

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

In the Matter of)

D. X.)

OAH No. 25-2652-PFE

DECISION

I. Introduction

On June 27, 2025, the Division of Public Assistance sent Ms. X. a notice that it intended to garnish her Permanent Fund Dividend to recoup overpaid Adult Temporary Assistance Program (“ATAP”) benefits. Ms. X. requested a hearing. A hearing was held on October 1, 2025. Ms. X. did not appear.¹ Marie Thirlwell appeared on behalf of the Division. The hearing proceeded under the default provisions of AS 44.62.530. Because the Division has shown the garnishment was proper and legally required, the Division’s garnishment is AFFIRMED.

II. Background

On August 25, 2023, the Division notified Ms. X. that she had been overpaid ATAP benefits.² That notice included a computation of how the Division determined that Ms. X. was overpaid,³ and included a form for Ms. X. to request an appeal of the determination.⁴ Ms. X. did not appeal the decision that she had been overpaid ATAP benefits. On September 25, 2023, the Division received from Ms. X. a signed, undated “ATAP Repayment Options and Obligations Agreement.”⁵ In the agreement, Ms. X. agreed to pay \$100 by the fifteenth of every month for the overpaid ATAP benefits. On April 1, 2024, the Division notified Ms. X. that it had received a payment of \$10.25, and notified her that if her payments became delinquent the Division could take steps including garnishment of Ms. X.’s PFD.⁶ On June 25, 2025, the Division notified her

¹ The undersigned judicial officer called Phone # A. A man answered the call. The undersigned identified himself, said that it was the time set for an administrative hearing Ms. X. had requested, and if she was available. The man said he knew Ms. X. and would try to find her. The undersigned provided the telephone number for the Office of Administrative Hearings and said she needed to call back within half an hour. After half an hour, the undersigned again called Phone # A. The same man answered and stated he had found Ms. X. and told her he had received a call from OAH, gave her the OAH phone number, and told her she needed to call OAH. By the end of the day October 1, 2025, Ms. X. had not called OAH. Between the first and second calls to Phone # A, the undersigned also called Phone # A and Phone # B, numbers the Division representative provided as recent numbers for Ms. X.. Both numbers went straight to an error message without the ability to leave a voice message.

² Exhibit 2.8.

³ Exhibit 2.10-.12.

⁴ Exhibit 2.14.

⁵ Exhibit 1.

⁶ Exhibit 2.5

that her payments were delinquent and that her PFD would be garnished.⁷ Ms. X. timely requested an appeal,⁸ but did not appear at the hearing.

III. Discussion

Binding Alaska regulations require the Division to “pursue collection” of overpaid ATAP benefits.⁹ Alaska statutes provide how notice is given prior to garnishing a PFD for overpayment of public benefits, including appeals.¹⁰ Appeals of PFD garnishments for overpaid public benefits are narrow. This is because the underlying decision that public benefits were overpaid has its own appeal period.¹¹ The appeal period for Ms. X. to challenge the original decision that she was overpaid benefits ended Monday, September 25, 2023, thirty days after the Division sent its August 25, 2023 notice of overpayment. Individuals appealing a PFD garnishment for overpaid public assistance can only raise issues relating to that garnishment and not the underlying reason for the garnishment. Issues that can be raised in public benefit overpayment PFD garnishment appeals are issues such as not giving appropriate credit for payments. The Division provided evidence showing that Ms. X. was overpaid public assistance benefits and that the Division is legally required to, and is, collecting that overpayment.

IV. Conclusion

For the reasons discussed above, the Division’s garnishment of Ms. X. 2025 PFD is AFFIRMED. Ms. X. has an outstanding payment obligation to the Division of \$817.00 for public benefits.

DATED: October 6, 2025.

By: SIGNED
Robert H. Schmidt
Administrative Law Judge

⁷ Exhibit 1.

⁸ Exhibit 3.

⁹ 7 AAC 45.570(a).

¹⁰ AS 43.23.170.

¹¹ 7 AAC 49.030(a).

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 27th day of October, 2025.

By: Signed
Name: Daniel R. Phelps II
Title: Process Improvement Manager
Office of the Commissioner
Alaska Department of Health

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