

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

In the Matter of	)	
	)	
N. T.	)	OAH No. 23-0479-SNA
_____	)	

DECISION

I. Introduction

N. T. is a Supplemental Nutrition Assistance Program (SNAP)¹ recipient. The Division of Public Assistance (Division) closed those benefits at the end of June 2023. Its reason for the closure was that he did not apply to renew those benefits in a timely manner. Mr. T. requested a hearing on July 24, 2023 averring that he had mailed the renewal paperwork in on time.

Mr. T.'s hearing was held on September 27, 2023. Mr. T. represented himself and testified on his own behalf. Sally Dial, a Division Fair Hearing Representative, represented the Division and testified on its behalf. Amanda Holton, an Eligibility Technician 3 with the Division, also testified.

The evidence in this case demonstrates that Mr. T. did not file his renewal application before his benefits expired at the end of June 2023, and that the Division employees did not tell him that his benefits would be automatically renewed. The evidence further shows that when he did file his renewal application late on July 26, 2023, that he was not promised that his benefits would be backdated to the beginning of July 2023.

Accordingly, the Division's action in closing Mr. T.'s benefits at the end of June 2023 is **AFFIRMED** as is the approval of his July 26, 2023 application with July benefits prorated as of the date of the application.

II. Facts

N. T. resides with his adult children. Mr. T. has been a SNAP recipient for a number of years. He renewed his SNAP benefits in February 2023. He spoke to one of the Division Eligibility Technicians about his application on February 23, 2023. In that conversation, he asked why his SNAP recertification period was only six months rather than one year. In that conversation the eligibility technician explained that even though Alaska was trying to work with

¹ The SNAP program is also commonly referred to by its prior name of "Food Stamps." The name SNAP will be used in this decision.

the federal government to change to a one-year certification period due to the Division's backlog issues, his certification period was only six months. In that same phone call, Mr. T. made the point that he had been receiving SNAP benefits for a very long time.² Mr. T.'s SNAP application was approved, and he was sent notice on February 27, 2023 that his benefits were approved through June of 2023 and that he would "need to reapply for continued participation at the end of this certification period."³

Mr. T. was sent notice to his proper address on May 16, 2023 that his SNAP benefits would end "on the last day of June," and that he would need to reapply before then to continue receiving benefits. That notice specifically advised him that his "SNAP case will close June 30, 2023 if [he did] not submit" the recertification form.⁴ Mr. T. testified that he was having trouble receiving his mail and it would often be misdelivered to a neighbor, that he spoke to his neighbor and was told that his misdelivered mail was returned by them to the Post Office, and that he did not get the Division's May 16, 2023 notice in his mail until the end of July 2023.⁵

The Division did not receive a SNAP recertification application from Mr. T. by the end of June 2023.⁶ His benefits expired. Mr. T. requested a hearing on July 24, 2023, averring that he had mailed in his recertification application.⁷ Mr. T. then filed a recertification application, which the Division received on July 26, 2023, and that application was approved.⁸

Mr. T. testified that he did not submit a renewal application before the one he filed on July 26, 2023. He testified that he thought he did not need to, based on his February 23, 2023 conversation with the eligibility technician. He recalled the eligibility technician telling him that his SNAP benefits would be automatically renewed. However, he also testified that he thought he was going to get his recertification forms in March.⁹

Mr. T. had a conversation with a Division eligibility technician on July 27, 2023. This was an unrecorded prehearing conference to discuss his recent hearing request. Mr. T.'s recollection is that he asked to have his July application approved with benefits effective July 1, 2023 rather than when he filed it and that he was assured that his benefits would be approved

² February 23, 2023 phone call recording at 1:00 – 1:45, 15:00 – 15:13; Ex. 2.1.

³ Ex. 2.2.

⁴ Ex. 3.

⁵ Mr. T.'s testimony.

⁶ Ms. Dial's testimony.

⁷ Ex. 5.

⁸ Ms. Dial's testimony.

⁹ Mr. T.'s testimony.

effective July 1, 2023.¹⁰ The eligibility technician who participated in that prehearing conference testified that she did not promise him that his benefits would be approved back to July 1, 2023, that she told him that she did not have the authority to make that decision and would need to first speak to someone in a higher position with authority to make that decision. She did contact someone with authority to make that decision. It was not approved.¹¹

The eligibility technician contemporaneously summarized her prehearing conference discussion with Mr. T. in a casenote. That casenote states only that Mr. T. would like a full month of SNAP benefits for July. It does not state that she had approved his request.¹² Mr. T.'s request for a full month of SNAP benefits for July 2023 was not approved.

III. Discussion

The first issue in this case is whether the Division properly closed Mr. T.'s SNAP benefits at the end of June 2023. The second issue is whether Mr. T.'s July 26, 2023 SNAP recertification application should have been approved effective July 1, 2023.

