

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

In the Matter of	)	
	)	
N Q.K	)	OAH No. 26-0246-CMB
_____	)	

DECISION

I. Introduction

N Q.K reported a pregnancy to the Division of Public Assistance (“DPA”) in July 2025, seeking Pregnant Woman Medicaid benefits. DPA did not process that request. In January 2026, she submitted an eligibility review form for both Medicaid and Supplemental Nutrition Assistance Program (“SNAP”) benefits for her family. As of late February 2026, Ms. K was still waiting on all of these benefit requests — and during this long delay had been unable to attend prenatal medical appointments. Only after requesting a hearing did DPA act. It did so by sending out a Medicaid eligibility notice that stated one of the children was ineligible when in fact DPA had found the child to be eligible for Medicaid, and by initially denying but then granting SNAP benefits, but for \$0 in benefits.

DPA’s ultimate eligibility determinations are supported by the record and not contested by Ms. K. DPA’s process for getting to those determinations, however, was grossly deficient. The Medicaid notice DPA sent Ms. K fails to meet basic due process requirements. Furthermore, DPA failed to timely process any of the benefits.

II. Background

N Q.K and her children are Medicaid recipients. In July 2025, Ms. K reported to DPA that she was pregnant so she could receive Pregnant Woman Medicaid, which provides prenatal, delivery, and postpartum care.¹ While waiting for Pregnant Woman Medicaid eligibility, Ms. K was unable to attend prenatal appointments or gain access to prenatal vitamins.²

Ms. K submitted an eligibility review form for SNAP and Medicaid on January 21, 2026.³

¹ N.K April 7, 2026 testimony; Marie Thirlwell April 7, 2026 testimony.

² N.K April 7, 2026 testimony; N.K April 28, 2026 testimony.

³ Ex. B8.

A few weeks later, on February 12, 2026, Ms. K reported to DPA that her ten-year-old son had moved into her household.⁴

On February 26, Ms. K submitted a Fair Hearing Request, stating “Past 30 days. 10 year old son moved in + needs SNAP/Medicaid. Expecting Baby Girl 03/31/2026 due any day now need prenatal visits and food security.”⁵ Ms. K explained that she requested a hearing to address whether her application and change reports had been handled properly, noting that she did not have confidence in DPA’s process or the accuracy of its decisions.⁶

The hearing request started a ten-day clock for DPA to either grant the request and refer the case to OAH or deny the request and notify Ms. K that she had a right to appeal that denial to superior court.⁷ DPA did neither. On March 3, 2026, DPA “pended” Ms. K’s SNAP recertification for her to provide verification of her household’s monthly living expenses.⁸ The following day, on March 4, DPA issued a Medicaid Eligibility Notice. The notice stated that Ms. K was eligible for Pregnant Woman Medicaid. It further stated that E.K, B.K, and O Q.W were eligible for Medicaid for certain time periods, but that B.K was ineligible effective April 2026. Under a column for providing an explanation, the notice included a basis for each instance of eligibility, but no explanation or legal basis for B’s ineligibility.⁹

That same day, DPA notified Ms. K that it had denied her hearing request because “[t]he agency has taken action correcting the issue at hand” by pending her SNAP application and issuing the notice regarding Medicaid eligibility.¹⁰ The notice stated that Ms. K could appeal the hearing denial to OAH, which she did.¹¹ That process is inconsistent with OAH statute, which specifies that the right to appeal from denial of a hearing request is an appeal to superior court.¹² DPA regulations include provisions for an OAH ALJ to deny or dismiss hearing requests that do

⁴ Marie Thirlwell April 7, 2026 testimony.

⁵ Ex. 1.

⁶ N.K April 7, 2026 testimony. DPA took the position that because she mentioned her pregnancy and her son moving in, the request was limited to Ms. K’s change notice for Pregnant Woman Medicaid and a February notice of her son moving in and whether that impacted her SNAP eligibility. (Marie Thirlwell April 7, 2026 testimony; Marie Thirlwell April 28, 2026 testimony.) DPA pointed to notes from a call with Ms. K prior to the hearing, but these notes do not include any statements by Ms. K about the scope of her hearing request, let alone that she was requesting a hearing limited to Pregnant Woman Medicaid and the impact her son moving in would have on the household’s SNAP benefits. (Ex. 6-6.1.)

