

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

In the Matter of	)	
	)	
T.T	)	OAH No. 25-2834-SNA
_____	)	

DECISION

I. Introduction

The Division of Public Assistance (the "division") approved T.T's application for SNAP benefits in late 2024. As a condition of enrollment, Mr. T was required to submit an Interim Financial Report¹ when requested to do so by the division. The division mailed requests for updated financial information to Mr. T on April 16, 2025 and May 6, 2025. Mr. T did not respond. On May 19, 2025, the division mailed Mr. T a notice informing him that his SNAP benefits would be terminated at the end of May 2025 based upon his failure to provide updated financial information. When Mr. T did not respond, his benefits were terminated effective May 31, 2025. On August 5, 2025, Mr. T sought a fair hearing regarding this denial.

A hearing was held on Thursday, October 2, 2025. Mr. T did not dispute that he did not submit an updated financial report as requested. Rather, he testified that he did not receive the April and May notices. He stated that he eventually submitted an updated FSP 95 in August 2025.² However, that was more than two months late.³ Because Mr. T did not timely provide the financial information as the division requested, as it was obligated by federal law to request, the division did not err when terminating Mr. T's benefits. The division's decision is therefore **AFFIRMED**.

II. Facts

Mr. T was approved as a SNAP beneficiary in late 2024. In April 2025, the division mailed Mr. T an FCP 95 form and a notice informing him that his benefits would be terminated unless he returned the completed form by "the 10th day of next month" -- meaning by May 10, 2025.⁴ The division sent Mr. T a second similar notice on May 6, 2025. This notice also informed Mr. T that his benefits would be terminated unless he submitted the form "no later than

¹ The form is referred to as an "FSP 95." See Exhibit 6.
² Exhibit 6.
³ Exhibit 3.
⁴ Exhibit 2.

10 days from the date of this letter" -- meaning May 16, 2025.⁵ Mr. T did not respond to either notice.

On May 19, 2025, the division mailed Mr. T a closure notice informing him, "[y]our [SNAP] benefits are closed. You will not get SNAP benefits after this month because you did not give us a completed Interim Report form."⁶ The notice also explained that if a completed form was returned before "the last business day of the month," the division would re-consider his eligibility. Finally, this notice informed Mr. T that if he did not submit a completed form by the end of May 2025 he would be required to re-apply for benefits.⁷

Mr. T submitted a Fair Hearing request to DPA on August 5, 2024.⁸ He dated this form "June 4, 2025" but he testified that he did not submit the form to the division until August 5, 2024. He testified that he submitted the form in-person at the City A Public Assistance office because it was faster than dealing with the Anchorage office.⁹

On September 9, 2025, the division mailed a notice to Mr. T informing him that it had received his August 5, 2025 FSP 95 form - but because his SNAP case had been closed for more than 30 days, he would be required to re-apply for benefits.¹⁰

On September 10, 2025, the division representative conducted a telephonic pre-hearing conference with Mr. T. The division representative explained the division's position and advised Mr. T that he would have to re-apply for SNAP benefits. Mr. T stated that he desired to proceed with his fair hearing, hoping that the administrative law judge could back-date benefits based upon his claim that he did not receive the April and May notices.¹¹

A merits hearing was scheduled in this case for October 2, 2025. Prior to the hearing, the division mailed its prehearing brief and roughly 40-pages of exhibits to Mr. T at the only address it had on file for him - the same Anchorage address to which it had mailed its April and May notices.¹²

⁵ Exhibit 3.

⁶ Exhibit 4.

⁷ *Id.*

⁸ Exhibit 5.

⁹ Hearing testimony. Finally, Mr. T explained that he submitted his Fair Hearing request to his Representative A caseworker on June 4. However, his fair hearing request was not forwarded to the division until he submitted it directly to the City A public assistance office on August 5, 2025.

¹⁰ Exhibit 7.

¹¹ Exhibit 8.

¹² *Division prehearing brief*, at page 1 (September 23, 2025).

The hearing was convened telephonically on October 2, 2025. Mr. T participated on a *pro se* basis. The division participated through its Fair Hearing representative. Proceedings were audio-recorded. At the outset of the hearing, Mr. T confirmed that he had received the division's September 23 pre-hearing brief and its attached exhibits.¹³ The division representative's hearing testimony was consistent with the division's prehearing brief.

Mr. T testified on his behalf. Essentially, Mr. T asserted that he had not received the April and May 2025 notices. He asserted that he was not aware that he was required to submit an interim report until June 4, when he realized that his SNAP benefits had been terminated.¹⁴ Mr. T did not testify that he had changed mailing addresses. In fact, Mr. T offered no reason why he would not have received the notices that were duly mailed to his Anchorage residence - just as he had received the division's September position statement and hearing exhibits. Further, the division representative noted that as of the day of the hearing, the division had not received returned or undeliverable mail from Mr. T's Anchorage address.¹⁵

Mr. T testified that termination of his SNAP benefits created a financial hardship for his family - which includes two young children. To this point, however, the division representative noted that as of the day of the hearing - October 2 - Mr. T had not yet re-applied for SNAP benefits. Mr. T offered no reason why he had not yet re-applied for benefits.

