

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

In the Matter of	)	
	)	
G.B	)	OAH No. 25-2943-PFE
_____	)	

DECISION

I. Introduction

G.B requested a hearing following a notice from the Division of Public Assistance that it would garnish her Alaska Permanent Fund Dividend (PFD) for a defaulted overpayment of ATAP benefits. Ms. B's request was scheduled for a telephonic hearing on November 6, 2025 at 1:00 p.m. and Notice was sent to her on October 7, 2025. At the scheduled time and date she was called three times by the administrative law judge and messages were left, but she did not answer the call or call the Office of Administrative Hearings to request being put through to the hearing. Ms. Marie Thirlwell, the Division of Public Assistance representative, did participate by telephone. She stated she had nothing further to add beyond the position statement and exhibits filed, which were deemed admitted under AS 44.62.530.

The Division has shown that it is entitled to garnish Ms. B's PFD, and its action is upheld.

II. Facts

The following facts are established by a preponderance of the evidence in the record.

On May 10, 2021, the Division notified Ms. B (then known as G C.J) that she had been overpaid ATAP benefits in March, April, and May of 2021, for an amount totaling \$2,181 (Ex. 1.8). On November 8, 2021, Ms. B signed an agreement to repay the overpayment at the rate of \$100 per month (Ex. 2). The last \$100 payment received from Ms. B was a check on November 23, 2022, which was returned for insufficient funds. (Ex. 12). Ms. B has made no payments since then, leaving a balance due and owing of \$1,181.00 (Ex. 12). Notices of Garnishment were sent on July 15, 2024, addressed to Ms. J (Ex. 8) and on July 14, 2025, addressed to Ms. B (Ex. 9). Ms. B requested a hearing on August 4, 2025, but did not indicate a reason for the appeal (Ex. 10) and she did not appear or participate in the resulting hearing.

III. Discussion

State agencies are required to seek recovery of overpaid public assistance benefits, including SNAP and ATAP benefits.¹ The Department of Health is authorized to garnish a PFD to satisfy the balance due in cases of default on public assistance overpayment claims.² Before executing on a PFD, the Division must show that it notified the individual involved that future PFDs will be garnished, and it informed the individual of his or her right to request a hearing within 30 days of the notice. It also must show either that the claim of overpaid public assistance benefits has not been contested, or if contested, it has been resolved in favor of the Department of Health and Social Services, and no appeal is pending or available due to the passage of time.³

The Division's garnishment notice to the individual must include the following information: (1) the amount of the overpayment claim; (2) a statement that PFD amounts up to the amount of the overpayment claim will be paid to the Department of Health; and (3) notice that the individual has a right to request a hearing and has 30 days to file an objection to the dividend claim if a mistake has been made.⁴ If a hearing is requested, it is governed by the Administrative Procedure Act, AS 44.62.330 – 44.62.630, which places the burden on the Division to show by a preponderance of the evidence that it is entitled to the proposed garnishment.⁵

The documents in the record indicated that the Division took the necessary procedural steps to garnish Ms. B's PFD. Her 2021 agreement (Ex. 2) precludes her from challenging the fact of the original overpayment, established by the Report of Claim Determination (Ex. 1.8). The subsequent notices of past due payment (Ex. 3, 4, 5, 6), establish her continuing knowledge of the amount of the balance of her debt, and that the current balance is \$1,181.00. Each of the notices of past due payment include a statement that the Division may "intercept your future permanent fund dividend(s) or pursue other methods of collection." The Division has met its burden and Ms. B has not presented any evidence to show that a mistake has been made, or that she has, in fact, repaid the amount due.

¹ 7 AAC 45.570 (ATAP); 7 C.F.R. § 273.18(a) (SNAP regulation adopted by reference in 7 AAC 46.010); *see also* AS 47.05.080(a).

² AS 47.05.080(b).

³ AS 43.23.170(a)(3).

⁴ AS 43.23.170(b).

⁵ AS 43.23.068(c). Because the Division, as petitioner, has filed an accusation in the form of its Notice of Garnishment, the Division bears the burden under AS 44.62.460(e)(1).

IV. Conclusion

The Division sent Ms. B a notice that it would garnish her PFD because of her default in repaying an established debt arising from overpayment of public benefits. It has proved by a preponderance of the evidence that it is entitled to garnish her PFD. As a result, the Division's garnishment action is AFFIRMED.

Dated: November 14, 2025

Signed

Kristin S Knudsen
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 10th day of December, 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.]