

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

In the Matter of	)	
	)	
L.X	)	OAH No. 25-3283-SNA
_____	)	

DECISION

I. Introduction

L.X is a Supplemental Nutrition Assistance Program (“SNAP”) recipient who is subject to a work requirement as a condition of continued benefits. Because of these work requirements, the Division of Public Assistance’s most recent SNAP approval should have been set to terminate in May 2025 absent Ms. X meeting work requirements. The Division erroneously approved benefits for much longer and proceeded to pay those benefits from June through October 2025. Once it discovered its error, the Division sought reimbursement of its overpayment. Ms. X disputes that she received these overpayments. She testified that she lost her SNAP card and someone else made purchases with her SNAP benefits. While being questioned about these events, Ms. X abruptly hung up the phone and did not answer when called back — effectively refusing to submit to cross-examination. The testimony she did provide was inconsistent, evasive, and not credible.

As discussed below, Ms. X was overpaid benefits. Though the Division’s error created the overpayment, the Division is required by federal law to recover it. Accordingly, the Division’s determination that Ms. X is required to reimburse the Division for the overpayment is affirmed.

II. Background

SNAP is a federal program administered by the State of Alaska.¹ Federal regulations impose work requirements on SNAP recipients. With exceptions not applicable here, an adult aged 18 to 54 who is able to work and does not have minor dependents is considered an “Able Bodied Adult Without Dependents” (“ABAWD”). Recipients in this category are limited to

¹ 7 C.F.R. § 271.4.

three months of SNAP benefits in a three-year period without meeting minimal work requirements.²

L.X has been a SNAP recipient as a single-person household.³ She received SNAP benefits in January and February 2025 and applied again on April 23, 2025.⁴ On her April 2025 application, Ms. X stated that she was not employed, did not have dependents, and did not provide information that would qualify her for an exemption from the ABAWD work requirements.⁵

The Division approved Ms. X for SNAP benefits for part of April 2025 through March 2026.⁶ That approval was in error. Under ABAWD restrictions, Ms. X had already received two months of SNAP benefits and could receive only one additional full month — *i.e.*, May 2025 — without satisfying work requirements. Because the Division erroneously approved a full year of benefits, however, it continued to pay Ms. X SNAP benefits until October 2025, when it discovered its error.⁷ The Division sent Ms. X notice on October 24, 2025 that it had overpaid SNAP benefits from June through October, 2025, resulting in a total overpayment of \$1893.⁸ The Division required Ms. X to repay this amount and advised her of her fair hearing rights.⁹

Ms. X thus requested this hearing, asserting that “I received no SNAP benefits whatsoever for four consecutive months preceding September 1st, 2025, and therefore, no overpayment could have occurred during the alleged time frame.”¹⁰

A hearing was convened on December 15, 2025. The Division presented its case and Ms. X was provided an opportunity to question the Division’s representative. Ms. X then presented her case and the Division was given an opportunity to ask her questions.

Ms. X claimed that she lost her SNAP card and that benefits put on the card must have been spent by someone else.¹¹ When asked for details about when she lost her card, whether she had made certain purchases, and why she did not report the lost card, Ms. X provided inconsistent answers. For example, she stated that she lost the card in the spring and later stated

² 7 C.F.R. § 273.24.

³ Ex. 3.

⁴ Ex. 2; Ex. 11-11.10.

⁵ *Id.*

⁶ Ex. 15.1.

⁷ Ex. 2.

⁸ Ex. 1.

⁹ Ex. 1-1.1.

¹⁰ Ex. 17.1.

¹¹ L.X testimony.

she lost it in July. As questioning continued, she spoke more and more quickly and appeared agitated. While still being questioned, Ms. X declared that she did not have time for the hearing and hung up.¹² The ALJ called Ms. X back, but she did not pick up. Nor did she call back in response to a voicemail left at her phone number. The hearing ended without Ms. X completing her testimony or the Division being able to fully question her.

III. Discussion

The Division has the burden of showing that it overpaid SNAP benefits and that Ms. X should reimburse the overpayment.¹³

Ms. X did not dispute that she is subject to the ABAWD work requirements. Rather, her assertion is that there was no overpayment because she lost her SNAP card and any benefits were spent by someone else. Her testimony about her SNAP card and purchases made with it, however, were inconsistent. She initially claimed that she lost her card in “spring” 2025 and then contradicted herself by stating she lost her card in “July.” Prior to the hearing, DPA Representative Marie Thirlwell had questioned her about specific purchases during the summer of 2025. Ms. Thirlwell’s records and testimony were that Ms. X admitted to all but one purchase. At the hearing, Ms. X denied making those same purchases. She had difficulty providing a consistent timeline of when she did or did not have a SNAP card in her possession. And she grew agitated when questioned about the loss of her card and her purchase history. Eventually, Ms. X terminated her participation in the hearing — that she had requested — by hanging up.