III. Discussion

Because Mr. T appeals a denial of a previously-granted benefit, the burden falls upon the division to establish a valid justification for its termination of his SNAP benefits.¹⁶ That burden is a preponderance of the evidence.¹⁷

Alaska's SNAP program is a highly-regulated activity governed by state and federal law. Federal law mandates that state SNAP agencies are required to collect updated periodic financial reports in cases like Mr. T's at the 4- to 6-month point.¹⁸ Where a beneficiary fails to submit an updated report, federal law requires the division to provide a reminder notice to the beneficiary advising that they have 10 days to cure the defect.¹⁹ If the beneficiary fails to respond to this reminder notice, federal law provides that "the household's participation *shall be* terminated and

¹³ Hearing testimony.

¹⁴ Hearing testimony.

¹⁵ Hearing representative testimony.

¹⁶ 7 AAC 49.135.

¹⁷ *Id.*

¹⁸ 7 CFR §273.12(a)(5)(iii)(B). ¹⁹ 7 CFR §273.12(a)(5)(iii)(E).

¹⁹ 7 CFR §273.12(a)(5)(iii)(E).

the State division must send an adequate notice” thereof to the beneficiary.²⁰ Finally, the regulation provides a discretionary escape valve, permitting reinstatement at the division's discretion, provided a periodic report has been submitted prior to the end of the month of termination.²¹

In this case, the division complied with each of these provisions. The record of this case establishes that division requested updated financial disclosure as required. The division sent a timely reminder to Mr. T, and terminated Mr. T's benefits only when he failed to respond. If Mr. T had submitted his updated financial information in May — or even June — rather than August, his benefits might have been reinstated. But, because he did not respond more promptly, his benefits were terminated, as mandated by federal law.²² Finally, Mr. T was informed that he would be required to re-apply for benefits - a step which, to date, he has not taken.

In response, Mr. T suggests that he should be exempted from the reporting requirement, because, as he maintains, he was subjectively unaware of the reporting requirement and unaware of the April and May 2025 notices.

Legally, Mr. T misapprehends the extent of the division's obligation: the division is required to mail notices to Mr. T. It did so. The division is not required to prove that Mr. T actually read or heeded the notices it sent.

Factually, Mr. T's claim that he never received the April and May 2025 notices is undermined for the following reasons: The division sent those notices to the only address Mr. T had ever provided to them. That same address remained valid through the date of the October 2025 hearing in this case. In fact, Mr. T received the division's September 2025 hearing exhibits and prehearing brief, which it sent to this same Anchorage address. The division hearing representative testified that the division has never received returned or undeliverable mail from Mr. T's Anchorage address. Thus, to the extent the division was required to prove that it complied with the notice requirements, the division has sustained that burden here.²³

²⁰ *Id.* (emphasis added).

²¹ 7 CFR §273.12(a)(5)(iii)(F).

²² *See* fn. 16, *supra*.

²³ Further, the law establishes a *presumption* that properly addressed mail was delivered as addressed. *See Hagner v. United States*, 285 U.S. 427, 430 (1932) (“The rule is well settled that proof that a letter properly directed was placed in a post office creates a presumption that it reached its destination in usual time and was actually received by the person to whom it was addressed”); *see also Martens v. Metzgar*, 524 P.2d 666, 677 (Alaska 1974) (same; when evidence establishes that properly addressed and stamped mail was deposited in the United States mail, the law presumes it was delivered).

To the extent Mr. T sought a hearing here under the assumption that the administrative law judge might be empowered to carve an exception in his case, that assumption is mistaken. No such legal authority exists. Neither the division nor the administrative law judge may create an exception to the laws and regulations governing the SNAP program.²⁴

IV. Conclusion

The division sustained its burden to establish, by a preponderance of the evidence, its compliance with the regulations governing this case.²⁵ The division's termination of Mr. T's SNAP eligibility is therefore AFFIRMED.

Nothing in this decision impedes Mr. T from re-applying for benefits in the future. He is encouraged to do so.

DATED: October 13, 2025.

Signed

James Fayette
Administrative Law Judge

²⁴ "Administrative agencies are bound by their regulations just as the public is bound by them." *Burke v. Houston NANA, L.L.C.*, 222 P.3d 851, 868-69 (Alaska 2010).

²⁵ 7 CFR §273.12(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 3rd day of November, 2025.

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

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