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

In the Matter of	)	
	)	
B. H.	)	OAH No. 24-0171-ADQ
	)	

DECISION

I. Introduction

B. H. is a former recipient of Alaska Temporary Assistance (ATAP) and Supplemental Nutrition Assistance Program (SNAP) benefits.[1] On, or about, March 20, 2024, Division of Public Assistance (the Division) initiated this Administrative Disqualification case against Ms. H., alleging she had committed an Intentional Program Violation (IPV) of the ATAP and SNAP programs by failing to declare bank accounts and the resources within those accounts.[2]

After multiple continuances for Ms. H.'s benefit, with Ms. H. having been provided appropriate notice, a telephonic hearing in this case was convened June 27, 2024.[3] At the time of the hearing Ms. H. did not answer her phone, and two messages were left for Ms. H., through an interpreter.[4] Ms. H. did not return those messages, and the hearing went forward in Ms. H.'s absence.[5] The Division was represented by Amanda Holton, an investigator II employed by the Division's fraud control unit. Ms. Holton testified on behalf of the Division and exhibits 1-27 were admitted into evidence.

Based upon the evidence presented at hearing, this decision finds that the Division proved by clear and convincing evidence that Ms. H. intentionally failed to disclose her bank accounts and the resources within them. As a result, this decision concludes the Division proved by clear and convincing evidence that Ms. H. committed her first IPV of the SNAP and

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1 Ex. 1.

2 Ex. 1, p. 4, ¶ 6.

3 Ex. 3, The certified mail, which was correctly addressed to Ms. H.s's address, and a return receipt signed by Ms. H. was received by the Division.

4 Those messages advised Ms. H. that her scheduled hearing was convening, that if she did not contact OAH the hearing would go forward without her, and that the Superior Court case did not prevent the hearing from going forward

5 Once proper notice has been given, the SNAP and ATAP regulations allow a hearing to be held without the participation of the household member alleged to have committed the IPV. See 7 CFR § 273.16(e)(4) and 7 AAC 45.585(b). The same regulations set out circumstances under which the recipient may seek to vacate this decision if there was good cause for the failure to appear

ATAP benefit programs. Consequently, she must be disqualified from receiving SNAP benefits for a period of 12 months, disqualified from receiving ATAP benefits for 6 months, and she is obligated to repay the overpaid benefits.

II. Procedural History

A hearing was originally scheduled in this matter for April 24, 2024, with advanced noticed mailed to Ms. H.'s correct address. Ms. H. received and signed that notice on March 23, 2024.[6] On April 10, 2024 Ms. H., in English, filed a request to reschedule the hearing. The hearing was continued to May 20, 2024, and Ms. H. was provided appropriate notice by mail and email.

On May 7, 2024 Ms. H. filed, in English, a request for more information about the hearing that laid out 16 questions. The Division replied and, on May 13, 2024, ALJ Lawrence Pederson provided the parties with a formal response to the remainder of Ms. H.'s relevant questions. That response specifically warned Ms. H. that if she could not "be reached for her scheduled hearing, the hearing will proceed without her participation."

On May 20, 2024 Ms. H. filed, in English, a "Complaint" against the Department of Health in Superior Court in City A. In that filing Ms. H. alleged that the Division had violated her rights and requested the court "…HELP RESOLVE the issues of unfair process started in the OFFICE OF ADMINISTRATIVE HEARINGS by Amanda Holton, who is employed by Alaska Department of Health."[7] That complaint lists Ms. H.'s address as City B., Alaska, the same address Ms. H. was served with notice of the various hearing dates in this matter.

On May 20, 2024 ALJ Lawrence Pedersen attempted to begin a hearing in this matter and was able to reach Ms. H. by phone, but before an appropriate interpreter could be secured, Ms. H. terminated the call. Ms. H. was again provided appropriate notice and the hearing was rescheduled for June 10, 2024.