⁷ AS 44.64.060(b).

⁸ Ex. 3.

⁹ Ex. 2-2.1.

¹⁰ Ex. 4-5.

¹¹ *Id.*

¹² AS 44.64.060(b).

not meet this criteria for seeking a hearing.¹³ To comport the DPA regulations and Ms. K's case with the OAH statute, DPA's hearing denial was instead treated as if DPA had granted Ms. K's hearing request, but requested dismissal of her case.¹⁴

Following a hearing, the dismissal request was denied because (1) DPA did not act with reasonable promptness on Ms. K's Medicaid or SNAP benefits and she was entitled to a hearing on that issue; (2) DPA's act of pending the SNAP recertification — after she requested a hearing — did not moot Ms. K's right to a hearing on her outstanding SNAP recertification; and (3) DPA's act of sending a notice that grants in part and denies in part Medicaid benefits — also issued after she requested the hearing — did not moot her right to a hearing on Medicaid benefits.¹⁵

Accordingly, a hearing was held on April 28, 2026. DPA filed two position statements in advance of the hearing. One conceded that it failed to timely process Ms. K's Medicaid and SNAP benefits.¹⁶ The other addressed the substance of Ms. K's Medicaid and SNAP issues.¹⁷ At this hearing, Ms. K reiterated that when she requested a hearing in February, she was asking for a hearing on change requests she had submitted, including the July 2025 notice of her pregnancy, and the January SNAP and Medicaid eligibility review form — as Ms. K put it, her “whole DPA case.”¹⁸

At the hearing, DPA conceded that it had not timely processed Ms. K's benefits. No notice was ever sent concerning her request for Pregnant Woman Medicaid from July 2025.¹⁹ The only notice DPA provided was the March 4, 2026 notice responding to the January 21, 2026 Medicaid eligibility review form for the family.²⁰ That notice stated that B.K was ineligible for Medicaid effective April 2026.²¹ DPA testified that this was incorrect, that B was still eligible for Medicaid, and that this should be apparent from the fact that dates on the line above where it

¹³ 7 AAC 49.100. Notably, this regulation also provides for an ALJ to dismiss untimely hearing requests. The superior court has interpreted this and other DOH regulations as giving the ALJ discretion to determine whether to allow untimely hearing requests. *C C v. Dep't of Health & Soc. Servs.*, 3AN-15-00000CI at 17, available at <https://aws.state.ak.us/OAH/Decision/Display?rec=2167> (decision on ALJ's discretion to allow untimely hearing requests).

¹⁴ April 13, 2026 Order.

¹⁵ *Id.*

¹⁶ April 13, 2026 Position Statement (consisting of 2 pages).

¹⁷ April 13, 2026 Position Statement (consisting of 92 pages, including exhibits).

¹⁸ N.K April 28, 2026 testimony.

¹⁹ Marie Thirlwell April 28, 2026 testimony.

²⁰ *Id.*

²¹ Ex. 2.1.

says he is ineligible are “reversed,” indicating a “glitch” in the notice.²² Ms. K had no way of knowing that any part of this notice was incorrect or the result of a glitch. She took DPA at its word and understood the notice to mean that was, in fact, ineligible.²³ Ms. K was also completely unaware she was eligible for Pregnant Woman Medicaid since DPA never sent notice of her eligibility until this March 4 response to her January 2026 eligibility review form for the family. Because she did not have Pregnant Woman Medicaid — or at a minimum did not know she had Pregnant Woman Medicaid — Ms. K was unable to receive prenatal care until the very end of her pregnancy, despite notifying DPA at the very beginning of her pregnancy in July 2025. Because of this, Ms. K developed an iron deficiency so severe that she needed a blood transfusion and developed cardiomyopathy for which she continues to be treated.²⁴

As to SNAP, since requesting a hearing in late February, Ms. K’s eligibility renewal was first pended for more information,²⁵ then denied for being over the income limit,²⁶ then approved, but for \$0.²⁷ Ms. K was left with no confidence in how DPA had processed her request.²⁸ At the hearing, DPA explained how it calculated the benefit amount.²⁹ Ms. K understandably had a lot of questions, including whether DPA had included resources in its calculation (it had not) and why the phone costs were so low (DPA applied a set maximum).³⁰ Aside from seeking clarification, Ms. K did not dispute DPA’s calculations.

