

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

In the Matter of	)	
	)	
B. M.	)	OAH No. 23-0527-SNA
_____	)	

DECISION

I. Introduction

B. M. was a Supplemental Nutrition Assistance Program (SNAP)¹ recipient. The Division of Public Assistance (Division) closed those benefits at the end of July 2023. Its reason for the closure was that he did not apply to renew those benefits in a timely manner. Mr. M. requested a hearing on August 1, 2023 averring that he had received a notice from the Division notifying him that his benefits had been recertified.

The facts of this case show that Mr. M. was initially notified on June 16, 2023 that he was required to file a SNAP recertification application in order to receive benefits after July 2023. However, just one week later, on June 23, 2023, he received a notice from the Division that his “certification period for the Division of Public Assistance Program you receive has been extended by 6 months and you are now certified through January 31, 2024.” Mr. M. reasonably perceived this notice as telling him that his SNAP benefits were extended, he reasonably relied upon that when he did not file a SNAP recertification application, he was injured thereby given that his SNAP benefits were closed when he did not file a recertification application, and applying estoppel against the Division serves the public interest. Accordingly, Mr. M. has fulfilled the requirements for applying equitable estoppel against a government agency, and the closure of his SNAP benefit case at the end of July 2023 is REVERSED.

II. Procedural History

Mr. M. resides in City A. He requested an in-person hearing in City A. This tribunal does not maintain an office in City A. In lieu of an in-person hearing, Mr. M. was provided three options: a video hearing, a telephonic hearing, or a hearing by correspondence. Mr. M. elected a hearing by correspondence. The record closed on October 13, 2023.

¹ The SNAP program is also commonly referred to by its prior name of “Food Stamps.” The name SNAP will be used in this decision.

It is noted that Mr. M. raised issues regarding the federal Department of Veterans Affairs. Based upon those, he requested that this case be continued for 120 days. Mr. M.'s disagreements with the Department of Veterans Affairs are outside the scope of this hearing, which is limited solely to the issue of whether the Division correctly closed his SNAP benefit case.² Mr. M.'s request for continuance is denied by separate order issued contemporaneously herewith. Accordingly, this case is ripe for decision.

III. Facts

Mr. M. was receiving SNAP benefits in June of 2023. On June 16, 2023, the Division sent him notice that his SNAP benefits would end on "the last day of July" unless he submitted a recertification application for benefits before then.³

On June 23, 2023, the Division sent Mr. M. notice "certification period for the Division of Public Assistance Program you receive has been extended by 6 months and you are now certified through January 31, 2024." That notice did not identify any specific public assistance program. It did, however, at the bottom of the notice, refer to Medicaid and Adult Public Assistance regulations.⁴

Mr. M. undisputedly did not file a SNAP recertification application. His SNAP benefits were terminated at the end of July 2023. Mr. M.'s August 1, 2023 hearing request stated that he "received a letter stating my re-certification is postponed until January 2024." His September 29, 2023, written statement repeats that same argument.

IV. Discussion

The issue in this case is whether Mr. M.'s SNAP benefit case should have been closed at the end of July 2023.

SNAP is a federal program which is administered by the State of Alaska.⁵ The Code of Federal Regulations contains the rules for determining if an applicant is eligible for SNAP benefits. Pursuant to the federal regulations, SNAP applications are only approved for a certain period of time, which is 6 months.⁶ Benefits are not automatically renewed. If a SNAP recipient wants to renew their benefits and not have a lapse in benefits, they must file a recertification

² See 7 AAC 49.010(a) for a list of the applicable Public Assistance programs over which the Office of Administrative Hearings has jurisdiction to adjudicate.

³ Ex. 4.

⁴ Ex. 5.

⁵ 7 C.F.R. § 271.4(a).

⁶ 7 C.F.R. § 271.10(f)(3)(i).

application before the end of their current certification period.⁷ If a SNAP recertification application is not received before the end of the current certification period, those benefits expire.⁸

It is undisputed that Mr. M. did not file his SNAP recertification application by the end of July 2023. Under normal circumstances, the Division would therefore have been correct to terminate his SNAP benefits at the end of July 2023. However, the facts of this case demonstrate that the Division is equitably estopped from terminating his benefits:

[E]stoppel may apply against the government and in favor of a private party if four elements are present: (1) the governmental 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.⁹

Mr. M. satisfies this test as follows:

1. The Division first sent Mr. M. a notice on June 16, 2023 telling him that he had to file a SNAP recertification application by the end of July 2023 to avoid his benefits expiring. A week later, however, the Division sent him a generic notice that his “Division of Public Assistance Program you receive” was certified through January 2024. That notice did not specify which program was involved. As such, it constituted a notification to Mr. M. that his recertification for any public assistance program he received was recertified through January 2024. Although the notice at the bottom referred to Medicaid and Adult Public Assistance regulations, that reference was not sufficient to inform Mr. M. that it was only his Medicaid and Adult Public Assistance benefits that were recertified. Accordingly, this notice constituted a representation to Mr. M. that all his public assistance benefits, which would include his SNAP benefits, were recertified and that he did not need to file a separate SNAP recertification application.

⁷ 7 C.F.R. § 273.14(c).

⁸ 7 C.F.R. § 271.14(d)(3).

⁹ *Crum v. Stalnaker*, 936 P.2d 1254, 1256 (Alaska, 1997).

2. Mr. M. reasonably relied upon the Division's June 23, 2023 notice when he did not file a SNAP recertification application. It should be noted that this conclusion would be different if the order of the notices had been different, *i.e.*, if he had received the notice of recertification through January 2024 for the "Division of Public Assistance Program you receive" first, and then later received a specific notice regarding the SNAP recertification requirement second.
3. Mr. M. was prejudiced inasmuch as his SNAP benefits were closed because he did not file a recertification application.
4. Estoppel against the government (in this case, the Division), "serves the interest of justice so as to limit public injury." This is because the public as a whole is served by having government agencies issue clear notices that do not inadvertently confuse or mislead the citizens they serve.

As discussed above, equitable estoppel precludes the Division from terminating Mr. M.'s SNAP benefits as of the end of July 2023. His benefits should be restored. The parties are advised, however, that Mr. M. is not entitled to receive SNAP benefits in perpetuity based upon this decision. The Division may, upon issuance of a correct notice, require Mr. M. to submit a recertification application for his SNAP benefits.

V. Conclusion

The closure of Mr. M.'s SNAP benefits at the end of July 2023 is REVERSED.

Dated: October 20, 2023

Signed

Lawrence A. Pederson
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 7th day of November, 2023.

By: Signed

Name: Daniel R. Phelps II

Title: Project Coordinator, Department of Health

Final decision maker by Delegation of the
Commissioner of Health

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