On June 10, 2024, Ms. H. was contacted through an interpreter. Ms. H. explained, through the interpreter, that she was receiving "emergency care". Ms. H. was advised to remain on the line and a conference would be held to reschedule her hearing. Ms.
H. was directly advised not to hang up the phone. Ms. H. hung up the phone.

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6 Ex. 3, p. 2.
7 4FA-24-01542CI

Attempts were made to reach Ms. H. by phone with a voicemail message advising her, in her language, to call OAH and that if she did not contact OAH the hearing may proceed without her. A brief conference was held, and the Division elected to reschedule the hearing to allow Ms. H. a chance to participate. Ms. H. was provided appropriate notice, and the hearing was rescheduled to June 27, 2024. That notice included a section, translated into her language, which advised Ms. H. the time and date of the rescheduled hearing, that OAH would call her at that time, that there would be a translator, and if she did not answer the phone or participate in the hearing the hearing would be held in her absence.

On June 14, 2024 Ms. H. filed a "Rewritten Complaint" in 4FA-24-00000CI. That complaint added the Office of Administrative Hearings to the list of defendants and requested that her administrative disqualification matter be moved from OAH to Superior Court in City A. On June 24, 2024 Ms. H. filed an expediated motion for a preliminary injunction. That motion sought to prevent OAH from holding a hearing. On June 25, 2024 that motion was denied.

On June 27, 2024 Ms. H. contacted OAH staff and stated that she could not "talk to [OAH] about your case" because it is "on appeal in Superior Court in City A.", then she immediately hung up. OAH staff attempted to call Ms. H. back and left her a voicemail message informing her that the Superior Court case did not prevent the hearing in this administrative disqualification case from proceeding, that her hearing was still going forward as scheduled, that she would contacted at the time of the hearing at the number she provided, and if she did not answer the phone the hearing would be held without her participation.

On June 27, 2024 a hearing was held as scheduled. Multiple attempts, through an interpreter, were made to contact Ms. H. by phone. Ms. H. was left a voicemail message, in her language, instructing her to call OAH or the hearing would proceed in her absence. Ms. H. did not contact OAH, and a hearing was held without her participation.

III. Facts[8]

B. H. lives in City B., AK. On August 17, 2020 Ms. H. submitted an application for public benefits.[9] On page 9 of that application, she was asked to disclose any assets she, or anyone in her household, owned. This included "items owned with someone else and accounts with no money in them right now". Ms. H. failed to check the boxes indicating that she had cash on hand, a checking account, a credit union account, a saving account, or any other kind of financial asset. Underneath those check boxes, the form asked Ms. H. to list the type of account, where it was held, the account number, and the total value/balance. Ms. H. left this section blank. Page 12 of the application contains a "statement of truth" that certifies:

> Under penalty of perjury, I certify that all information contained in this application, including U.S. citizenship or lawful immigrant status of all persons applying for benefits is true and correct to the best of my knowledge. I have read or heard read to me the 'Rights and Responsibilities' section of the application and understand my rights and responsibilities, including fraud penalties, as described in this application[10]

The four-page "Rights and Responsibilities" document attached to each SNAP application explains in detail the program's reporting requirements. It also warns that prosecution and penalties can apply to applicants who provide false, incorrect or incomplete information to get public assistance to which they are not entitled. On the date of her application, Ms. H. had combined balance of $1,249.19 in her Bank A accounts,[11] and over $12,000 in her Bank B accounts.[12] On August 20, 2020 Ms. H.'s request for SNAP benefits was approved.[13]

On August 13, 2021 Ms. H. completed a SNAP recertification and ATAP application, telephonically. During that call Ms. H. was provided an interpreter, she was read the rights and responsibilities, and she confirmed that she understood her responsibilities.[14] During that call Ms. H. disclosed a Bank C checking and savings account with a combined balance of $20, and an Bank A checking and savings account with a combined

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8 The following facts were established by clear and convincing evidence.
9 Ex. 8.
10 Ex. 8, p. 12.
11 Ex. 23, p. 6.
12 Ex. 25, p. 31.
13 Ex. 9
14 Ex. 11, p.1. *See also* Testimony of Amanda Holton.