III. Discussion

A. DPA Failed to Timely Process Ms. K’s Medicaid and SNAP Benefits.

For public assistance, applicants and recipients are entitled to a hearing when a request for benefits “is not acted upon with reasonable promptness.”³¹

²² Marie Thirlwell April 28, 2026 testimony. The dates are written as “[f]rom 02/2026 to 11/2025.” Ex. 2.1.

²³ N.K April 28, 2026 testimony.

²⁴ N.K April 7, 2026 testimony.

²⁵ Ex. 3 (March 4, 2026).

²⁶ Ex. 7 (March 17, 2026).

²⁷ Ex. 9 (March 19, 2026).

²⁸ N.K April 7, 2026 testimony.

²⁹ Marie Thirlwell April 28, 2026 testimony.

³⁰ N.K April 28, 2026 testimony; Marie Thirlwell April 28, 2026 testimony.

³¹ 7 AAC 49.020.

Additionally, federal law requires DPA to determine SNAP eligibility within 30 days.³² There is no question that DPA failed to timely process Ms. K's Medicaid and SNAP benefits. DPA conceded this.³³

DPA's failure is most egregious with respect to Ms. K's pregnancy notice. She notified DPA of her pregnancy in July 2025 so she could qualify for Pregnant Woman Medicaid. DPA took no action until March 2026, after Ms. K submitted an eligibility review in January 2026 and a hearing request in late February. By then, Ms. K was in the last few weeks of her pregnancy. Having been unable to access prenatal care because of DPA's inaction, Ms. K developed very serious health conditions.

Less egregious, but also untimely, was DPA's handling of the January 21, 2026 SNAP eligibility review form. The 30 days to determine eligibility expired February 20. It was not until after Ms. K requested a hearing, was denied a hearing, and appealed that denial to OAH that DPA finally issued an eligibility determination on March 17. And then two days later, without any explanation, DPA sent another notice that the household was eligible, but for \$0. These determinations were roughly a month late.

DPA acknowledged its failure to timely process Ms. K's benefits but offered no explanation for the delay.³⁴ Regardless of the reason, DPA failed to timely act. It was late determining Medicaid and SNAP eligibility following Ms. K's January 21 eligibility review form for both benefit programs. And it was woefully late in processing Ms. K's pregnancy notification — so late that she received no prenatal care until the very end of her pregnancy by which time she developed serious medical conditions because of the lack of care.

B. DPA's Medicaid Eligibility Notice Was Constitutionally Deficient.

Ms. K explained that she was concerned not just with DPA failing to timely process her benefits, but with the accuracy of DPA's determinations. The Medicaid eligibility notice DPA sent Ms. K on March 4, 2026 is a prime example of why she legitimately questioned DPA's

³² 7 U.S.C. § 2020(e)(3). *See also Haskins v. Stanton*, 794 F.2d 1273, 1277 (7th Cir. 1986) (food stamp statute requires "strict compliance."); *Garnett v. Zeilinger*, 301 F. Supp. 3d 199, 208 (D.D.C. 2018) ("The statute does not say that the State must determine eligibility within thirty days *unless* or *if* some event occurs; it states that the State *shall* determine eligibility within thirty days without conditions or limitations."); *Leiting-Hall v. Winterer*, No. 4:14-CV-3155, 2015 WL 1470459, at *2 (D. Neb. Mar. 31, 2015) ("Generally, all applicants must receive approval or denial within 30 days of their applications.").

³³ April 13, 2026 Position Statement on untimely processing.

³⁴ Marie Thirlwell April 28, 2026 testimony.

accuracy. This notice stated B.K was ineligible for Medicaid effective April 2026.³⁵ DPA testified, however, that this was incorrect, and that the DPA representative could tell this by the fact that the date range immediately above this statement listed a beginning and ending date range with the ending date first.³⁶ The representative further explained that the system DPA uses to generate notices sometimes glitches and sends out notices stating a person is ineligible when they are, in fact, eligible.³⁷

At a minimum, due process under the Alaska and United States Constitutions requires agencies to provide notice that is reasonably calculated to apprise parties of the agency's action and afford an opportunity to be heard before an impartial decision maker.³⁸ To determine whether a notice is reasonable, Alaska courts analyze three factors, first articulated by the United State Supreme Court in *Mathews v. Eldridge*:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.³⁹

This is a case- and fact-specific inquiry; notice that is adequate in one situation is not necessarily adequate in another.⁴⁰

³⁵ Ex. 2.1.

