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

In the Matter of	)	
	)	
S. N.	)	OAH No. 26-0444-CMB
	)	

DECISION

I. Introduction

S. N. was a recipient of Supplemental Nutrition Assistance Program (SNAP)[1] benefits whose SNAP application was approved on an expedited basis, contingent upon him supplying additional information to the Division of Public Assistance (Division). The Division determined that he had not responded to its information request in a timely manner and terminated his SNAP benefits.[2]

Mr. N. requested a hearing to dispute the Division's closure of his SNAP benefit case on May 11, 2026.[3] The Division referred the case for hearing on May 22, 2026.

Mr. N.'s hearing was held on June 11, 2026. Mr. N. represented himself and testified on his own behalf. Marie Thirlwell, a Fair Hearing representative with the Division, represented the Division.

The evidence at hearing established that the Division made a reasonable request for necessary relevant information, to which Mr. N. did not meaningfully respond. Additionally, as Mr. N. was incarcerated for portions of March, April, and May, he would not have otherwise been eligible for benefits. Accordingly, the Division's closure of Mr. N.'s SNAP benefit case effective the end of February 2026 is AFFIRMED.

II. Facts

S. N. applied for SNAP benefits on March 9, 2026.[4] In that application he attested he was homeless and therefore had an emergent need for SNAP. In that application, Mr. N. answered "no" to the set of questions related to convictions for fraud and for felony drug offenses. Mr. N.

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1 The Supplemental Nutrition Assistance Program is also known by its previous name of the Food Stamp Program. Congress changed the name of the program from the Food Stamp Program to the Supplemental Nutrition Assistance Program (SNAP). The term SNAP will be used in this decision.

2 Ex. 7.

3 Ex. 8.

4 Exs. 2 – 2.8.

answered no to questions about aggravated sexual assault convictions after February 7, 2014. However, Mr. N. failed to answer the question which asks:

> Are you or any member of your household fleeing from prosecution, custody, or confinement for a felony or a misdemeanor from any state, or currently violating conditions of parole or probation?[5]

The Division completed an interview with Mr. N. on March 31, 2026.[6] Mr. N. did not provide the Division with a form of identification. As Mr. N. had an emergent need for benefits, his application was approved for the month of February with continuing eligibility contingent on further processing of his application.

As part of processing Mr. N.'s application, the Division found evidence of multiple arrests and convictions, including a conviction related to a sexual assault.[7] The Division's interface showed that Mr. N. was in custody:

1. June 2008 to August 2008 for a parole violation in State A.
2. August 24, 2010 to September 3, 2010 related to a fugitive from justice warrant and what was described as a "Dangerous Drugs" offense in State B.
3. December 2010 to August 2011 related to a charge for failing to comply with sex offender registration in State A.
4. August 2011 to August 2012 related to contempt of court, a failure to appear, violation of conditions of release, and failure to comply with sex offender registration.

The Division's interface also showed a bank account in State C.[8]

In addition to what the Division's interface showed, Mr. N. was extradited from State B to State A where he was sentenced to two and a half years for failure to register as a sex offender.[9] Following his release, he was arrested again and sentenced to another two and a half years for failure to register. Mr. N. left State A in 2014.[10]

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5 Ex. 2.4.
6 Ex. 3.
7 Exs. 4 - 4.20.
8 Exs. 4.4 - 4.5.
9 Testimony of Mr. N..
10 Testimony of Mr. N..

Further, on January 31, 2026, through February 2, 2026, Mr. N. was in custody on charges of misdemeanor assault, unlawful contact, and violating conditions of release.[11] Mr. N. was arrested again, on March 6, 2026 and released on or about March 10, 2026, related to charges of unlawful contact and violating conditions of release.[12] April 3, 2026, after he failed to appear for a scheduled court hearing, Mr. N. was arrested again.[13] On May 24, 2026, Mr. N. was arrested on a felony theft charge.[14] At the time of the hearing Mr. N. was still in custody on that charge.