balance of $100. Ms. H. did not disclose her Bank B checking and saving accounts or the funds within.[15] Contrary to Ms. H.'s representations, on the date of that telephonic recertification application Ms. H.'s Bank A accounts had a combined balance of $13,425.83 and her Bank B checking account had a balance of $354.80.[16] On August 16, 2021 Ms. H.'s recertification application for SNAP benefits was approved. Ms. H.'s application for ATAP was denied, as the Division determined her equity in the property at City B., Alaska, made her over resourced.[17]

On June 9, 2022 Ms. H. applied for ATAP benefits and to recertify her SNAP benefits. That application asked Ms. H. to disclose any assets she, or anyone in her household, owned. This included "items owned with someone else and accounts with no money in them right now". In the section for bank accounts, Ms. H. only disclosed a Bank C checking and savings account with a combined total of $20.[18] On page 12 of that application, Ms. H. signed an "Acknowledgement of Understanding and Statement of Truth", confirming that she understood that eligibility for public assistance "is determined in part by how many assets my household at its disposal" and "that this application requires that I disclose all my assets possessed by myself and members of my household". Ms. H. certified that all the information contained in her application was "true and correct to the best of [her] knowledge".[19]

Ms. H. continued this pattern of not disclosing all of her bank accounts and their total balances on her: October 26, 2022 SNAP and ATAP recertification; November 8, 2020 SNAP and ATAP recertification, March 23, 2023 SNAP and ATAP recertification; and her July 31, 2023 SNAP and ATAP recertification.

On November 5, 2023 the Division sent Ms. H. a notice requesting complete bank statements for her Bank B, Bank A accounts, and any other accounts she may own, for August 1, 2023 through October 31, 2023.[20] On November 13, 2023 Ms. H. responded by submitting an "Interim Transaction Statement" from Bank A, showing a combined

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15 Ex. 11, p.1 *See Also* Testimony of Ms. Holton. (whole paragraph)
16 Ex. 25, p. 51
17 Ex. 11, p.3-4.
18 Ex. 12, p. 9.
19 Ex. 12, p. 12.
20 Ex. 19, p. 8.

balance of slightly more than $20 from August 1st through October, 31, 2023.[21] Ms. H. also submitted an "Accounts At A Glance" from her Bank B Bank checking account showing a $25.00 balance as of October, 19, 2023.[22] Contrary to the information Ms. H. provided, the certified bank records from Bank A show a combined total of over $36,000 in August, $38,000 in September, $33,000 in October, $35,000, in November, and $31,000 in December.[23] On December 11, 2023 Ms. H.'s SNAP and ATAP benefits were closed for failure to provide the complete information requested by the Division.

On December 18, 2023 Ms. H. again applied for SNAP and ATAP. Similar to other applications, Ms. H. was asked to disclose all her bank accounts and their balances. She disclosed a Bank C account with a $10 balance, a Bank B bank account with a $10 balance, and an Bank A bank account with a $10 balance. Ms. H. signed an "Acknowledgement of Understanding and Statement of Truth", confirming that she understood that she was required to disclose all of her assets, and affirming that the information contained in her application was "true and correct to the best of [her] knowledge".[24] Contrary to Ms. H.'s assertions, on December 18, 2023 her Bank A bank accounts had a combined balance of $31,091.29 and her Bank B accounts had a combined balance of over $1,700.[25]

That application was pended for Ms. H. to provided additional information on her resources. On January 19, 2024 the Division sent Ms. H. a notice asking for complete bank statements from all her Bank B Bank accounts, Bank A accounts, investment account statements for an Bank D account, and any other accounts she held.[26] On February 29, 2024 Ms. H.'s application for ATAP and SNAP benefits was denied for her failure to provide all the information requested by the Division.

