

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

In the Matter of	)	
	)	
K.X	)	OAH No. 25-2947-SNA
_____	)	

DECISION

I. Introduction

K.X was convicted of committing a drug related felony in Washington State in 1997. After serving time, she ignored her probation officer's instructions to report back to him and came to Alaska. In June of 2025 Ms. X applied for Supplemental Nutrition Assistance program (SNAP) benefits. The Division of Public Assistance (DPA) pended Ms. X's application for benefits and requested documentation related to her felony drug conviction and whether it had been cured. Ms. X did not provide this documentation. Ultimately DPA found Ms. X ineligible for SNAP benefits because she has a disqualifying felony conviction that she has not cured through a treatment program or alternative method. Additionally, DPA asserted that she was also ineligible as a felon fleeing a warrant. Ms. X requested a hearing to challenge the denial of her application.

This case presents two separate potential grounds for ineligibility. The first is Ms. X's status as a potential fleeing felon. DPA had the primary burden of verifying this status and was unable to meet this burden at the hearing. As to the second ground, Ms. X admitted to committing a disqualifying felony. As an applicant for benefits, she had the burden to prove she had cured that disqualification. She failed to meet this burden, as she could not produce any evidence to show she completed a treatment program or met any other requirement to restore her eligibility.¹ Accordingly, DPA's determination that Ms. X was ineligible because of her felony conviction is AFFIRMED.

II. Facts

On June 9, 2025, DPA received a SNAP application from Ms. X. That application asserted that Ms. X had not been convicted of a drug felony that occurred after August 22, 1996.²

¹ At the hearing DPA's representative provided suggestions on where Ms. X may be able obtain records showing she completed a treatment program. Nothing in this decision prevents Ms. X from obtaining that documentation and reapplying for benefits.

² Ex. 2.6.

On July 15, 2025, DPA interviewed Ms. X, and pended the application for more information after determining that Ms. X may be ineligible for SNAP. This was because she had allegedly been convicted for a drug related felony in Washington State that occurred after August 22, 1996, and because she allegedly was fleeing a warrant.³ Ms. X claimed her crime predated the drug related felony rule, and that there was no outstanding warrant for her arrest.⁴ DPA requested Ms. X provide them with information demonstrating she was eligible for SNAP benefits through sources such as court probation records or evidence of a treatment program.⁵ Ms. X failed to provide the requested information.⁶ While DPA undertook some efforts to obtain the information requested from Ms. X from other sources, it was unsuccessful.⁷ DPA therefore denied the benefit application due to Ms. X's failure to provide required information.⁸ Ms. X requested a hearing on that decision, challenging DPA's determination she was ineligible.

At the hearing Ms. X admitted that she was convicted in Washington State for a drug-related felony committed in early 1997.⁹ Ms. X also admitted that after her release from jail, her probation officer instructed her to check in within two weeks, but she went to Alaska instead. She acknowledged that she had been informed she was wanted in Washington State and needed to appear in court there, and that she refused to attend. Finally, Ms. X claimed to have completed a drug and alcohol treatment program but stated she has no record of it, could not remember the facility's name, and believed the facility is no longer operating.

At hearing, the parties also consented to an extension of the decision deadline in this matter by 15 days.

III. Discussion

SNAP is a federal program administered by the State of Alaska. To administer the program, the State adopted by reference federal regulations governing the program.¹⁰ Accordingly, this case is governed by federal SNAP statutes and both state and federal SNAP regulations. The Federal SNAP statutes state:

³ Ex. 4.

⁴ *Id.* X. Testimony.

⁵ Ex. 5.

⁶ Ex. 7.

⁷ Ex. 6.

⁸ Ex. 8.

⁹ It was determined Ms. X was not being intentionally deceitful in previously arguing her felony was before August 22, 1996, but was instead confusing this disqualifying felony with a separate conviction for conduct committed earlier in 1996.

¹⁰ 7 AAC 46.010.

