

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

In the Matter of	)	
	)	
C. N.	)	OAH No. 25-1918-SNA
_____	)	

DECISION

I. Introduction

In this case, C. N. challenges the Division of Public Assistance’s (the “Division’s”) denial of her eligibility for Supplemental Nutritional Program (“SNAP”) benefits as of January 1, 2025 – based upon its allocation of her children to another recipient’s household. The children’s household membership is the pivotal fact in this case. Following a series of evidentiary hearings, the record in this case is not disputed: Ms. N.’s two children were properly assigned to her household from the time of her SNAP application, on December 20, 2024 through January 13, 2025. After January 13, 2025, as Ms. N. candidly conceded at the evidentiary hearing, the children were members of another recipient’s household.

This decision concludes that the agency properly allocated the children to Ms. N.’s household for the period of December 20, 2024 through January 13, 2025 at which point, the children were properly assigned to the other parent’s household for SNAP purposes. Accordingly, the agency sustained its burden to establish that Ms. N.’s children were properly allocated to the other recipient’s household for the January 2025 benefit period and all periods thereafter.

The agency’s determination is AFFIRMED.

II. Facts

On December 20, 2024, C. N. applied for SNAP benefits on her behalf and on behalf of her two minor children.¹ The Division failed to timely process the application. The Division took no action on this application until Ms. N. filed a fair hearing request in April 2025 -- seeking timely processing of her application.² This fair hearing request spurred agency review. The Division denied her application, stating the household was over the income limit to be eligible for SNAP.³

¹ Division position statement, (September 19, 2025), at pg. 1; Exhibit 1-1.19.

² Exhibit 2.

³ Exhibit 4.

In preparation for the fair hearing in this case, in September 2025, the Division revisited its determination. The Division approved Ms. N.'s SNAP application based upon a household of three members (thereby including Ms. N.'s children) for the periods of December 20, 2024 (the date of the underlying application) through January 1, 2025. However, the Division concluded that Ms. N. was not entitled to claim her children as household members as of January 2025, and denied SNAP benefits for January 2025 and subsequent months.⁴

Ms. N. sought fair hearing review of this determination.⁵ Proper allocation of the children for SNAP household purposes was the only disputed factual issue. Custody of the two children in this case was the subject of contested superior court litigation, pending from late 2024 through mid-2025.⁶

Delayed Division processing complicated this case. By the time the Division processed Ms. N.'s December 2024 SNAP application, the children's other parent had already claimed the children as members of his household as of January 2025. The Division had accepted his position and allocated the children to the other parent's household for SNAP purposes in early 2025. Thus, by the time the Division belatedly processed Ms. N.'s December 2024 SNAP application, it had allocated the children to the other parent's household – without contemporaneous notice to Ms. N..⁷

At the November 2025 hearing, Ms. N. testified that the children were members of her household as of the date of her December 2024 application, and through January 13, 2025. At the hearing, Ms. N. testified:

ALJ: Ms. N., I need to make sure I understand this. Last week of December [2024] children were with you the majority of the time. True or false?

⁴ Exhibit 8.

⁵ *N.-M. email*, September 26, 2025. Ms. N. had originally filed Fair Hearing request seeking review of the Division's processing delay. Ms. N.'s April 2025 Fair Hearing request spurred Division review, and the September 2025 determination described above. Following the Division's September 10, 2025 notice of denial, Ms. N. sought Fair Hearing review of the Division's substantive factual determination (household size). The Division treated Ms. N.'s September 25, 2025 email as a timely, substantive Fair Hearing request seeking review of its substantive household determination. All subsequent proceedings focused upon this factual issue.

⁶ C. N. hearing exhibits; submitted on October 6, 2025 (documents from *N. v. Duarte*, 3AN-24-10174 CI (Anchorage Superior Court)).

⁷ "The children are already receiving benefits in another household." Exhibit 7 (*Division notice*; September 11, 2025).

Ms. N.: True.

ALJ: First week of January [2025], the children were with you the majority of the time. True or false?

Ms. N.: True.

ALJ: Second week of January, the children were with you the majority of the time. True or False? Up to January 13th?

Ms. N.: True.

ALJ: And then, after January 13th, your answer changes, and ... you concede that the children were with the other party for the majority of the time. True or false?

