

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

In the Matter of	)	
	)	
K. C.	)	OAH No. 23-0515-SNA
_____	)	

DECISION

I. Introduction

K. C. is a former Supplemental Nutrition Assistance Program (SNAP)¹ benefit recipient. After a lapse in receiving those benefits, he reapplied for SNAP on October 25, 2022. The Division of Public Assistance (Division) notified him on July 26, 2023 that his application was denied because his gross monthly income exceeded the SNAP income limits for his household size.

Mr. C. requested a hearing to challenge the denial of his SNAP application. His hearing was held on September 14, 2023. Mr. C. represented himself and testified on his own behalf. Sally Dial, a Fair Hearing Representative for the Division, represented the Division and testified on its behalf.

The evidence in this case shows that Mr. C.’s gross monthly income exceeds, although only slightly, the gross monthly income for his household size. This means that he is not financially eligible for SNAP benefits. Accordingly, the Division’s denial of his application is **AFFIRMED**.

II. Facts

Mr. C. was receiving SNAP benefits in the summer of 2022. Those benefits were due to expire, and he applied to renew them in August of 2022, but renewal was denied.² He then reapplied for SNAP benefits on October 25, 2022.³

Mr. C. has a one-person household. He is less than 60 years old and is not disabled.⁴ He receives a total of \$1,848.92 in gross monthly income from four annuities.⁵ Mr. C. has

¹ SNAP continues to be commonly referred to by its prior title of Food Stamps. This decision will use the title SNAP.

² Ms. Dial’s testimony.

³ Exs. 2.1 – 2.13.

⁴ Ex. 2.2; Ms. Dial’s testimony.

⁵ Ex. 2.6.

substantial expenses, including child support obligations, which leave him with virtually no income to live upon after those expenses are paid.⁶

SNAP gross monthly income limit for October 1, 2022 through September 30, 2023 for a one-person household is \$1,841.⁷ The Division notified Mr. C. on July 26, 2023 that his October 25, 2022 application was denied because his monthly income of \$1,848.92 exceeded SNAP's income limit of \$1,841 for his household size.⁸

III. Discussion

The issue in this case is whether the Division was correct to deny Mr. C.'s SNAP application.

SNAP is a federal program which is administered by the State of Alaska.⁹ The Code of Federal Regulations contains the rules for determining if an applicant is eligible for Food Stamp benefits. A one-person household that had gross monthly income of more than \$1,841 during the period through October 1, 2022 through September 30, 2023 is not eligible for Food Stamp benefits.¹⁰

It is undisputed that Mr. C.'s gross monthly income of \$1,848.92 exceeds this limit, albeit only by a few dollars. Mr. C. credibly testified that his income was insufficient to meet his basic needs. Regardless, the income limits are set by federal law,¹¹ and the Division does not have the ability to ignore those limits, or adjust them, despite an individual applicant's circumstances. Mr. C. argued that the Division should exercise its discretion in his case, citing to the Division's *SNAP Manual*.¹² However, gross income limits are explicitly set by federal law and do not leave any room for the exercise of discretion. In addition, Mr. C. argued that pursuant to the Alaska Constitution Article I § 1, he should receive SNAP benefits. Following that argument would require this decision to disregard or invalidate the federal SNAP regulations pertaining to income

⁶ Exs. 2.6 – 2.7; Mr. C.'s testimony.

⁷ Ex. 5. The gross income limit for a one-person household will increase to \$1,973 on October 1, 2023. *See Alaska SNAP Manual Addendum 4* (available online at http://dpaweb.hss.state.ak.us/manuals/fs/fsp.htm#t=addenda%2Faddendum_4.htm).

⁸ Ex. 4.1.

⁹ 7 C.F.R. § 271.4(a).

¹⁰ Ex. 5.

¹¹ 7 C.F.R. § 273.9(a)(1)(ii).

¹² *See Alaska SNAP Manual* § 600-1A. Mr. C. also cited to 607-3C which discusses recovery of overpayments to SNAP recipients caused by the Division's own error. That Manual section is not relevant because it deals with overpayment recovery, which is not an issue in this case.

limits on constitutional grounds, which is outside this tribunal's jurisdiction.¹³ Accordingly, the evidence demonstrates that Mr. C.'s gross monthly income makes him financially ineligible for SNAP benefits.

IV. Conclusion

The Division's denial of Mr. C.'s application due to financial ineligibility is AFFIRMED.

Dated: September 20, 2023

Signed

Lawrence A. Pederson
Administrative Law Judge

¹³ "Administrative agencies do not have jurisdiction to decide issues of constitutional law." *Alaska Public Interest Research Group v. State*, 167 P.3d 27, 36 (Alaska 2007).

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 5th 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.]