

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

In the Matter of	)	
	)	
D.O	)	OAH No. 25-2646-PFE
_____	)	

DECISION

I. Introduction

On July 13, 2025, D.O requested a formal appeal of a “Notice of Garnishment of Permanent Fund Dividend for Defaulted Overpayment.” The Division of Public Assistance sent the notice on June 26, 2025. The hearing was held on September 30, 2025. Ms. O represented herself and Ms. Marie Thirlwell represented the Division. The issues raised by Ms. O at the hearing challenged the original calculation of benefits for SNAP and ATAP that occurred in 2020. That calculation of benefits showed an overpayment, which is what originally caused her PFD to be garnished starting in 2021. Because the time to appeal the calculation of benefits in 2020 is long past, the Division’s garnishment is AFFIRMED.

II. Background

On September 16 and October 23, 2020, the Division notified Ms. O she was not eligible for SNAP or ATAP because she was over-income for those programs.¹ On December 18, 2020, the Division sent Ms. O notice that she had to repay the overpayment even though the overpayment resulted from an error by the Division.² The repayment notice included Division worksheets on how the Division reached the determination that she was over-income. Ms. O testified at the hearing that she submitted an appeal request to the December 18, 2020 overpayment notice but did not hear back from the Division. The Division sent subsequent notices of garnishment to Ms. O in 2022 through this year. Ms. O testified that she chose not to appeal notices received until this year’s notice of garnishment. The original amount the Division asserts Ms. O owed as overpayment was \$3,871.³ The amount the Division asserts Ms. O currently owes is now paid down to \$1,375 from prior PFD garnishments.⁴

III. Discussion

¹ Exhibit 7 – 7.4.

² Exhibit 1-1.11.

³ Exhibit 2.

⁴ Exhibit 3.

Alaska Statute 43.23.170(a)(3)(B) provides that an individual wishing to challenge a PFD garnishment based on overpayment of public benefits must request an appeal within 30 days of the notice of garnishment. Alaska Administrative Code 7 AAC 49.030(a) provides that a request for hearing challenging a public benefits determination must be made within 30 days of the determination. At the hearing, Ms. O asserts that the underlying calculations from 2020 determining that she was overpaid for ATAP and SNAP were incorrect. She provided testimony about the composition of her household in 2020 and challenged the stated amount of her income. The Division representative explained the underlying computations and asserted they were accurate. The Division representative also countered that the issues raised by Ms. O were far outside the time in which to challenge those decisions. The 30-day deadline to challenge the last determination that she was over-income for ATAP and SNAP was Monday, November 23, 2020, thirty days after the October 22, 2020 notice.⁵ Ms. O argued that enforcement of that deadline was unfair for several reasons, including that not allowing a challenge of the original decision now would make the current request for a hearing on the garnishment meaningless, the need for the Division to make a correct decision in the first instance, structural disadvantages she faced, including not having a law degree, and economic challenges she faces.

This tribunal acknowledges the difficulties Ms. O cites, with the exception that, like Ms. O, Ms. Thirlwell is not an attorney. While not allowing Ms. O to challenge the Division's 2020 determinations limits the purpose of garnishment hearings, it is possible a person could request such a garnishment hearing because, for example, they had not received credit for payments. Enforcing the 30-day deadline here serves the purpose of making people act timely on their claims, while documents are available and memories are fresh. Allowing Ms. O to attack the underlying calculation of benefits now, five years after the original calculation, would render deadlines meaningless and allow every person to challenge decisions made long ago. Allowing Ms. O's claim would be a disservice to the people who act promptly to timely request an appeal. It would also be a disservice to those that do not act timely and choose to not file untimely appeals knowing the deadline has passed.

⁵ Thirty days after October 23, 2020 was Sunday, November 22, 2020. Because that day fell on a Sunday, the deadline would be Monday, November 23, 2020. AS 01.10.080 (The time in which an act provided by law is required to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.”).

The State of Alaska is well within its rights to establish a 30-day deadline in which to challenge benefits decisions. Ms. O did not timely challenge the Division's 2020 computations, and the garnishment of her PFD is proper.

IV. Conclusion

For the reasons stated above, the Decision's notice to garnish Ms. O's 2025 PFD is AFFIRMED. Ms. O has an outstanding payment obligation to the Division of \$1,375 for public benefits.

DATED: October 3, 2025.

By: Signed
Robert H. Schmidt
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 24th day of October, 2025.

By: Signed
Name: Daniel R. Phelps II
Title: Process Improvement Manager
Office of the Commissioner
Alaska Department of Health

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