

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

In the Matter of

F.Q

)
)
) OAH No. 26-0092-ADQ
)

DECISION

I. Introduction

F.Q received Supplemental Nutrition Assistance Program (“SNAP”) in the second half of 2024 based on her representations that she and her husband were unemployed and her household had nearly no income. This lack of income was material to her household’s eligibility and the amount of benefits they received. The Department of Health, Division of Public Assistance (“DPA”) initiated this Administrative Disqualification case against Ms. Q, alleging that she and her husband were both employed during this time and therefore received greater benefits than they were entitled to. As discussed below, DPA proved by clear and convincing evidence that Ms. Q committed a first-time Intentional Program Violation of the SNAP program. Accordingly, Ms. Q will be barred from SNAP benefits for 12 months and is responsible for restitution of any outstanding overpaid benefits.

II. Background

SNAP recipients have numerous ongoing obligations to provide DPA 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.¹ A key determining factor for SNAP eligibility is a person’s income.

F.Q has received SNAP benefits off and on over the past decade.² She submitted an application for a new benefit period in July 2024 for a household of three — Ms. Q, her husband H.G, and a teenage sister.³ The application asked whether any household members are currently employed, changed employment in the past two months, or have any sources of income; Ms. Q

¹ See, e.g., Ex. 7; Ex. 8 at 11-12; Ex. 9 at 1; Nan Allen testimony.

² Ex. 16 at 2-5.

³ Ex. 8.

answered “no” to these questions.⁴ Ms. Q signed acknowledgements of her responsibility to disclose employment and income information and the potential repercussions for failing to do so.⁵ Those responsibilities and potential penalties were reviewed again in an eligibility interview on July 8, 2024. Agency notes from that interview state that Ms. Q understood her rights and responsibilities and had no questions.⁶ During the interview, Ms. Q reported that her sister receives \$38 per month in social security benefits and that her household had wages in 2024 through May of that year, but this was day labor only and she could not anticipate ongoing employment.⁷

Based on Ms. Q’s representations, DPA granted SNAP benefits for a household of three with no employment or monthly income aside from the sister’s \$38 social security.⁸ DPA paid those benefits for July through December 2024.

During that time period, however, both Ms. Q and Mr. G were employed. Mr. G’s employer confirmed that he started working for their company on April 17, 2024 — several months before Ms. Q’s SNAP application — and continued working for them through October 16, 2024.⁹ Ms. Q’s employer confirmed that she worked for them from July 9, 2024 through March 3, 2025.¹⁰ Department of Labor records confirm both Ms. Q and Mr. G were employed in the third and fourth quarters of 2024.¹¹

If Ms. Q had reported the household’s employment income from herself and Mr. G as required — on forms or as part of her ongoing obligation to report any income changes — she would not have received any SNAP benefits during the July through December 2024 period.¹² Instead she received a total of \$5,918 during this period.¹³

Ms. Q applied for SNAP again in January 2025.¹⁴ On that application, she disclosed that her husband was employed with a different employer, but did not disclose her own job.¹⁵

⁴ *Id.* at 6.

⁵ Ex. 8 at 11-13.

⁶ Ex. 9 at 1.

⁷ *Id.*

⁸ Ex. 9 at 3.

⁹ Ex. 12 at 2.

¹⁰ Ex. 13 at 3.

¹¹ Ex. 14 at 2; Ex. 15 at 2.

¹² Ex. 16 at 1.

¹³ *Id.*

¹⁴ Ex. 10.

¹⁵ *Id.* at 6.

Agency notes from a January 13, 2025 interview indicate that Ms. Q represented that she was a stay at home mom.¹⁶ DPA requested additional employment and income information. When Ms. Q did not provide that information, DPA denied her application.¹⁷

DPA notified Ms. Q that it was addressing SNAP overpayments for July through December 2024 through this administrative disqualification matter.¹⁸ Despite being notified of this matter and a hearing scheduled for March 5, 2026 at 10:00 a.m., Ms. Q did not answer the telephone number OAH had on file for her, nor timely 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.¹⁹ Ms. Q emailed OAH later in the day, apologizing for missing her hearing and attaching what she called “proof that I did email public assistance and notify them of changes happening.” She attached what appeared to be two screenshots of emails dated December 27, 2024. One was from Ms. Q to DPA, notifying of a change of address and writing “[a]so following up on our new job update. I sent an email before about this also called and left a voicemail regarding this.” The other screenshot was an automatic reply from DPA confirming receipt of Ms. Q’s December 27, 2024 email.²⁰

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.²¹ DPA has the burden of demonstrating these intentional violations by clear and convincing evidence.²²

DPA has met its burden. Ms. Q did not list any employment or income on her July 2024 application or in her July eligibility interview. At the time of that application, her husband was employed, and had been for many months. Nor did Ms. Q report the job she started the day after her eligibility interview, on July 9, 2024. The rights and responsibilities language that DPA reviews with applicants during interviews and Ms. Q’s SNAP approval notice both advised Ms. Q that she needed to notify DPA of any changes in employment or income within ten days.²³ As

¹⁶ Ex. 11 at 1-2.