Ms. N.: True.⁸

Thus, as Ms. N. conceded, the children were properly allocated as members of their other parent's household as of January 13, 2025 – and that remained the *status quo* through calendar year 2025.⁹ On June 5, 2025, the Anchorage Superior Court issued a custody order in Ms. N.'s custody litigation – based upon Ms. N.'s stipulation -- specifically allocating the children to the other parent for state benefit purposes, including SNAP benefits.¹⁰

III. Discussion

In this case, Ms. N. appeals the Division's denial of SNAP benefits in January 2025 – based upon its allocation of the children to the other parent's household. Thus, this case reviews the denial of benefit the Division had previously awarded. For this reason, the burden here is allocated to the Division. That burden is a preponderance of the evidence.¹¹

SNAP eligibility is partially based upon household size and income, with income limits depending on the size of the household.¹² The children's household allocation is the pivotal fact

⁸ C. N. hearing testimony. (November 17, 2025) at 57:38-58:15.

⁹ *Id.*

¹⁰ Exhibit 18.5. *Final Stipulated Custody Agreement and Order*; ¶13, p. 6 of 7; *N. v. E.*, 3AN-24-00004CI (Anchorage Superior Court, June 5, 2025; Judge N. J.) ("The children shall be listed as dependents on Father's [] Food Stamp applications.").

¹¹ 7 AAC 49.135.

¹² 7 C.F.R. §273.10(e)(2) (generally).

in this case, because if calculated as a household of three members, Ms. N. would have successfully qualified for January 2025 SNAP benefits – given the higher upper income limit which applies to a household of three. Conversely, she would have been properly denied if her eligibility was calculated as a single-person household.¹³

The regulations governing the SNAP program provide that no person may be simultaneously included as a member of two households for SNAP purposes.¹⁴ Children are allocated to the household where they spend more than 50 percent of the time during a given month.¹⁵

This case was complicated by the Division’s delayed processing of Ms. N.’s application, by the contested nature of the custody litigation, and by the fact that the Division initially relied upon information submitted by the children’s other parent – and not submitted to this office (or disclosed to Ms. N.).¹⁶ Likewise, Ms. N. submitted affidavits and documentary exhibits which addressed the custody agreement prior to December 2024 or after January 2025. Neither time frame is germane to this case.

The determinative, disputed issue here boils down to a very narrow question: to which household were the children properly assigned starting January 2025 in light of the fact that the children primarily resided with the other parent starting January 13, 2025?

Ms. N.’s un-contradicted testimony eliminated the dispute. The answer is that the children were properly allocated to Ms. N.’s household for December 2024 – albeit only for the last 11 days of that month. Thus, the Division was correct when it awarded Ms. N. prorated SNAP benefits for December 2024. After January 13, 2025, the children resided the majority of the time with the other parent. Thus, the Division’s denial of Ms. N.’s January 2025 SNAP benefits was correct.¹⁷

¹³ Exhibits 7 & 8.

¹⁴ 7 C.F.R. §273.3(a); *Alaska Food Stamp Manual* § 602-1; see also *In re S.T.*, OAH No. 20-0750 at pg. 3 (Alaska Comm’r of Health & Social Services Oct. 26, 2020) decision available at <https://aws.state.ak.us/OAH/Decision/Display?rec=6716>.

¹⁵ *Id.*

¹⁶ Division hearing representative testimony. At the merits hearing, the ALJ ruled that evidence which the other parent had submitted to the Division but which it had not disclosed to Ms. N. would not be considered. This posture might have set the stage for a conflict pitting Ms. N.’s hearing rights against the other parent’s confidentiality rights. However, Ms. N.’s testimony, excerpted above, established the children’s household membership, and resolved any such conflict.

¹⁷ See *In re K.C.*, OAH No. 16-1219-SNA, at pg. 3 (Alaska Comm’r Health & Social Services Nov. 23, 2016) (in a case involving children’s custodial status, affirming benefit denial based upon minor children’s primary custody with other parent; decision available at <https://aws.state.ak.us/OAH/Decision/Display?rec=6152>).

IV. Conclusion

Ms. N.'s testimony established that her SNAP benefits were correctly calculated as a household of three for the month of December 2024. The Division properly awarded SNAP benefits for this month. For the reasons explained above, after January 13, 2025, the children were primarily members of another household. Thus, the Division's conclusion that for January 2025 and all subsequent months, Ms. N.'s eligibility was calculated as a single-member household -- was correct.

For these reasons the Division sustained its burden. The Division's denial of Ms. N.'s SNAP benefits as of January 2025 is AFFIRMED.

Dated: February 18, 2026.

SIGNED
James Fayette
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 10th day of March, 2026.

By: SIGNED

Name: James Fayettee

Title: Administrative Law Judge

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