On April 1, 2026, the Division sent Mr. N. a notice requesting more information. That notice requested:

1. Proof of residency which can be a copy of your lease, rent receipt, or utility bill in your name, listing your address, state issued Driver's License or ID card.
2. Verification from the state of State A that S. has completed successfully any and all required probation and or treatments. If S. was never charged of any convictions from the state of State A. This proof may be in the form of a letter from the state of State A or they may email proof to hss.dpa.offices@alaska.gov this would be regards to your drug felony charges, sexual [assault] & registering on the sex offenders list.[15]

While Mr. N. received the Division's notice, he did not respond.

On April 17, 2026, the Division sent a second notice closing Mr. N.'s SNAP benefits, effective February 28, 2026. That closure was based on failure to provide the requested information.[16]

On May 11, 2026, Mr. N. filed a fair hearing request. In that request, Mr. N. asserted that he had "not been in any trouble [since] 2000."[17] As described above, Mr. N.'s assertion about his recent criminal history was not accurate.

III. Discussion

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11 *Mun. of Anchorage v. N.*, No. 3AN-26-00000CR. *See also Mun. of Anchorage v. N.*, No. 3AN-26-00000CR.

12 *Mun. of Anchorage v. N.*, No. 3AN-26-00000CR.

13 *Mun. of Anchorage v. N.*, No. 3AN-26-00000CR. *See also Mun. of Anchorage v. N.*, No. 3AN-26-00000CR. *See also Mun. of Anchorage v. N.*, No. 3AN-26-00000CR. It is unclear from the record when Mr. N. was released.

14 *State v. N.*, No. 3AN-26-0000CR.

15 Ex. 6.

16 Ex. 7.

17 Ex. 8.

Mr. N. applied for SNAP benefits on March 9, 2026, and was approved for February benefits based on an emergent need. The Division's approval of benefits after February was contingent on further processing of his application and receiving additional information from Mr. N.. The issue in this case is whether the Division was correct to close Mr. N.'s SNAP benefit case effective the end of February 2026.

SNAP is a federal program which is administered by the State of Alaska.[18] To administer the program in Alaska, the Alaska Department of Health has adopted the federal regulations governing the program.[19] Accordingly, the decision in this case is governed by the federal SNAP regulations.[20]

The first step in resolving this case is determining whether the Division reasonably asked Mr. N. for information about his criminal history and state residency. Applicants with convictions for drug felonies, aggravated sexual assault felonies committed after February 7, 2014, and applicants who are "fleeing felons" or probation and parole violators, may be ineligible for benefits. Additionally, applicants who are not Alaska residents are ineligible for benefits. Therefore, it follows that the Division's requests for information regarding Mr. N.'s criminal history and his residency status were reasonable, relevant, and necessary to process his application.

Mr. N. argued that the Division already had all the information related to his residency necessary to approve his benefits. Mr. N. testified he had provided his state ID to the Division when he had received benefits at some point in the past. However, eligibility for SNAP is based, for the most part, upon current information. As an individual's residency can change, whether Mr. N. was previously a resident of Alaska does not necessarily mean that he was still a resident when he applied for SNAP benefits in 2026.

Mr. N. further argued that he had provided the Division a letter from the Alaska State Troopers in 2020 that confirmed he was no longer on probation or parole in State A and no longer had to register as a sex offender in Alaska. He argued, as a result, the Division did not need to request information related to his probation and parole. Ms. Thirlwell, as a Division employee, is knowledgeable about what information is available to the Division. Ms. Thirlwell

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18 7 C.F.R. § 271.4(a).
19 7 AAC 46.010.
20 The applicable regulations are located at 7 C.F.R. § 273.1 *et. seq.*

reviewed Mr. N.'s entire SNAP file while on the record and did not find that information in his file. Regardless of if the Division had a letter confirming that Mr. N. had completed his probation and parole in State A, that would not have fully answered the Division's request for information. Mr. N.'s criminal history shows arrests in State B and multiple convictions in Alaska – including convictions after 2020. Of particular importance is a note that Mr. N. was arrested on a charge related to "dangerous drugs." While the information the Division had access to was limited, not fully reliable, and Mr. N. resolutely denies that he has ever been convicted of a drug offense, it would still be reasonable, relevant, and necessary for the Division to request additional information about his criminal history to process his application.

