

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

In the Matter of)
)
 B G) OAH No. 17-0421-SNA
) Agency No.
_____)

DECISION

I. Introduction

B G applied for and received Supplemental Nutrition Assistance Program benefits, commonly called “Food Stamps.” The Division of Public Assistance (Division) notified Ms. G that she was issued \$90 in Food Stamp benefits that she was not entitled to receive, and that she was required to repay that amount.¹ Ms. G requested a hearing.²

Because Ms. G received \$90 more in Food Stamp benefits than she should have, the Division’s decision establishing a repayment obligation in that amount is affirmed.

II. Facts

Ms. G lives by herself in No Name City, Alaska.³ On February 3, 2017, Ms. G submitted an Eligibility Review Form.⁴ Ms. G receives \$479 in Social Security, \$276 in Supplemental Security Income (SSI), and \$362 in Adult Public Assistance per month.⁵ Ms. G’s SSI payment increased from \$11.67 per month to \$276 per month in December 2016.⁶

On March 6, 2017, the Division processed Ms. G’s application, and noted the increase in SSI benefits.⁷ When the Division recalculated Ms. G’s Food Stamp benefit with the income change, her monthly Food Stamp Benefit decreased from \$109 to \$19, the minimum.⁸ Based on this change, the Division found that Ms. G received more Food Stamp benefits than she was

¹ Exhibit 8.
² Ex. 8.2.
³ Ex. 2.
⁴ Ex. 2.
⁵ Ex. 2.2; Ex. 4-4.1.
⁶ Ex. 4.1.
⁷ Ex. 4.1; Ex. 5.
⁸ Ex. 6.7.

entitled to in February 2017.⁹ On March 30, 2017, the Division sent Ms. G notice of the overpayment finding.¹⁰ Ms. G requested a fair hearing.¹¹

A hearing was held on May 16, 2017. Ms. G represented herself and Jeff Miller presented the Division’s position. Ms. G objected to No Name City’s classification as “urban” and to the low amount of awarded monthly Food Stamp benefits.

III. Discussion

The Food Stamp program is a federal program administered by the State.¹² The Code of Federal Regulations (C.F.R.) establishes the rules for determining a household’s monthly Food Stamp benefit. Benefit amounts are calculated based on the number of people living in the household and monthly income.¹³ Participants are required to report income changes of more than \$50 within 10 days.¹⁴ The Division is required to give 10 days’ notice before reducing benefits.¹⁵

The federal regulations are clear that the Division “must establish and collect any claim” for overpaid Food Stamp benefits issued.¹⁶ This is true regardless of who caused the error.¹⁷ The Division characterizes the overpayment as “inadvertent household error”, believing that Ms. G did not report her SSI increase with 10 days of the income change.¹⁸ Ms. G testified that she informed the Division of this change, and it failed to record it. As noted, where the error occurred does not affect the outcome of the case.

Ms. G’s income increased, and her Food Stamp benefits decreased.¹⁹ Because of this, the Division issued Ms. G \$90 in Food Stamp benefits she was not entitled to. The Division must seek recoupment.

As to Ms. G’s other points, No Name City, population approximately 4,000, is considered an “urban” location in terms of the Food Stamp program.²⁰ The classification does not provide

⁹ Ex. 6; Ex. 6.6; Ex. 6.10. The December and January payments are not classified as overpayments because the Division would not have had 10 days’ notice to reduce benefits. *See* Ex. 5; position statement.

¹⁰ Ex. 7.

¹¹ Ex. 6.2; Ex. 7.

¹² 7 C.F.R. § 271.4(a).

¹³ 7 C.F.R. § 273.10(e)(2)(ii)(A).

¹⁴ 7 C.F.R. § 273.12(a)(i)(A).

¹⁵ 7 C.F.R. §273.13(a)(1).

¹⁶ 7 C.F.R. § 273.18(a)(1)(i); 7 C.F.R. § 273.18(a)(2).

¹⁷ 7 C.F.R. § 273.18(b)(3); *Allen v. State, DHSS* 203 P.3d 1155, 1164 - 1166 (Alaska, 2009).

¹⁸ Miller post-hearing letter, May 16, 2017.

¹⁹ Ex. 6.6-6.7.

²⁰ <http://dpaweb.hss.state.ak.us/manuals/fs/fsp.htm>

the bases for determining classification. Challenging the classification is outside the scope of this hearing. Minimum benefit amounts and benefit calculation formula are also beyond the hearing's scope.

IV. Conclusion

The Division's decision to recover \$90 in Food Stamp benefits overpaid to Ms. G is affirmed.

DATED May 16, 2017.

Signed _____
Bride Seifert
Administrative Law Judge

Adoption

The undersigned, by delegation from the Commissioner of Health and Social Services, 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 31st day of May, 2017.

By: *Signed* _____
Name: Bride Seifert
Title/Division: ALJ/OAH

[This document has been modified to conform to the technical standards for publication.]