

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

In the Matter of	)	
	)	
B. T.	)	OAH No. 23-0627-SNA
_____	)	

DECISION

I. INTRODUCTION

The Division of Public Assistance (“DPA”) closed Supplemental Nutrition Assistance Program (“SNAP”) benefits for B. T. after she failed to timely submit a renewal application. Ms. T. appealed, arguing that she did not receive DPA’s notice to apply for renewal. DPA records show the notice was mailed to Ms. T.’s post office box, but was returned after not being picked up. DPA fulfilled its notice obligation by mailing the notice. Ms. T. then had an obligation to timely submit an application to recertify her eligibility for SNAP benefits. She did not do so. Thus DPA correctly closed her benefits as expired.

II. FACTS

B. T. receives her mail at a post office box in Community A.¹ Ms. T. checks her mail every week or so.²

Ms. T. has been receiving SNAP benefits.³ DPA approved a recertification of benefits on February 2, 2023. Its notice of approval to Ms. T. advised her that her benefits would continue through July 2023 and that she would need to apply for further recertification to continue her benefits past that date.⁴

DPA sent a letter to all SNAP recipients on June 1, 2023 advising them that the Division was changing its process by approving longer certification periods of 12 or 24 months, but that recipients would be sent interim reports halfway through their certification periods that must be timely returned to continue receiving benefits.⁵

¹ T. testimony.

² *Id.*

³ Ex. 1.

⁴ Ex. 1.1.

⁵ Ex. 2.

DPA mailed Ms. T. a notice on June 16, 2023, advising her that her benefits would cease at the end of July if she did not reapply by July 15.⁶ The notice included a recertification form and instructions.⁷ DPA's notice was correctly addressed to Ms. T.'s longtime post office box number.⁸

The Postal Service returned the notice packet to DPA, stamped "Return to Sender Unclaimed Unable to Forward."⁹ The stamp indicates it was returned to DPA July 14, 2023 and DPA stamped receipt in its City A. office on July 20, 2023.¹⁰

Ms. T. does not recall a reason why she would not have checked her mail during the time period after DPA sent its notice.¹¹ She claims others have had incidents of mail being lost or misdelivered.¹²

Having not received a renewal application from Ms. T., DPA closed her SNAP benefits when they expired at the end of July.¹³ Ms. T. later submitted a renewal, but did not receive benefits for August or September when her benefits were closed.

Ms. T. appealed, stating that she did not receive DPA's renewal notice and based on its June letter to all SNAP recipients about interim report requirements, she thought her benefits extended for two years.¹⁴ A hearing was held on November 7, 2023. Ms. T. emphasized that she has timely submitted applications in the past.

III. DISCUSSION

SNAP is a federal program administered by DPA.¹⁵ Pursuant to federal regulations, DPA approves SNAP benefits for a designated period and a recipient must timely apply to recertify eligibility for benefits to continue.¹⁶ If a recipient fails to do so, their SNAP benefits will expire.¹⁷

⁶ Ex. 3.

⁷ Ex. 3.2-13.

⁸ Ex. 4; T. testimony.

⁹ Ex. 4.

¹⁰ *Id.*

¹¹ T. testimony.

¹² *Id.*

¹³ Position Statement.

¹⁴ Ex. 5; T. testimony.

¹⁵ 7 C.F.R. § 271.4(a).

¹⁶ 7 C.F.R. § 273.10(f)(3); 7 C.F.R. § 273.14.

¹⁷ 7 C.F.R. § 273.14(a).

For its part, DPA is required to provide recipients at least a month's notice of expiring SNAP benefits so a person can timely seek recertification.¹⁸ DPA fulfilled that obligation here when it mailed Ms. T. a notice and recertification application on June 16. DPA mailed this notice to Ms. T.'s address of record. It was then Ms. T.'s responsibility to submit a timely recertification application. Part of that responsibility includes regularly checking mail since that is how the agency provides notices and other information.