As Mr. N. did not provide the requested information related to his criminal history or residency, the next step is to determine whether he failed to comply with the information request or refused to comply. SNAP distinguishes between a failure to comply and a refusal to comply. A failure to comply would not be grounds for a denial of an application or termination of benefits, whereas a refusal to comply would be grounds for denial of an application or termination of benefits.[21]

For the information about his criminal history, a good argument can be made that Mr. N. did not immediately have access to that information. Particularly, as it relates to the records that show an arrest for dangerous drugs in State B. Mr. N. vehemently disputes that he has ever been arrested, let alone convicted, for any charge related to drugs. Given Mr. N.'s testimony, it would require more than a minimal amount of effort for him to prove the negative.

Additionally, Mr. N. does have a prior conviction for a sexual assault, and multiple convictions for failure to register as a sex offender, in multiple states. However, these convictions on their own are not disqualifying. Only convictions for specific non-drug related felonies,[22] for conduct that occurred after February 7, 2014, are disqualifying. A conviction for failure to register as a sex offender is not a disqualifying conviction. Additionally, while Mr. N. was convicted of a sexual assault, that conviction was prior to February 7, 2014, and therefore outside the lookback period.

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[21] 7 C.F.R. § 273.2(d)(1).

[22] Certain other types of aggravated sexual abuse; murder, offenses involving sexual assault as defined in section 40002(a) of the Violence Against Women Act of 1994; or a substantially similar offense under state law for conduct that occurred after February 7, 2014, make an applicant ineligible for benefits. *See* 7 C.F.R. § 273.11(s).

While the original sexual assault and the related failure to register convictions are not disqualifying on their own, an applicant who is a "fleeing felon" or a "probation or parole violator" is also ineligible in certain circumstances.[23] Mr. N.'s record contains numerous instances of his arrest for violations of his parole and probation, as well as arrests on fugitive from justice and bench warrants. Mr. N. did not inform the Division about this criminal history at the time of his application, and he did not answer the question that asked if he was "fleeing from prosecution, custody, or confinement for a felony or class A misdemeanor from any State, or currently violating conditions of parole or probation."[24] For this reason, it was certainly reasonable for the Division to ask for more information about Mr. N.'s current parole or probation status. However, the reasonableness of the request does not mean Mr. N.'s failure to provide the requested information is a refusal. For the Division to find that an applicant is ineligible as a "fleeing felon" or a "probation or parole violator" requires the Division to make specific factual findings. The Division is also required to take specific actions before it can make a finding.[25] For that reason it is doubtful that Mr. N.'s failure to provide information related to his criminal history would constitute a refusal. However, it is not necessary to determine if any of these conditions actually make Mr. N. ineligible, or to what degree he was able to comply with the Division's request for more information.

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[23] 7 C.F.R. § 273.2(n).

[24] Ex. 2.4.

[25] For individuals who do not have drug convictions, or convictions for aggravated sexual assault after February 2014, the federal regulations generally require the Division, not the applicant, to take certain actions to confirm if an applicant is a fleeing felon or a probation and parole violator. Of particular relevance, those regulations require the Division to confirm that a federal, state, or local law enforcement agency is "actively seeking" the individual on a felony warrant or to enforce the conditions of probation or parole. If that federal, state, or local law enforcement agency does not indicate that it intends to enforce a felony warrant or arrest the individual for a probation or parole violation within 30 days of the Division's request for information, the "agency shall determine the individual is not a fleeing felon or a probation or parole violator and document the household's case file accordingly." In short, those regulations put the burden on the Division, not the applicant, to determine if an applicant meets the definition of a "fleeing felon" or a "probation and parole violator." *See* 7 C.F.R. § 273.2(n).