¹⁷ Ex. 11 at 3-8.

¹⁸ Ex. 3.

¹⁹ 7 C.F.R. §273.16(e)(4).

²⁰ March 5, 2026 email from Ms. Q to OAH.

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

²² 7 C.F.R. § 273.16(e) (6).

²³ Ex. 7 at 3; Ex. 9 at 3.

of her January 2025 application and eligibility interview, Ms. Q was still not disclosing her job to DPA, instead telling the interviewer that she was a stay at home mom. Thus as of the July application and interview, she failed to report her husband's job and income and from when she started her own job in July through her next application and interview in January, Ms. Q did not report that employment or income.

The documents Ms. Q submitted after missing the hearing do not contradict these facts. The email and DPA auto-response are from December 27, 2024, at the very end of the overpayment period at issue here. The email does reference "our new job update," but does not specify what the update is. Department of Labor records for Mr. G show that he started a new job in late 2024 and Ms. Q reported that new job on her January 2025 SNAP application.²⁴ But what is critical here is the period of July through December 2024. Did Ms. Q misrepresent or omit employment and income information for the household on the July application and at the July eligibility interview? She did, by omitting the job Mr. G had at that time. An email six months later could not negate this omission. When Ms. Q started her job the day after the July 2024 eligibility interview, did she report that job within ten days as required? The agency's records do not indicate that she did so. She further omitted her employment and income on her January 2025 application and eligibility interview, stating instead that she was a stay at home mom. A December 27, 2024 email – even if it does refer to reporting an unspecified job update – does not change the fact that Ms. Q did not report her job and income starting in July 2024 and continued to omit the job and income as of January 2025. Because the December email Ms. Q submitted does not contradict or explain any of the relevant facts here, it is given no weight.²⁵

By misrepresenting to DPA on her July 2024 SNAP application and eligibility interview that she and her husband were both unemployed and had no income, Ms. Q's household received SNAP benefits to which they were not entitled. That failure to report Mr. G's job and income alone is sufficient to find that Ms. Q misrepresented and omitted facts. In addition, Ms. Q did not report her own job and income starting in July 2024 and was continuing to misrepresent and omit her employment and income information as of her January 2025 application and interview.

²⁴ Ex. 15 at 2; Ex. 10 at 6.

²⁵ Ms. Q also submitted this document after the hearing, at a time when DPA did not have an opportunity to respond to it. Because it does not provide relevant information and is given no weight, DPA is not prejudiced by this untimely submission.

The evidence further demonstrates Ms. Q's misrepresentations and omissions were intentional. Although she did not appear at the hearing, intent can be determined from circumstantial evidence.²⁶ Here, Ms. Q filled out a SNAP application in July 2024 that asked for employment and income information for her husband and advised her of potential penalties for failing to disclose this information. Ms. Q signed an acknowledgement of that warning. And yet she did not disclose her husband's job and income, which he had been working for many months. She then attended an eligibility interview, was again advised of the obligation to disclose information and penalties for failing to do so, and again she did not reveal her husband's job. DPA then sent Ms. Q a notice that her SNAP benefits had been approved, which stated that the benefits were based on the household's only income being the sister's social security. She did not tell DPA that this information was incorrect. And by that time she had started a job herself. She did not report that job or income to DPA. Nor did she reveal it when applying for SNAP again in January 2025. Considering both Ms. Q and her husband were steadily employed and receiving paychecks July through December 2024, there could be no confusion by Ms. Q that they were employed and earning income. The applications Ms. Q filled out unambiguously requested information about employment and income, she was asked for that same information in eligibility interviews, and she was advised of the need to update income information and the penalties for failing to disclose or update income and employment. Yet she failed to disclose her husband's employment and income until January 2025, did not disclose her own. Instead, she affirmatively represented herself as an unemployed, stay at home mom in her January 2025 interview. Because she had been steadily employed and receiving paychecks since July 2024, this statement was a direct misrepresentation of her employment status. Such a specific and false claim cannot be attributed to confusion or forgetfulness, particularly given that the application materials and interviews unambiguously required her to disclose all sources of income. Considering these circumstances, Ms. Q's misrepresentations and omissions of her household's employment and income were intentional.

IV. Conclusion

²⁶ *In re TO*, OAH 20-0953-ADQ (2021), available at <https://aws.state.ak.us/OAH/Decision/Display?rec=6792> (when benefit recipient opts not to testify at disqualification hearing, "[n]onetheless her intent can be deduced from circumstantial evidence.").

Ms. Q committed a first time Intentional Program Violation of the SNAP program. Accordingly, she is disqualified from receiving benefits for 12 months starting May 1, 2026.²⁷

If there were overpaid benefits that have not been repaid, Ms. Q is required to make restitution.²⁸ If Ms. Q disagrees with DPA's calculation of \$5,918 in overpaid benefits, she may request a separate hearing on that limited issue.²⁹

Dated: March 19, 2026

Signed

Rebecca Kruse
Administrative Law Judge

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

²⁸ *Id.*

²⁹ 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 19th day of March, 2026.

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

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