In addition to her applications, the Division had multiple recorded conversations with Ms. H. Of particular note is call between Ms. Holton and Ms. H. on July 6, 2023.[27] During that call Ms. H. was offered a translator but chose to proceed in English. During

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21 Ex. 19, p. 11.
22 Ex. 19, p. 12.
23 Ex. 24, pp. 19-25. As with any bank account Ms. H.'s total balances change day to day and statements often indicate the balance at the midpoint of the month. Accordingly, the numbers provided are rounded approximations and may vary slightly but never drop below the resource limit for the program.
24 Ex. 20 (whole paragraph)
25 Ex. 24, p. 25 and Ex. 26, pp 98 & 105
26 Ex. 21, p. 3. Ms. H.'s Bank A records show a $23,363.62 from an Bank D investment account into her checking account, but no records from Bank D were ever submitted.
27 Ex. 22, *H. Prehearing Conference*, 15:00-15:55. *See also* Ex. 17, p. 9.

that call Ms. H. was directly asked if she had any bank accounts. Ms. H. disclosed accounts at Bank C with a combined total of $20. Ms. H. was then asked if she had an account at any other bank. She responded, "I don't have any bank account, my money is not enough to pay for my bills."[28] At the time of the call Ms. H. had over $36,000 in her Bank A accounts and over $3,000 in her Bank B accounts.[29]

The Division's Fraud Control Unit began an investigation and issued a subpoena duces tecum to Bank A and Bank B banks. The certified bank records matched the information contained in the subpoena and Ms. H.'s applications, including both her name and date of birth. The records identify Ms. H. as the sole owner of the accounts.

Based on the information obtained by DPA, on the Division initiated this fraud proceeding.[30] The Division alleged that Ms. H. committed her first IPV of the SNAP and ATAP programs, and it requested that she be temporarily disqualified from receiving SNAP and ATAP benefits and be ordered to repay the amount of overpaid benefits.[31] Relevant to this decision, Ms. H. received SNAP benefits from August 17, 2020 through December 31, 2023 and ATAP benefits June 1, 2022 through December 31, 2024.[32] During that entire period Ms. H. was over the asset limit for benefits in either program. The Division calculated that Ms. H. received $33,447 in overpaid SNAP and ATAP benefits for the eligibility periods discussed above.[33]

IV. Discussion

A. SNAP Benefits

Federal law prohibits a person from obtaining SNAP benefits by concealing or withholding facts.[34] SNAP eligibility and benefits are determined based on a household's composition, assets, and income.[35] The Division alleges that Ms. H. violated that prohibition and committed an Intentional Program Violation of the SNAP program. The Division asserts Ms. H. did so by making false or misleading statements and withholding material facts regarding her Bank B Bank and Bank A Federal Credit union (now Global FCU) bank accounts.

28 Ex. 22, *H. Prehearing Conference*, 15:00-15:55. *See also* Ex. 17, p. 9.
29 Ex. 23, pp. 106-108 and Ex. 26, pp 70-73.
30 Ex. 3, p.2.
31 Ex. 1, p. 6.
32 Ex. 27, pp. 1-2.
33 Ex. 27, p. 2.
34 7 C.F.R. § 273.16(c).
35 7 C.F.R. § 273.10(e)(1)(i)(A).

To establish an Intentional Program Violation of SNAP, the Division must prove by clear and convincing evidence[36] that Ms. H. intentionally "made a false or misleading statement, or misrepresented, concealed, or withheld facts."[37] To satisfy this standard, the Division must show that it is *highly probable* that Ms. H. intended to misrepresent, conceal, or withhold facts.[38]

The facts in this case clearly establish that Ms. H. did not disclose to the Division the total amount of funds in her Bank B and Bank A bank accounts in her applications for SNAP benefits or her subsequent eligibility reviews.[39] These balances totaled many thousands of dollars above the maximum resource eligibility limit for SNAP benefits.[40] This was a concealment or withholding of facts. The remaining issue is if Ms. H.'s failure to fully disclose her bank account and the funds within them was intentional. Ms. H. did not appear at her hearing, nonetheless her intent can be deduced from circumstantial evidence.[41]

Two facts are significant to determining Ms. H.'s intent. First, is that Ms. H. failed to identify all of her bank accounts, or the full amounts in those accounts, across multiple applications and recertifications. For instance, in her August 2020 application for SNAP benefits, Ms. H. failed to disclose any banks accounts on her application despite having a combined total of over $13,000 in her Bank A and Bank B accounts. It is improbable that Ms. H. was unaware of these accounts, as the day prior to her application Ms. H. withdrew $100 from her Bank B account at a City B ATM,[42] and on the day Ms. H.'s initial SNAP application was approved, her bank records indicate that she used a debit card to make $799.21 in purchases from her undisclosed Bank A account.[43] This failure to disclose continued into other applications.