An individual convicted . . . of any offense which is classified as a felony . . . and which has as an element the possession, use, or distribution of a controlled substance (as defined in section 802(6) of this title) shall not be eligible for . . . benefits under the supplemental nutrition assistance program.¹¹

The Code of Federal Regulations further clarifies that individuals convicted of a drug-related felony committed after August 22, 1996, are ineligible for SNAP unless their state has created exceptions.¹²

In Alaska, the legislature has limited the disqualification to apply only until the applicant demonstrates—

to the satisfaction of the department, that the person

- (1) is satisfactorily serving, or has successfully completed, a period of probation or parole;
- (2) is in the process of serving, or has successfully completed, mandatory participation in a drug or alcohol treatment program;
- (3) has taken action toward rehabilitation, including participation in a drug or alcohol treatment program; or
- (4) is successfully complying with the requirements of the person's reentry plan.¹³

Here, Ms. X admits that she has a felony drug conviction for conduct occurring while the prohibition was in effect. Accordingly, she can only be eligible for SNAP in Alaska if she meets one of the four criteria the State has established for returning her to eligibility. As this is an initial application for benefits, Ms. X has the burden of proof in demonstrating DPA erred in denying her benefits.¹⁴

There is no evidence in the record that she completed a period of probation or parole or complied with a reentry plan. Indeed, Ms. X testified that her parole officer in Washington informed her she needed to return in two weeks, and she went to Alaska instead. However, Ms. X did state that she completed a drug or alcohol treatment program a few years ago. Unfortunately, Ms. X has lost all of the information about that program, even its name, and was unable to support her claim at hearing in any way. Institutions that might possess documentation of her completion of that program were discussed at hearing, but understandably no information was received from them prior to this decision. Accordingly, while Ms. X may be able to reapply

¹¹ 21 U.S.C. § 862a(a).

¹² 7 C.F.R. § 273.1(b)(7)(vii); 7 C.F.R. § 273.11(m); *see also*, 21 U.S.C. § 862a(d)(1) (permitting a state to exempt individuals from this rule or limit the period for which it applies).

¹³ AS 47.27.015(i).

¹⁴ 7 AAC 49.135.

for benefits if a courthouse or other source provides records of her treatment, she did not present sufficient evidence to demonstrate that she has completed such a program. Therefore, DPA correctly denied her SNAP application.

DPA also alleged that Ms. X was ineligible for SNAP benefits as a fleeing felon—an allegation DPA has the primary burden of verifying.¹⁵ Most importantly here, one of the steps DPA was required to take is verifying that the warrant issuing agency is actively seeking the applicant.¹⁶ While DPA asserted Ms. X had an outstanding warrant, DPA indicated it had not yet attempted to determine if the issuer was still seeking Ms. X. DPA felt it was unnecessary at this time because it believed she was already disqualified due to her uncured drug related felony. Therefore, DPA has not here met its burden to establish Ms. X is a fleeing felon. This does not, however, preclude such a showing at a later time if DPA acquires more evidence.

IV. Conclusion

While DPA did not meet its burden to demonstrate Ms. X is a fleeing felon, Ms. X is still ineligible for SNAP benefits. This is because she admitted to committing a disqualifying felony and could not produce any evidence to show that she meets any of the requirements to cure that disqualifying felony. Ms. X may be able to successfully reapply if she recovers records of her past treatment or completes a different treatment program and no further evidence of her fleeing felon status is discovered. At this time, however, DPA's decision to deny her SNAP benefits is AFFIRMED.

Dated: October 31, 2025

Signed

Garrison A. Todd
Administrative Law Judge

¹⁵ 7 C.F.R. § 273.2(f)(5)(i) (“the State agency has primary responsibility for verifying fleeing felon and parole or probation violator status”); 7 C.F.R. § 273.11(n).

¹⁶ 7 C.F.R. § 273.11(n)(1)(i)(D).

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 18th day of November, 2025.

By: Signed

Name: Garrison A. Todd

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.]