SNAP is a federal program which is administered by the State of Alaska.¹³ The Code of Federal Regulations contains the rules for determining if an applicant is eligible for SNAP benefits. Pursuant to the federal regulations, SNAP applications are only approved for a certain period of time, which is 6 months.¹⁴ Benefits are not automatically renewed. If a SNAP recipient wants to renew their benefits and not have a lapse in benefits, they must file a recertification application before the end of their current certification period.¹⁵ If a SNAP recertification application is not received before the end of the current certification period, those benefits expire. If a SNAP recipient files a recertification application within 30 days of the time their last certification expired, benefits will be prorated based upon the date of the recertification application is filed.¹⁶

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A. Should Mr. T.'s SNAP benefits have been closed at the end of June 2023?

¹⁰ Mr. T.'s testimony.

¹¹ Ms. Holton's testimony.

¹² See July 27, 2023 Casenote filed on

¹³ 7 C.F.R. § 271.4(a).

¹⁴ 7 C.F.R. § 271.10(f)(3)(i).

¹⁵ 7 C.F.R. § 273.14(c).

¹⁶ 7 C.F.R. § 271.14(d)(3).

Mr. T. has made inconsistent statements in this case. In his hearing request, he averred that he sent in his recertification application before his benefits expired at the end of June 2023. However, he testified that he did not submit his recertification application until the later part of July 2023, which would be the application received by the Division on July 26, 2023. He then testified that he was told that his recertification period was one year rather than six months, and also testified that he was told, in the same conversation, that his benefits would be automatically renewed.

The recording of that February 23, 2023 conversation shows however that Mr. T. was not told that his benefits would be automatically renewed, and that he was told that his certification period was six months. The recording therefore shows that Mr. T.'s recollection of the phone call was inaccurate, and that the Division representative made Mr. T. aware that his certification period was only six months. What this means is that the Division made no representations to him either about an extended certification period or autorenewal which he can rely upon in this case.¹⁷ Further, given the consistency between Mr. T.'s hearing testimony and the Division's evidence, the evidence shows that he did not file his recertification application until July 26, 2023.

After that February 23, 2023 telephone conversation, Mr. T. was sent notice on February 27, 2023 that his benefits would expire at the end of June 2023 and that he would have to file his recertification application before then. The Division then sent Mr. T. notice on May 16, 2023, that his SNAP benefits were about to expire at the end of June 2023, and that he need to submit his recertification application before then to avoid his benefits expiring.

The facts of this case show that Mr. T. did not file his recertification application before the end of June 2023. While he testified that he did not receive the Division's May 16, 2023 notice advising him of the need to recertify until the end of July, 2023, his failure to receive that notice is not one that can be attributed to the Division. It complied with its regulatory requirements by mailing the notice to him at his correct address.¹⁸ Regardless, Mr. T. had been previously been advised that his certification period was only six months both telephonically on

¹⁷ For a discussion of the requirements for asserting the defense of equitable estoppel, see *Wassink v. Hawkins*, 763 P.3d 971, 975 (Alaska 1988).

¹⁸ Mr. T. implicitly argued that the Division actually did not mail him the renewal notice in a timely manner. However, that argument was wholly speculative and will not be addressed.

February 23, 2023, that he had been previously been advised of the June 2023 expiration of his benefits, and he would have been very familiar with the SNAP process through his long tenure as a SNAP recipient. Accordingly, the preponderance of the evidence demonstrates that the Division was correct to terminate Mr. T.'s SNAP benefits at the end of June 2023.

B. Should Mr. T.'s July 26, 2023 SNAP recertification application have been approved effective July 1, 2023?

The facts of this case demonstrate that Mr. T. did not file his recertification application until July 26, 2023. The federal regulations provide that the benefits are prorated for late filed recertification regulations, meaning that his SNAP benefits for July would not be for the entire month.¹⁹

Mr. T. testified that he was told by a Division eligibility technician that he would receive benefits for the entire month of July. The Division eligibility technician testified that she informed him that she would have to check on that issue with someone in a higher position with authority to make that decision. Given Mr. T.'s poor recollection in this case, especially with regard to the February 23, 2023 telephone call, and his inconsistent statements, the eligibility technician's testimony is more credible than Mr. T.'s testimony. It should also be noted that it is highly unlikely that a Division eligibility technician would promise a SNAP recipient something that ran completely counter to the federal regulations.

The preponderance of the evidence therefore shows that the Division's eligibility technician made no assurance to Mr. T. that he would receive SNAP benefits for the entire month of July instead of those benefits being prorated as of the date of his recertification application.²⁰ Accordingly, the federal regulations control, and Mr. T. is not entitled to receive SNAP benefits for the entire month of July. Instead, the July benefits had to be prorated as of the date of his application.

IV. Conclusion

Mr. T.'s SNAP benefits expired at the end of June 2023 because he did not file a timely recertification application. The Division approval of his July 26, 2023 application which only

¹⁹ See 7 C.F.R. § 271.14(d)(3).

²⁰ For a discussion of the requirements for asserting the defense of equitable estoppel, see Wassink v. Hawkins, 763 P.3d 971, 975 (Alaska 1988).

prorated his benefits for July effective the date of the application followed the applicable federal regulations. Accordingly, the Division's actions on his case are AFFIRMED.

Dated: October 10, 2023

Signed

Lawrence A. Pederson
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 24th day of October, 2023.

By: Signed

Name: Lawrence A. Pederson

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.]