

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

In the Matter of

K.D

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OAH No. 25-1957-SNA

DECISION

I. Introduction

In 2024, the Division of Public Assistance (“DPA” or the “division”) approved K.D as a Supplemental Nutrition Assistance Program (“SNAP”) beneficiary.¹ As a condition of enrollment, Mr. D was required to submit periodic, updated financial information, as required by state and federal law. On January 30, 2025, the division mailed a notice to Mr. D alerting him of his obligation to complete and return a detailed eligibility review form prior to February 15, 2025. The division’s notice included a blank form, referred to as a “GEN 72” form.

It is undisputed that Mr. D did not return the completed GEN 72 form by February 15, 2025. Rather, a few days earlier, on February 10, 2025, Mr. D obtained and submitted a different form – called a “SNAP Interim Report” – from the agency’s web site. However, because the division had not received the required GEN 72 form, the division terminated his SNAP eligibility effective February 28, 2025.

Because Mr. D did not provide the detailed financial information that the division is obligated by federal law to request, the division did not err when terminating his benefits. The division's decision is therefore AFFIRMED.

II. Facts

K.D was a SNAP recipient, approved for benefits through February 2025.² On January 30, 2025, the division mailed a notice to Mr. D informing him that his SNAP eligibility would terminate if he did not return and complete the enclosed GEN 72 recertification form by February 28, 2025.

The notice stated:

¹ Exhibit 1.

² *Id.*

Your certification period for Supplemental Nutrition Assistance Program (SNAP) ends on the last day of February. If you want to continue to get SNAP benefits, you will need to fill out the enclosed Eligibility Review Form and return it to the Division of Public Assistance (DPA) as soon as possible. [] To avoid a delay in benefits, we must receive the completed enclosed form no later than the 15th of February. Your SNAP case will close February 28, 2025 if you do not submit this recertification form.³

It is not disputed that Mr. D received the notice and correct blank GEN 72 form, but never returned it.⁴ However, Mr. D contends that rather than completing the form DPA sent to him, in early February, intending to expedite recertification, he called a DPA office, and that an agency employee directed him to a different form on the agency's website. Mr. D then completed and submitted that form -- a shorter, four-page Interim Report "FSP 95" form.⁵ The division received that form on February 10, 2025.⁶

Because Mr. D did not submit the proper GEN 72 form, the division terminated his SNAP eligibility, effective February 28, 2025.⁷ By fair hearing request timely submitted on April 29, 2025, Mr. D sought review of the February termination.⁸

At the November 2025 merits hearing, Mr. D testified that he received the agency's January 2025 notice. He also confirmed that the notice he received included a blank GEN 72 form.

The division representative explained that Mr. D never submitted this form, and that the agency terminated Mr. D's SNAP benefits effective March 1, 2025 for that reason. In April 2025, Mr. D timely sought a fair hearing regarding this termination.

A merits hearing was convened on November 5, 2025. The agency representative testified, as did Mr. D. The parties took a fair amount of time to investigate Mr. D's early February 2025 contact with the agency. Mr. D contended that he was misdirected by agency staff – and that he had been told by agency staff that the shorter Interim Report would suffice. But DPA has no record of this call. The agency representative testified that she duly researched February 2025 calls from her agency's call center records – failing to locate calls from Mr. D.⁹ When pressed, Mr. D

³ Exhibit 4.

⁴ K.D testimony.

⁵ *Id.*

⁶ Exhibit 5.

⁷ Exhibit 1; Jennifer Leffew testimony.

⁸ The agency representative testified that Mr. D was subsequently included as an approved SNAP recipient as a household member in another applicant's benefits case effective June 1, 2025, and continuing through the present. *See* Exhibit 1. Therefore, the benefits at issue in this appeal are limited to the three-month period of March 1 through June 1, 2025.

⁹ Jennifer Leffew testimony.

narrowed down the time frame of this call as February 7 or 8, 2025. Mr. D also testified that he believed he could re-create the time of the call from his personal call records. Mr. D stated – from memory – that he placed the critical call to a direct agency office phone line, rather than to the agency’s 1-888 call center line. That complicated things, because DPA maintains records of calls placed to the call center and those lines are audio-recorded – for exactly this purpose, preservation of call records and content. The direct office lines are unrecorded. No call logs are maintained.¹⁰

Proceedings were recessed to permit the parties’ investigation of this issue.¹¹ At a continued hearing on December 22, 2025, Mr. D reported that he had been mistaken, and that he was unable to research his February 2025 telephone records. Evidence closed, and the case was submitted on the record described here.