³⁶ Marie Thirlwell April 28, 2026 testimony.

³⁷ *Id.*

³⁸ See, e.g., *Hamdi v. Rumsfeld*, 542 U.S. 507, 533 (2004) (due process requires “notice of the factual basis for his classification, and a fair opportunity to rebut the Government's factual assertions before a neutral decisionmaker”); *Copeland v. Ballard*, 210 P.3d 1197, 1201 (Alaska 2009) (“[P]rocedural due process under the state constitution requires ‘notice and opportunity for hearing appropriate to the nature of the case.’ Due process includes the right to a neutral and unbiased decision-maker who presides over proceedings that are fair and that have the appearance of fairness.”).

³⁹ *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Hilbers v. Mun. of Anchorage*, 611 P.2d 31, 36 (Alaska 1980) (adopting *Mathews v. Eldridge* criteria); *Heitz v. State, Dep't of Health & Soc. Servs.*, 215 P.3d 302, 307 (Alaska 2009) (“In determining whether notice of proposed agency action is adequate, we apply the balancing test articulated by the U.S. Supreme Court in *Mathews v. Eldridge*.”).

⁴⁰ See, e.g., *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972) (“[t] has been said so often by this Court and others as not to require citation of authority that due process is flexible and calls for such procedural protections as the particular situation demands.”); *Aguchak v. Montgomery Ward Co., Inc.*, 520 P.2d at 1356 (“We begin with the proposition that ‘deprivation of life, liberty or property by adjudication (must) be preceded by notice and opportunity for hearing appropriate to the nature of the case.’”) (quoting *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. at 313).

The private interest here is B’s access to health care — a critical interest for all people. The risk of B being deprived of that right is grave. DPA told Ms. K he was ineligible as of April 2026. If she took DPA at its word, Ms. K could easily have foregone medical treatment for B since he would no longer be covered by Medicaid. It took a hearing request, an appeal of its denial, a hearing on that denial, and a hearing on the merits for Ms. K to discover what DPA already knew: that B was, in fact, eligible for Medicaid.

The administrative burden on DPA to issue notices that accurately state eligibility determinations should be extremely minimal. It is hard to imagine anything so simple or basic as stating that a person is eligible for a benefit when the agency has found that person eligible for the benefit. The DPA representative explained at the hearing that the system DPA uses for generating notices has problems. But that does not excuse sending a notice to someone who is eligible for Medicaid that tells them they are ineligible for benefits. The Alaska Supreme Court has held that when a “brutal need” such as Medicaid benefits are at issue, an agency must “go to greater lengths — incurring higher costs and accepting inconveniences — to reduce the risk of error.”⁴¹ If DPA needs to incur time or expense to ensure its notices accurately reflect its decisions, that is something it needs to do to ensure basic due process.

C. Ms. K’s Hearing Request Was Timely.

DPA argued that Ms. K’s hearing request was untimely for two reasons, neither of which are well-founded.

First, DPA argues the April 7, 2026 hearing on its hearing request denial is when Ms. K made her hearing request, which would have been untimely as a response to the March 4, 2026 Medicaid notice.⁴² But Ms. K requested a hearing in late February. That request broadly sought a hearing on Medicaid benefits — broad enough that the March 4 notice did not render it moot, as explained in the April 13 Order. The Order went on to state that “to the extent, if any, that Ms. K’s original hearing request did not encompass a hearing on DPA’s partial denial of Medicaid benefits, Ms. K’s testimony at the April 7 hearing provided that hearing request.”⁴³

To be clear, this was not a finding that the hearing request at issue was made on April 7. It was a finding that if there was any room for considering the original request to be moot, the

⁴¹ *Baker v. State*, 191 P. 3d 1005, 1010-11 (Alaska 2008).

⁴² April 13, 2026 Position Statement on merits.

