminated. While Ms. E challenged that termination, by the time she

¹⁸ *Crum v. Stalnaker*, 936 P.2d 1154, 1157 (Alaska 1997).

did so in late January 2025 she was already past the point when she needed to submit an application to receive the full 2025 benefits she now seeks. Therefore, even if there was a reasonable argument that Ms. E believed her first hearing request would also address 2025 benefits, it still could not get Ms. E the full relief she is requesting.

There is also no evidence of reasonable reliance during the second time period. Ms. E did not present any evidence that the Division indicated during the fair hearing process that a fair hearing request over a 2024 issue would invalidate the need for a 2025 application. Ms. E testified without details that she spoke to representatives with the Division who told her that her appeal was being processed, but she provided little detail about those conversations and did not conclusively state they told her there was no need to apply for 2025 benefits, let alone do so persuasively.

Finally, there is the time between Ms. E's receipt of the notice that her 2024 benefits were restored and would continue and the present. Ms. E claims to have believed that the Division's notice in May 2025 stating that there was no change in her food stamp benefits not only meant that her 2024 food stamps would be paid but that she would additionally receive SNAP benefits going forward until the Division told her otherwise. While her argument for reliance is stronger here due to the Division's admittedly confusing notice, it still remains unreasonable.

Ms. E was informed in 2024 that she would need to reapply to get benefits past December 2024 and she never did so. Ms. E has gone through the SNAP application process repeatedly and has experience with how SNAP benefits are granted and when they expire. While the notice Ms. E received from the Division in May 2025 was arguably ambiguous, nothing in that notice suggested that Ms. E would be granted benefits she never applied to receive. The Division's confusing 2025 notice encouraged her to ask questions if she had them, and indeed she had a meeting with a representative of the Division in front of OAH soon after receiving it. However, no evidence was provided showing she asked any questions at all about what the letter meant for 2025 eligibility. For all these reasons, it was unreasonable for her as an experienced SNAP recipient to assume she could get benefits she never applied for.

IV. Conclusion

Because Ms. E did not apply for 2025 SNAP benefits, did not reasonably rely on Division guidance in failing to do so, and did not demonstrate that her due process rights were

violated, the Division's failure to provide her with 2025 SNAP benefits was correct. If Ms. E wants to receive SNAP benefits during the remaining months of 2025, she is encouraged to apply for them immediately if she has not done so.

Dated: September 8, 2025

Signed

Garrison A. Todd
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 26th day of September, 2025.

By: Signed

Name: Garrison A. Todd

Title: Administrative Law Judge

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