At the outset, Ms. X’s frustration is understandable. The Division made the mistake here, paying benefits to which Ms. X was not eligible. Despite the Division’s error, it is requiring Ms. X to repay these benefits.

Ms. X’s claims that she was never paid these benefits, however, are not credible. Her answers were evasive and inconsistent. And it is not plausible that a person would apply for and be awarded SNAP benefits, promptly lose the SNAP card, and then not take action to recover or replace the card for many months. Ms. X’s evasiveness and effective refusal to answer reasonable questions by terminating the hearing further undermines her credibility.¹⁴

¹² *Id.*

¹³ 7 AAC 49.135.

¹⁴ A witness who voluntarily testifies at a hearing exposes herself to the tribunal’s and adverse party’s legitimate right to test the truth of that testimony through cross-examination on unprivileged matters reasonably

For its part, the Division provided persuasive and credible documentation that it funded Ms. X's SNAP card from June through October 2025 and that these funds were spent. Considering this documentation and Ms. X's lack of credibility, it is more likely than not that Ms. X received SNAP benefits between June and October 2025, totaling \$1893.

Ms. X received that \$1893 in error. The Division should only have approved her SNAP benefits through May 2025 because of ABAWD restrictions. The Division mistakenly approved and paid five additional months. The Division, however, is required by federal law to recover overpaid SNAP benefits, even when the Division's error caused the overpayment.¹⁵ The Alaska Supreme Court has confirmed that these federal requirements apply to Alaska SNAP recipients.¹⁶ Thus, even though Ms. X was overpaid through no fault of her own, the Division is still obligated to recover those overpaid benefits from her.

The Division does, however, have some discretion in how it seeks recoupment and the total amount it seeks. If the household that received the overpayment is still receiving benefits, and the household does not want to repay the overpayment immediately in full, the household may opt to repay the overpayment through a reduction of its current SNAP benefits in the amount of \$10.00 per month or 10% of the household's monthly SNAP benefit, whichever is greater.¹⁷ The Division also retains the ability to compromise the claim, or agree to a payment plan.¹⁸ In situations where it can be "determined that a household's economic circumstances dictate that the claim will not be paid in three years" the Division has the discretion to compromise the claim.¹⁹ Nothing in this decision should be interpreted to limit the Division's ability to compromise, reduce, or create a payment plan for this claim. As of the date of the

related to the direct testimony. *Cf. Brown v. United States*, 356 U.S. 148, 156, 78 S.Ct. 622, 627 (1958). In some cases, a trial judge may strike the testimony of a witness who flatly refuses to answer legitimate cross-examination questions. *See, e.g., United States v. Brooks*, 82 F.3d 50, 54 (2nd Cir. 1996). For this informal administrative hearing, Ms. X's testimony was considered. But so was her decision to abruptly depart the hearing without answering the ALJ's questions or providing the Division with a full opportunity to question her.

¹⁵ 7 U.S.C. § 2022(b)(1) ("a State agency shall collect any overissuance of benefits issued to a household"); 7 C.F.R. § 273.18(a)(2), (b)(3) ("The State agency must establish and collect any claim," including "any claim for an overpayment caused by an action or failure to take action by the State agency"); *see, e.g., In re D.X.*, OAH No. 23-0415-SNA (2023) (decision available at: <https://aws.state.ak.us/OAH/Decision/Display?rec=6994>); *In re F.E.*, OAH No. 23-0278-CMB (2023) (decision available at: <https://aws.state.ak.us/OAH/Decision/Display?rec=6988>).

¹⁶ *Allen v. State, Dep't of Health & Soc. Servs.*, 203 P.3d 1155, 1164-66 (Alaska, 2009).

¹⁷ 7 C.F.R. § 273.18(g)(1).

¹⁸ 7 C.F.R. § 273.18(d)(7).

¹⁹ 7 C.F.R. § 273.18(d)(7)(i).

hearing, Ms. X had not applied with the Benefit Issuance and Recovery Unit for any of the potential options to ease this financial burden. Ms. X is encouraged to do so.²⁰

IV. Conclusion

The Division's determination that Ms. X was overpaid \$1893 in SNAP benefits and that she must reimburse the Division in this amount is affirmed.

Dated: December 29, 2025

Signed

Rebecca Kruse
Administrative Law Judge

²⁰ Contact information for the State of Alaska, Department of Health, Public Assistance Benefit Recovery Unit may be found at <http://dpaweb.hss.state.ak.us/node/28>.

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 14th day of January, 2026.

By: Signed
Name: Rebecca Kruse
Title: Administrative Law Judge

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