⁴³ April 13, 2026 Order.

mootness would be obviated by the April 7 testimony. Given the fact that Ms. K had a pending hearing request on Medicaid benefits — and intended that request to apply expansively to how DPA was handling her Medicaid issues — it would be fundamentally unfair and potentially a violation of due process to expect Ms. K to have submitted yet another hearing request following the March 4 notice when she had a hearing request already pending and a hearing scheduled on DPA’s denial of her hearing request. The February hearing request was unquestionably timely. And despite DPA’s claims to the contrary, it was quite broad — broad enough to encompass a hearing on both Ms. K’s July 2025 request for Pregnant Woman Medicaid and her January 2026 request for Medicaid for herself and the children.

At the hearing, DPA also argued that Ms. K’s hearing request was untimely as to SNAP, claiming that her request was limited to the impact of Ms. K’s son O moving into her home, which she reported in mid-February 2026, less than 30 days before her late February hearing request.⁴⁴ Again, DPA’s interpretation of Ms. K’s hearing request is far narrower than the request itself, particularly given her later clarification at the two hearings. At the beginning of her hearing request, Ms. K wrote “[p]ast 30 days.” What was past 30 days at that time? The July 2025 pregnancy notice was far past 30 days pending. Ms. K’s January 21, 2026 Medicaid and SNAP eligibility renewal form had also been pending past 30 days.

DPA further stated at the hearing that it had sent Ms. K a notice on February 23 letting Ms. K know that her January eligibility renewal had been pending longer than 30 days and that she had a right to request a hearing.⁴⁵ Ms. K’s February 26 hearing request would thus have been a response to that February 23 notice, not a premature hearing request on her mid-February notice to DPA that O had moved into the home. Yes, Ms. K’s hearing request references him moving in, but it is in the context of explaining the urgency of her needs. The language of the request is not susceptible to DPA’s interpretation that it was limited to O’s impact on the household’s SNAP eligibility. Furthermore, Ms. K clarified at both the April 7 and April 28 hearings that when she submitted her hearing request, she was seeking a hearing broadly on Medicaid and SNAP eligibility and how DPA was handling her benefit requests.⁴⁶ Because the

⁴⁴ Marie Thirlwell April 28, 2026 testimony.

⁴⁵ *Id.* DPA did not provide a copy of this notice.

⁴⁶ N.K April 7, 2026 testimony; N.K April 28, 2026 testimony.

hearing request was not limited solely to the issue of O moving into the home, the request was not premature.

D. Ms. K Did Not Contest DPA's Findings That She and Her Children are Eligible for Medicaid and SNAP or the \$0 SNAP Allotment.

At the April 28 hearing, Ms. K asked questions about both Medicaid eligibility and how DPA determined her household was eligible for \$0 in SNAP benefits. DPA's representative provided helpful explanations. Aside from asking questions to better understand DPA's actions, though, Ms. K did not dispute DPA's eligibility determinations.

Despite its notice incorrectly stating that B was ineligible, Ms. K and her children are all currently eligible for Medicaid.

For SNAP, Ms. K did not dispute the income or expense amounts DPA used, or its method to calculate that the household is eligible but would not receive any benefits. Its eligibility and benefit amount determinations are supported by the record.

IV. Conclusion

DPA failed to timely process Ms. K's July 2025 pregnancy notice until the end of her pregnancy, to dire results — she developed iron deficiency, requiring a blood transfusion and ongoing treatment for cardiomyopathy.

DPA then failed to timely process Ms. K's January 2026 Medicaid and SNAP eligibility review form. When it did process her SNAP benefits in mid-March, DPA initially denied, then two days later granted eligibility for \$0 benefits, without an explanation that might have avoided the need for this hearing. Far worse, when DPA processed Ms. K's Medicaid request, the notice incorrectly stated that one of the children was ineligible for Medicaid as of April 2026 — apparently because the system DPA uses to generate notices sometimes issues wholly inaccurate notices. This type of error fails to satisfy basic principles of due process.

Despite these egregious errors, Ms. K timely requested a hearing. At that hearing, DPA provided support for finding that Ms. K and her children are eligible for Medicaid and that the household is eligible for \$0 of SNAP benefits. Ms. K contested neither determination.

Accordingly, DPA's eligibility determinations are affirmed. However, DPA is directed, within five business days, to send Ms. K a written notice of Medicaid eligibility that correctly states the eligibility for herself and her children.

Dated: May 29, 2026

Signed

Rebecca Kruse
Administrative Law Judge

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