In an August 2021 recertification application Ms. H. did disclose a bank account with Bank C, and a $10 balance, but she failed to disclose the existence of her Bank B and Bank A bank accounts. On the date of her recertification application, Ms. H. had

36 7 C.F.R. § 273.16(e)(6).
37 7 C.F.R. § 273.16(c).
38 *DeNuptiis v. Unocal Corporation*, 63 P.3d 272, 275 n. 3 (Alaska 2003, emphasis supplied) (defining clear and convincing standard).
39 Ex. 9, p. 3; Testimony of Amanda Holton.
40 During the period at issue, Ms. H.'s SNAP resource limit was between $2,250 and $2,750. *See* Ex. 1, p. 6, ¶ 14.
41 *In re* T.O., OAH no. 20-0953-ADQ (Commissioner of Health and Soc. Serv. 2021)(available at https://aws.state.ak.us/OAH/Decision/Display?rec=6792).
42 Ex. 25, p. 31.
43 Ex. 23, p. 6.

a combined total of over $3,000 in her Bank B accounts,[44] and over $13,000 in her Bank A accounts.[45] On recertification applications in November of 2022, March of 2023, and July of 2023 Ms. H. again failed to disclose her Bank B and Bank A bank accounts. In December 2023, after the Division closed Ms. H.'s benefits for failure to provide complete banking information, and Ms. H. subsequently reapplied for SNAP and ATAP, Ms. H. disclosed her Bank B and Bank A accounts. However, Ms. H. under disclosed the funds in these accounts by over $32,000.

Second, Ms. H. not only failed to disclose information, but she also actively provided the Division with false information. In a July 6, 2023 call Ms. H. was directly asked if she had any bank accounts other than her Bank C account and she replied, "I don't have any bank account, my money is not enough to pay for my bills."[46] Ms. H. made this statement despite having over $39,000 in the her Bank B and Bank A accounts.

Ms. H. again actively provided false information in response to a November 2023 request for her full bank records for October 2023 through December 2023. Rather than provide complete records Ms. H. sent an "Interim Transaction Statement" from Bank A, showing a combined balance of slightly more than $20 during that period and an "Accounts At A Glance" from her Bank B Bank checking account showing a $25.00 balance as of October, 19, 2023.[47] Contrary to the information Ms. H. provided, the certified bank records from Bank A show a combined total of over $30,000 during the period the Division sought records.[48] Similarly, Ms. H.'s records from Bank B show a balance $1,885.30.[49] The evidence therefore supports a conclusion that Ms. H. provided inaccurate or altered information to attempt to mislead the Division about the total amount of funds she had available in her accounts.

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44 Ex. 25, p. 50-52.
45 Ex. 23, p. 39.
46 Ex. 22, *H. Prehearing Conference*, 15:00-15:55. *See also* Ex. 17, p. 9.
47 Ex. 19, p. 12.
48 Ex. 24, pp. 19-25. As with any bank account Ms. H.'s total balances change day to day and statements often indicate the balance at the midpoint of the month. Accordingly, the numbers provided are rounded approximations and may vary slightly but never drop below the resource limit for the program.
49 Ex. 26, pp. 93-98.