III. Discussion

Mr. D appeals the division’s termination of a previously-granted benefit. State regulation places the burden upon the division to establish a valid justification for that termination of benefits. That burden is a preponderance.¹²

Alaska’s SNAP program is a highly-regulated activity governed by state and federal law. Federal law mandates that state agencies are required to collect updated periodic financial reports in cases like this.¹³ Where a beneficiary fails to timely submit an updated report, federal law requires the division to terminate benefits.¹⁴

Mr. D candidly conceded that the agency had provided him with the correct form, accompanied by a pointed notice informing him that he was required to complete and submit “the completed enclosed form.”¹⁵ However, rather than doing so, Mr. D – acting on his own initiative

¹⁰ *Id.*

¹¹ Mr. D missed a reconvened hearing on November 6 due to a scheduling conflict. Proceedings were eventually re-convened on December 22, 2025.

¹² *See* 7 AAC 49.135 (*effective* 4/4/2013).

This decision places the burden upon the division, and concludes that it has been sustained. There are prior Alaska decisions in this area, which relied upon *dicta* from federal decisions pre-dating this regulation, which allocate the burden to the applicant. *See e.g., In re: T.S.*, OAH No. 23-0169-SNA (Dep’t of Revenue 2023) (citing *dicta* found in *Banks v. Block*, 700 F.2d 292, 295 (6th Cir. 1983), and allocating the burden to establish valid SNAP recertification to the applicant) (available at <https://aws.state.ak.us/OAH/Decision/Display?rec=6982>). Were the burden in this case to be placed upon Mr. D, for the reasons articulated here, this decision would conclude that he had failed to sustain it – and would reach the same result affirming the agency’s action.

¹³ 7 C.F.R. §273.12(a)(5)(iii)(E).

¹⁴ *Id.*

¹⁵ Exhibit 4.

– opted to disregard the notice, and called the agency directly. Mr. D contends that an agency employee provided him with incorrect guidance – directing him to the incorrect, shorter form. However, despite being given ample time to research the issue, Mr. D was unable to recreate the precise day or time of his call, the precise office line he called, or to identify the agency employee who he claims provided the misleading advice. Investigation of the issue was frustrated because Mr. D contended that he called an unrecorded state telephone line – thereby circumventing the agency’s call center – which audio-records calls for exactly this purpose.

To the extent that Mr. D claims that the government should be precluded from taking adverse action against him based upon his reliance upon inaccurate guidance, this is an estoppel claim upon which Mr. D bears the burden of proof.¹⁶ However, Mr. D’s proof on this point is equivocal. Mr. D offers only his uncorroborated memory of the call. The call itself is not documented. And, most tellingly, Mr. D offers no persuasive reason why he ignored unambiguous instructions and neglected to submit the very form he held in his hands. Therefore, this decision concludes that he has failed to sustain that burden.

Finally, the department may not accept the shorter FSP 95 form in lieu of the GEN 72 form for several legitimate reasons. First, as the agency correctly notes, the division’s manual specifically states that the FSP 95 Interim Report may not be used for recertification purposes.¹⁷

But perhaps more importantly, there are substantial differences between the two forms. The GEN 72 form is six pages long. It poses detailed questions about household membership, composition, anticipated federal tax filing status, pregnancies, criminal prosecutions and convictions, unauthorized diversion of SNAP benefits, detailed enumeration of personal property and assets, financial accounts including account numbers and balances, Native benefits, household expenses, child support received and owed, a statement of Alaska residency, and identification of two persons who might serve as third-party verifiers. Its purpose is to provide the division with the information required to evaluate SNAP eligibility.

In comparison, the FSP 95 form is far less detailed. It is four pages long. It does not call for household members’ specific biographic information. It does not inquire about pregnancies, law enforcement contacts, criminal cases, or unlawful benefit diversion. It does not solicit detailed

¹⁶ See *State, Dep’t of Commerce and Econ. Dev., Div. of Ins. v. Schnell*, 8 P.3d 351, 356 (Alaska 2000) (the party asserting an estoppel claim bears the burden to establish its elements).

¹⁷ Exhibit 19.2, citing *Alaska Division of Public Assistance SNAP Manual*, §604-2 A (last substantive section).

financial information such as specific account numbers, account balances or Native benefits. It does not inquire about anticipated federal tax filing status. Nor does it solicit identities of potential third-party verifiers. The form asks for information about changes to a household and its income and resources. By ignoring the form the agency duly mailed to him, and which he had in-hand, and by choosing to submit the abbreviated form, Mr. D failed to provide the agency with important information it was entitled to know to verify his continued eligibility for this benefit program for a new benefit period. The two forms are simply not the same. Thus, there is a good reason why the division's manual specifically provides that the shorter FSP 95 form is not a substitute for the more comprehensive GEN 72 form.

IV. Conclusion

The division sustained its burden to establish, by a preponderance, its compliance with the regulations governing this case. The division's February 2025 termination of Mr. D's SNAP eligibility is therefore AFFIRMED. Nothing in this decision impedes or affects Mr. D's June 2025 SNAP re-enrollment.

DATED: January 8, 2026.

Signed

James Fayette
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 23rd day of January, 2026.

By: Signed
Name: James Fayette
Title: Administrative Law Judge

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