

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

In the Matter of	)	
	)	
U. E.	)	OAH No. 25-3412-ADQ
_____	)	

DECISION

I. Introduction

U. E. received Supplemental Nutrition Assistance Program (“SNAP”) benefits in 2024 and early 2025 based on her representations on multiple forms that she was unemployed and had no income. This lack of income was material to her eligibility and the amount of benefits she received. The Department of Health and Social Services, Division of Public Assistance initiated this Administrative Disqualification case against Ms. E., alleging that she was in fact employed during this time and therefore received greater benefits than she was entitled to. As discussed below, the Division proved by clear and convincing evidence that Ms. E. committed a first-time Intentional Program Violation of the SNAP program. Accordingly, Ms. E. will be barred from SNAP benefits for 12 months and is responsible for restitution of any outstanding overpaid benefits.

II. Background

U. E. is a longtime SNAP — also referred to as food stamp — recipient.¹

SNAP recipients have numerous ongoing obligations to provide the Division with information about their eligibility for these benefits — with applications at the start of a new eligibility period, on interim reports, and when a change occurs that would impact eligibility. Recipients are advised of these obligations to provide information — and the penalties for omitting or providing false information — on Division forms, at interviews, and in benefit notices.² A key determining factor for SNAP eligibility is a person’s income.

As of January 2024, Ms. E. was receiving SNAP benefit payments determined for a household of one with no employment and no income.³ On a March 14, 2024 application for a new benefit period, in the section for providing employment and income information, Ms. E.

¹ Ex. 9.

² *See, e.g.*, Ex. 2; Ex. 6; Ex. 8 at 5; Noelle Umbarger testimony.

³ Ex. 11; Noelle Umbarger testimony.

wrote a slash and the letters “NA” across the entire page.⁴ On an August 28, 2024 eligibility review form, Ms. E. stated that she did not plan to file a federal income tax return and left blank the sections of the form asking for information about employment and income.⁵ Ms. E. further signed acknowledgements of her responsibility to disclose employment and income information and the potential repercussions for failing to do so.⁶

Based on Ms. E.’s representations that she was unemployed and had no income, the Division continued paying SNAP benefits based on a one-person household with no income from January 2024 through February 2025.⁷ During this entire period, however, Ms. E. was working and collecting a paycheck. Her employer, an in-home care provider, verified that Ms. E. had been working for the company since March 22, 2023 and that as of May 1, 2025 she was still employed there.⁸ Her employer provided the Division with copies of Ms. E.’s paystubs, showing continual income for each pay period from December 15, 2023 through March 6, 2025.⁹ These paystubs indicate this was a part-time job with varying hours, but it was nonetheless employment and a source of income for Ms. E..¹⁰

If Ms. E. had reported her employment income to the Division as required — on forms or as part of her ongoing obligation to report any income changes — she would have received less SNAP benefits from June 2024 through January 2025 and no SNAP benefits from January 2024 through May 2024 and in February 2025.¹¹ Across all of these months, the Division determined that it overpaid a total of \$2685 in SNAP benefits.¹²

The Division notified Ms. E. that it was addressing these overpayments through this administrative disqualification matter.¹³ Despite being notified of this matter and a hearing scheduled for January 15, 2026, Ms. E. did not answer the telephone number OAH had on file for her, nor respond to a voicemail left for her at the time of the hearing. The hearing proceeded without her, as is allowed for this type of matter.¹⁴

⁴ Ex. 7 at 6.

⁵ Ex. 8 and 1, 3.

⁶ Ex. 2; Ex. 6; Ex. 8 at 5; Noelle Umbarger testimony.

⁷ Ex. 11.

⁸ Ex. 10 at 1-2.

⁹ *Id.* at 4-37.

¹⁰ *Id.*

¹¹ Ex. 11.

¹² *Id.*

¹³ Ex. 3.

¹⁴ 7 C.F.R. §273.16(e)(4).

Ms. E. has not previously been found to have intentionally violated the SNAP program. At the hearing, the Division explained that even though employment records indicate Ms. E. had been employed for a longer period without disclosing that income, the Division was seeking penalties for only the January 2024 through February 2025 time period in accordance with the notice it had given Ms. E..¹⁵

III. Discussion

A person who intentionally makes false or misleading statements or omits facts on a SNAP application is responsible for paying back any overpayment as restitution and can be disqualified from receiving benefits for one year for a first offense.¹⁶ The Division has the burden of demonstrating these intentional violations by clear and convincing evidence.¹⁷

The Division has met its burden. Ms. E. did not list any employment or income on the application or other eligibility forms for the January 2024 through February 2025 period. This includes her May 2024 form, on which she wrote a slash and “NA” across the page for listing employment and income. It also includes her August 2024 form on which she left the employment and income sections blank and affirmatively represented that she would not be filing a federal income tax return, indicating she had no taxable income. And Ms. E.’s file includes no indication that she ever attempted to inform the Division of her employment or income during this time period.¹⁸

By misrepresenting to the Division that she was unemployed and had no income, Ms. E. received SNAP benefits to which she was not entitled. While the amount of her income varied overtime, she was continually employed and earning income throughout the January 2024 through February 2025 period. During six of those months, she earned enough to be ineligible for any SNAP benefits. During the remaining eight months, Ms. E. earned enough income that she was eligible for less benefits each of those months.

The evidence further demonstrates Ms. E.’s misrepresentations and omissions were intentional. Although she did not appear at the hearing, intent can be determined from circumstantial evidence.¹⁹ Here, Ms. E. filled out multiple SNAP eligibility forms that asked for

¹⁵ Noelle Umbarger testimony.

¹⁶ 7 U.S.C. § 2015(b)(1); 7 C.F.R. § 273.16(b)(1), (b)(12), (c)(1).

¹⁷ 7 C.F.R. § 273.16(e) (6).

¹⁸ Noelle Umbarger testimony.

¹⁹ *In re TO*, OAH 20-0953-ADQ (2021) (when benefit recipient opts not to testify at disqualification hearing, “[n]onetheless her intent can be deduced from circumstantial evidence.”).

employment and income information on which she either affirmatively indicated she was unemployed or failed to list her employment and income. Ms. E. further signed acknowledgements of her obligations to disclose employment and income information and potential penalties for failing to do so. While filling out and signing these forms, Ms. E. was in fact continuously employed and receiving a regular paycheck, albeit one that varied in amounts from one pay period to the next. Considering her steady employment and paychecks, there could be no confusion that Ms. E. was employed and earning income. The forms she filled out unambiguously requested information about employment and income. And she both failed to provide this information and affirmatively represented herself as unemployed. Considering these circumstances, Ms. E.'s misrepresentations and omissions of her employment and income were intentional.

IV. Conclusion

Ms. E. committed a first time Intentional Program Violation of the SNAP program. Accordingly, she is disqualified from receiving benefits for 12 months starting March 1, 2026.²⁰

If there were overpaid benefits that have not been repaid, Ms. E. is required to make restitution.²¹ If Ms. E. disagrees with the Division's calculation of \$2685 in overpaid benefits, she may request a separate hearing on that limited issue.²²

Dated: January 21, 2026

SIGNED
Rebecca Kruse
Administrative Law Judge

²⁰ 7 C.F.R. § 273.16(b)(13), (e)(8)(i).

²¹ *Id.*

²² 7 C.F.R. § 273.15.

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 5th day of February, 2026.

By: SIGNED

Name: Rebecca Kruse

Title: Administrative Law Judge

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