The Division also denied Mr. N. for refusal to provide information about his residency. Given the multiple out of state convictions, the out of state bank account, and that Mr. N. did not provide identification with his application — this was a reasonable request. While Mr. N. testified he did not have his wallet, this does not mean he could not provide any evidence of his residency. For instance, he would have been able to respond, at a minimum, with a description of his connection to the state, how long he has resided in Alaska, and his intent to remain in Alaska. Further, as Mr. N. applied immediately after he was released from custody, he would have been able to provide identification and booking documents related to that arrest.[26] Mr. N. did not provide any information about his residency or otherwise respond to the Division's notice. Even Mr. N.'s appeal did not provide any information related to residency. [27]

Regardless of whether he thought the Division had some of the information accessible to it, the weight of the evidence leads to the conclusion that he chose not to respond to the Division's request with the information requested. This is a refusal to provide the requested information, which means that the Division had valid grounds to close his SNAP benefit case after February 2026. Ultimately, even if the Division did not have valid grounds to close his case, Mr. N. still would have been ineligible for benefits.

With some exceptions, SNAP benefits cannot be paid to residents of institutions if the institution provides the majority of their meals.[28] Jails fit this definition. When a SNAP recipient is arrested and remains in custody, they are required to inform the Division of their change status and the Division acts on this change by closing their SNAP case.[29] If the applicant is later released, they can reapply for their SNAP benefits.

While terminating active benefits requires advance notice, and therefore might not be practical for short periods in custody, in Mr. N.'s case, he was only approved, and only received benefits for the month of February. Mr. N.'s continuing eligibility had yet to be determined. In

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[26] During the hearing Mr. N. was advised on how to obtain and provide this information to avoid this issue repeating in future applications.

[27] Instead, he argued, incorrectly, that he had "not been in any trouble or probation [since] 2000." Given Mr. N.'s substantial criminal history between 2000 and the date of this decision, this statement is inaccurate. Ex. 8.

[28] 7 C.F.R. § 273.1(b)(7)(vi).

[29] While it does not appear that there is a specific time period an individual must remain in custody before their case must be closed, if the recipient is released before the change is acted on, they may still be eligible for benefits. While it appears that SNAP ineligibility for incarcerated individuals attaches immediately upon becoming a resident of a meal-providing institution like a jail, with no minimum duration required — as a practical matter, a release occurring before the agency acts on the change (such as a next-day release) is unlikely to result in formal benefit closure, and the individual *may* still be eligible for benefits.

March, Mr. N. was arrested. Upon arrest, he became ineligible for SNAP benefits and was required to inform the Division about his change in status. He did not. Mr. N. was released and arrested again in April. Again, Mr. N. became immediately ineligible for SNAP benefits and was required to inform the Division. He did not. Finally, Mr. N. was arrested in May and was currently in custody at the time of his hearing, and therefore not eligible for SNAP benefits.

IV. Conclusion

While it does not appear that Mr. N.'s convictions related to a sexual assault and failure to register as a sex offender are disqualifying on their own, the Division was correct to close his SNAP case for other reasons. The Division approved Mr. N.'s benefits for February 2026. Mr. N.'s continuing benefits were contingent on providing additional information. The Division made a reasonable request for information related to Mr. N.'s residency and he chose not to provide that information. Accordingly, the Division's decision to close Mr. N.'s SNAP case is Affirmed.

In the alternative, the Division was still required to close his application for SNAP benefits in March, April, and May as Mr. N. was incarcerated for portions of these months. This decision does not impact Mr. N.'s ability to reapply for benefits upon his release from custody.

Dated: June 24, 2026

SIGNED
Eric M. Salinger
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 August, 2026.

By: SIGNED
Name: Eric M. Salinger
Title: Administrative Law Judge

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