

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

In the Matter of	)	
	)	
B.X	)	OAH No. 25-2908-CMB
_____	)	

DECISION

I. Introduction

B.X applied for Supplemental Nutrition Assistance Program (SNAP) and Alaska Temporary Assistance Program (ATAP) benefits. The Division of Public Assistance (DPA) originally awarded her SNAP and ATAP benefits before determining they were granted in error. DPA found additional data needed to be submitted before benefits could properly be awarded because Ms. X lives with her ex-husband, W.X, and their minor son. DPA thus determined they needed to review Mr. X's finances to determine the household's eligibility. After DPA requested that data, Ms. X informed DPA that Mr. X refused to provide his information and she requested a fair hearing to determine whether DPA properly found Mr. X was part of her household.

While Ms. X is in an extremely unfortunate situation, neither DPA nor this tribunal have any flexibility in the face of plain legal requirements. The law prohibits granting SNAP or ATAP benefits here without examining the finances of both parents living with their minor child. Accordingly, DPA's termination of benefits is AFFIRMED.

II. Facts

The facts of this case are undisputed and are taken from the statements of the parties at hearing and DPA's exhibits.

Ms. X and her ex-husband, Mr. X, live together with their minor son. Ms. X applied for ATAP and SNAP after their separation, listing only herself and her son on the application.¹ DPA initially granted her SNAP and ATAP benefits² before determining there had been an error and requesting more information. DPA determined that Mr. X was required to be included in the household and therefore his financial information was necessary to determine the household's eligibility.³ Ms. X indicated that Mr. X was unwilling to provide the requested info.⁴ DPA then

¹ Ex. 2.1, 2.2.

² Ex. 4.

³ Ex. 7.

⁴ Ex. 8.1.

terminated SNAP and ATAP benefits because Ms. X had not provided information about Mr. X's bank account balances or a significant financial settlement the family had received in 2018.⁵ Ms. X requested a fair hearing.

III. Discussion

SNAP and ATAP eligibility are based respectively on a household's or "unit's" financial need.⁶ To be eligible for SNAP or ATAP all members of a household or unit must disclose financial information to allow DPA to make an eligibility determination.⁷ Accordingly, determining the composition of that household or unit and the group's income and resources is critical to determining eligibility.

Because DPA terminated Ms. X's benefits, it bears the burden of showing that action was correct by a preponderance of the evidence.⁸ DPA's position is that it was required to terminate the benefits as Mr. X refused to participate in providing required information about his finances. DPA argues that Mr. X is a required part of the household and, as Ms. X was unable to provide information about his bank accounts or a sizable 2018 settlement he controlled, DPA was unable to determine if the household exceeded income or resource limits and was required to terminate the benefits.

For SNAP purposes,⁹ a household includes "parents and their children 21 years of age or younger who live together," even if they do not customarily purchase and prepare meals together.¹⁰ SNAP regulations further clarify that certain "individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household."¹¹ One of these types of individuals is "[a] person under 22 years of age who is living with his or her natural or adoptive parent(s)."¹² A plain reading of this language and prior rulings from this tribunal demonstrate that, even if the parents are not married, cohabitating parents and their children must be part of a

⁵ Ex. 11.

⁶ 7 C.F.R. § 273.10; 7 AAC 45.275.

⁷ 7 C.F.R. § 273.8; 7 C.F.R. § 273.10; 7 AAC 45.210(b); 7 AAC 45.280.

⁸ 7 AAC 49.135.

⁹ SNAP is a federal program administered by the State of Alaska. To administer the program, the State adopted by reference federal regulations governing the program. 7 AAC 46.010. Accordingly, this case is governed by federal SNAP statutes and both state and federal SNAP regulations.

¹⁰ 7 U.S.C. § 2012(m)(2).

¹¹ 7 C.F.R. § 273.1(b)(1)(ii)

¹² *Id.*

single SNAP household.¹³ This is not a “same address” test, as it is possible, if difficult, to share an address but not live together.¹⁴

Similarly, ATAP regulations require the filing unit to include both parents of a dependent child if they are living in the same household.¹⁵ “Household” for purposes of ATAP means people living under the same roof.¹⁶

Though she may not have understood the full significance of the admission, Ms. X admits that she lives with Mr. X and their minor child.¹⁷ Additionally, no evidence was presented undermining this admission or demonstrating that the house they share has indications of being bifurcated with separate entrances, kitchens, utility bills and the like. Every indication shows that Mr. and Ms. X’s living situation is similar to as it was before their divorce in an attempt to provide the best possible situation for their son. Therefore, as co-parents living together, Mr. X is a required part of her and her son’s household and unit for SNAP and ATAP purposes.¹⁸ Accordingly, DPA needed to analyze Mr. X’s financial information to determine SNAP and ATAP eligibility.¹⁹ They failed to do so but swiftly caught their mistake and requested Mr. X’s financial information. After a dialog, Ms. X acknowledged that she was unable to submit the information about Mr. X’s assets that DPA requested as he was refusing to cooperate.²⁰ As DPA was thus unable to examine Mr. X’s financial information, DPA could not determine the household’s SNAP or ATAP eligibility and properly terminated the benefits due to Mr. X’s refusal to cooperate. DPA is permitted to terminate ATAP and SNAP benefits early under specific circumstances, including receiving information undermining the household’s eligibility such as this.²¹

The tribunal sympathizes with Ms. X’s position, and she is lauded for doing her best to cooperate with DPA even though Mr. X refused to provide the required information. If Ms. X is able to access the information DPA requested through a change of heart by Mr. X or a search

¹³ See, e.g., OAH No. 14-1303-SNA.

¹⁴ See, e.g., *Robinson v. Block*, 869 F.2d 202, 213 (3d Cir. 1989) (“Indicia of “separateness” might include, inter alia, separate entrances and locks, separate finances, utility bills and telephones, and essentially separate living quarters.”).

¹⁵ 7 AAC 45.195(a)(1), (3).

¹⁶ 7 AAC 45.990(24).

¹⁷ B.X testimony at October 8, 2025, hearing.

¹⁸ 7 U.S.C. § 2012(m)(2); 7 AAC 45.195(a)(1), (3).

¹⁹ 7 C.F.R. § 273.8; 7 C.F.R. § 273.10; 7 AAC 45.210(b); 7 AAC 45.280.

²⁰ B.X testimony at October 8, 2025, hearing.

²¹ See, e.g., 7 U.S.C. § 2020(e)(10); 7 C.F.R. § 273.10(f)(4). 7 AAC 45.277(a).

through the financial disclosures from her divorce case, Ms. X may be able to reapply. However, neither the tribunal nor DPA are able to countermand the clear statutory requirements for DPA to review an entire household or unit's information to determine benefit eligibility.

IV. Conclusion

For the foregoing reasons, DPA's decision is AFFIRMED.

Dated: October 27, 2025

Signed

Garrison A. Todd
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 17th day of November, 2025.

By: Signed
Name: Garrison A. Todd
Title: Administrative Law Judge

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