At the hearing, Ms. T. speculated that the Postal Service misdelivered the notice to another post office box and it was then returned. There is no way to know for certain what journey the June 16 notice took while in the postal service's possession. But the return envelope is stamped "unclaimed." Postal Service guidelines state that this endorsement is used when an "Addressee abandoned or failed to call for mail."¹⁹ Certainly the Postal Service is not infallible. But considering the envelope was correctly addressed to Ms. T.'s post office box and later returned endorsed as "unclaimed," the evidence indicates she did not timely retrieve her mail to receive this notice. Ms. T. testified that her normal practice is to check her mail every week or so, but she did not testify as to specifically checking her mail during the time when the notice would have been sitting in her post office box.

Regardless of whether Ms. T. neglected to check her mail or the Postal Service made a mistake, DPA fulfilled its obligation by mailing out the notice and it was Ms. T.'s responsibility to timely recertify. Her most recent certification from February 2023 advised her that her benefits would expire at the end of July, so she had reason to be looking for recertification materials in the mail.

Ms. T. pointed to DPA's June 1 letter advising all SNAP recipients that it would be implementing longer certification periods with mandatory interim reports to continue eligibility through the entire period. Ms. T. stated that she assumed this letter meant that her current certification period had been automatically extended. A government agency can be estopped from taking action against a person if the agency (1) asserted a position by conduct or words; (2) the person reasonably relied on that position; (3) the person's reliance on that position resulted in

¹⁸ 7 C.F.R. § 273.14(b)(1).

¹⁹ Mailing Standards of the United States Postal Service Domestic Mail Manual, 507 Mailer Services (available at https://pe.usps.com/text/dmm300/507.htm?_gl=1*_h1lojs*_gcl_au*MTI3MTg0MDQ4OS4xNjk5NDg1MjE0*_ga*Mjc0ODA4Njg2LjE2OTk0ODUyMTU.*_ga_3NXP3C8S9V*MTY5OTQ4NTIxNC4xLjAuMTY5OTQ4NTIxNC4wLjAuMA).

prejudice; and (4) estoppel would service the interest of justice.²⁰ DPA's June 1 notice is not a model of clarity. Its own counsel, at the hearing, acknowledged the letter is confusing. But the confusion lies more in what the letter leaves out. In particular, the letter does not explain if or how DPA's new policy on certification periods impacts a recipient's existing certification period. While that aspect of the letter raises more questions than answers, the letter itself does not promise automatic extended certification periods. Nor was it reasonable for Ms. T. to assume, based on the letter's language, that her certification period had been automatically extended. Thus there is no action by DPA or reasonable reliance by Ms. T. to support an estoppel argument here.

DPA provided notice by mailing the notice and recertification application to Ms. T.'s correct address. The fact that Ms. T. did not receive the notice — whether because she did not check her mail or because of some unknown delivery error — does not mean notice was not given. Nor does DPA's June 1 letter negate notice. The letter neither promises nor suggests automatic extension of existing certification periods. Ms. T.'s SNAP benefits were set to expire by July 31 unless she timely applied to recertify. Her most recent grant of benefits provided her with that expiration date. And federal regulations state that benefits expire absent timely recertification. Federal regulations do not give DPA discretion to waive recertification or the expiration of benefits. Ms. T. did not timely apply for recertification and therefore DPA correctly closed her benefits on July 31.

IV. CONCLUSION

For the reasons discussed above, DPA correctly closed Ms. T.'s SNAP benefits on July 31, 2023 for failure to timely submit a recertification application. DPA's decision is affirmed.

DATED: November 9, 2023.

Signed

Rebecca Kruse
Administrative Law Judge

²⁰ *Crum v. Stalnaker*, 936 P.2d 1254, 1256 (Alaska 1997).

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 4th day of December, 2023.

By: Signed
Name: Daniel R. Phelps II
Title: Project Coordinator, Department of Health
Final decisionmaker by Delegation of the
Commissioner of Health

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