While Ms. H. did not appear at the hearing to provide a defense, the Division did submit several audio recordings of calls with Ms. H. During a March 28, 2024 call between Ms. H. and Ms. Holton, Ms. H. claimed that the money in her Bank A money market account was actually her mother's money. Ms. H. advised Ms. Holton that her mother was ill and had transferred all of her money to an account under Ms. H.'s name so her mother would have the funds available to make a life in the US. Ms. H. further stated that the funds in the Bank A money market account were not her money, and she could not "touch [her mother's] account, that's her money." Ms. H. went on to explain that the money had been transferred by her brother over a year ago, but she could not remember when. When confronted by Ms. Holton about her undisclosed accounts across four years, Ms. H. hung up.[50]

Contrary to Ms. H.'s statements during the call, the certified bank records show the money market account with Bank A was funded, largely, by transfers made from Ms. H.'s other accounts. The money market account was initially funded on December 18, 2021 when Ms. H. transferred $16,587.56, from her Bank A checking and savings accounts.[51]

Additionally, Ms. H. made regular withdrawals and transfers from that account. Ms. H. transferred $600 from the money market account to her checking account on February 3, 2022.[52] Again in April of 2022 Ms. H. transferred $790 from the money market account to her checking account.[53] From May 15, 2022 through June 14, 2022 Ms. H. transferred another $1,900 from her money market account to her checking account.[54] In August of 2022 Ms. H. transferred $5,100 from her money market account to her checking account.[55] On January 31, 2023, Ms. H. withdrew $25,002 from the money market account by check.[56] On March 21, 2023 Ms. H. transferred $23,363.62 from an Bank D investment account into her checking account, and the following day transferred $23,400 from her checking account into the money market account.[57] While it is difficult to track

50 Ex. 22 (whole paragraph)
51 Ex. 23, p. 53.
52 Ex. 23, p. 56.
53 Ex. 23, pp. 62, 65
54 Ex. 23, p. 68
55 Ex. 23, p. 74
56 Ex. 23, p. 92.
57 Ex. 23, pp 98-99.

exactly where all the funds in the money account came from, it is clear a significant amount of the funds came from Ms. H.'s other accounts. Additionally, contrary to her statement that all the money in the account was her mother's and she could not touch those funds, Ms. H. made regular withdrawals from that account. Therefore, the weight of the evidence is that the money market account was Ms. H.'s account and she willingly failed to disclose it to the Division.

Across four years, multiple applications and recertifications, requests for bank statements, and calls with the Division, Ms. H. failed to disclose or actively lied about the amount of funds available in her accounts. This cannot have been a mere oversight or misunderstanding. These facts support a finding that Ms. H. intentionally omitted or underreported the funds available in her Bank B and Bank A bank accounts.

The Division has met its burden of proof and established that Ms. H. intentionally concealed or withhold facts. As a result of her conduct, Ms. H.'s household received SNAP benefits to which it was not entitled. Ms. H. has therefore committed a first IPV of the SNAP program.

B. ATAP

In order to establish an Intentional Program Violation of ATAP, the Division must prove by clear and convincing evidence[58] that Ms. H. intentionally misrepresented, concealed or withheld a material fact on her application "for the purpose of establishing or maintaining a family's eligibility for ATAP benefits."[59] As discussed above, Ms. H. intentionally concealed or withheld the full amount of the resources within her Bank A and Mt.

McKinley bank accounts. To qualify for ATAP benefits, an applicant must have less than $2,000 in countable resources.[60] The amount of money in an applicant's bank accounts is therefore a material fact for the purpose of determining eligibility for ATAP benefits.

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58 7 AAC 45.585(d).

59 7 AAC 45.580(n).

60 7 AAC 45.210(b); 7 AAC 45.280(a).

The Division must then prove that the intentional misrepresentation of the material fact was for the purpose of establishing or maintaining the household's eligibility for Temporary Assistance benefits. While Ms. H. did not appear at her hearing, her intent can be deduced from circumstantial evidence.[61]

Ms. H. had been previously denied ATAP benefits due to being over resourced in August of 2021. That notice advised Ms. H. of the program's resource limit, and that families over that resource limit were not eligible for benefits. Therefore, Ms. H. would have been keenly aware that she could not receive ATAP benefits if she disclosed all of the funds in her bank accounts. As discussed above Ms. H. had multiple bank accounts, that she regularly accessed, with tens of thousands of dollars available to her. Ms. H.'s decision to repeatedly conceal that she was tens of thousands of dollars over the resource limit, cannot have been a mere oversight or mistake. Consequently, her intentional misrepresentation regarding her bank accounts, and the amounts within them, was made for the purpose of establishing her eligibility for ATAP. Ms. H. has therefore committed a first Intentional Program Violation of the Temporary Assistance program.

V. Conclusion and Order

A. Supplemental Nutrition Assistance Program

Ms. H. committed an Intentional Program Violation as defined by SNAP regulations. She is therefore disqualified from receiving SNAP benefits for a period of 12 months, and she is required to reimburse the Division for benefits that were overpaid as a result of her Intentional Program Violation.[62]

The disqualification period shall begin one month after the issuance of the notice of disqualification by the final decisionmaker.[63] This disqualification applies only to Ms. H., and not to any other individuals who may be included in her household in the future.[64] For the duration of the disqualification period, Ms. H.'s needs will not be considered when

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61 *In re* T.O., OAH no. 20-0953-ADQ (Commissioner of Health and Soc. Serv. 2021)(available at https://aws.state.ak.us/OAH/Decision/Display?rec=6792).

62 7 C.F.R. §273.16(b)(1)(i); 7 C.F.R. §273.16(b)(12); 7 C.F.R. §273.16(e)(8)(iii).

63 7 USC 2015(b)(1)(i); 7 C.F.R. § 273.16(b)(13).

64 7 C.F.R. §273.16(b)(11).

determining SNAP eligibility and benefit amounts for her household. However, she must report her income and resources as they may be used in these determinations.[65]

The Division shall provide written notice to Ms. H. and any remaining household members of the benefits they will receive during the period of disqualification, or that they must reapply because the certification period has expired.[66]

If over-issued SNAP benefits have not been repaid, Ms. H. is now required to make restitution.[67] If she disagrees with the Division's calculation of the amount of over-issued benefits to be repaid, she may request a hearing on that limited issue. [68]

B. The Alaska Temporary Assistance Program

Ms. H. has committed a first time ATAP Intentional Program Violation. She is therefore disqualified from participation in ATAP for a period of six months.[69] If Ms. H. is currently receiving ATAP benefits, her disqualification period shall begin September 1, 2024.[70] If Ms. H. is not currently an ATAP recipient, her disqualification period shall be postponed until she applies for, and is found eligible for, ATAP benefits.[71] This disqualification applies only to Ms. H., and not to any other individuals who may be included in her household.[72] For the duration of the disqualification period, Ms. H.'s needs will not be considered when determining ATAP eligibility and benefit amounts for her household.

However, Ms. H. must report her income and resources as they may be used in these determinations.[73]

The Division shall provide written notice to Ms. H. of the ATAP benefits she will receive during the period of disqualification.[74]

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65 7 C.F.R. §273.11(c)(1).
66 7 C.F.R. §273.16(e)(9)(ii).
67 7 C.F.R. §273.16(b)(12); 7 C.F.R. §273.16(e)(8)(iii).
68 7 C.F.R. §273.15.
69 AS 47.27.015(e)(1); 7 AAC 45.580(d).
70 7 AAC 45.580(f).
71 7 AAC 45.580(g).
72 7 AAC 45.580(e)(1).
73 7 AAC 45.580(e)(3).
74 7 AAC 45.580(k).

If over-issued ATAP benefits have not been repaid, Ms. H. or any remaining household members are now required to make restitution.[75] If Ms. H. disagrees with the Division's calculation of the amount of over-issuance to be repaid, she may request a hearing on that limited issue.[76]

Dated: July 16, 2024

SIGNED
Eric M. Salinger
Administrative Law Judge

[75] 7 AAC 45.570(b).
[76] 7 AAC 45.570(*l*).

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 30th day of July, 2024.

By: SIGNED
Name: Eric M. Salinger
Title: Administrative Law Judge

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