

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

In the Matter of	)	
	)	
M.S	)	OAH No. 25-3541-CMB
_____	)	

DECISION

I. Introduction

Ms. S appeals the denial of her application for Supplemental Nutrition Assistance Program (“SNAP”) and Medicaid benefits. The Division of Public Assistance (the “Division”) calculated that Ms. S was disqualified for both programs based upon household income exceeding the maximum threshold for both programs. Ms. S sought fair hearing review of the Division’s calculations.

At the conclusion of that hearing process, Ms. S candidly conceded that the Division’s calculations were correct. Additionally, the Division contended that Ms. S’s appeal of her Medicaid benefit was untimely.¹ Hearing evidence established that the Division’s position is well-taken.

Based upon evidence presented at the hearing, combined with Ms. S’s candid concessions regarding her household income, the Division’s denials are AFFIRMED.

II. Facts

A merits hearing was convened on March 2, 2026. Both the Division representative and Ms. S testified. The facts of this case were not disputed.²

Ms. S applied for SNAP benefits on September 2, 2025.³ Ms. S is 61 years old, and not disabled.⁴ She is married, and resides with her husband, T.N.⁵ For the months pertinent to this application, Ms. S earned wage income from two jobs at Employer A and Employer B.⁶ Her husband receives unemployment and Social Security benefits.⁷

¹ Division position statement (February 17, 2026).

² The facts outlined in this section were established by a preponderance of the evidence at the March 2, 2026 hearing.

³ Exhibit 3.

⁴ Exhibit 1.

⁵ Exhibit 3.2; hearing testimony.

⁶ Division position statement (February 17, 2026); hearing testimony; Exhibits 3.3, 4, 8 & 10.

⁷ *Id.*; Exhibit 6;

Ms. S's household income for SNAP purposes was calculated in the following way: \$2947/mo. (average gross wage earnings; Employer B) + \$1290/mo. (average gross wage earnings; Employer A.) + \$464/mo. (Ms. S's spouse's average monthly unemployment benefit) + \$1878/mo. (Mr. N' monthly SSA benefit) = \$6579 average household income.⁸ This sum exceeds the maximum permissible household income of \$4406 per month.⁹ At the merits hearing, Ms. S candidly agreed with the Division's calculation.¹⁰

Ms. S's Medicaid benefit eligibility was analyzed in a slightly different way. Ms. S had been receiving Medicaid benefits prior to September 2025.¹¹ Her September 2025 SNAP application and submission of updated wage information triggered review of her Medicaid eligibility.¹² On September 15, 2025, the Division sent Ms. S a notice stating that she was over-income, and therefore, her Medicaid benefit was terminated effective October 1, 2025.¹³

Ms. S sought fair hearing review of this denial – albeit by hearing request submitted only on November 24, 2025.¹⁴ The Division forwarded Ms. S's request for hearing, and the case proceeded to fair hearing review. Two months later, in its position statement, the Division noted Ms. S's hearing request was untimely. Evidence introduced at the hearing established that Ms. S received mail at her Anchorage address – the same address to which the Division's position statement was mailed, and which Ms. S received.¹⁵

That said, the Division's position statement and the representative's hearing testimony addressed the merits – meaning, the Division addressed Ms. S's household income for Medicaid eligibility.¹⁶ The Division representative calculated that for Medicaid eligibility purposes, Ms. S's monthly household income was \$4237 – based upon her average monthly wages from her two employers, as discussed above. This substantially exceeds the upper income limit of \$2167 which applies to Ms. S's eligibility category.¹⁷ Once again, at the merits hearing, Ms. S candidly conceded that the Division's income calculation was correct.¹⁸

⁸ Division position statement; hearing testimony; Exhibit 13.

⁹ Exhibit 13, Division position statement, at pgs. 2-3; hearing testimony.

¹⁰ Hearing testimony.

¹¹ Division position statement, *id.*

¹² *Id.*

¹³ Exhibit 19.

¹⁴ Division position statement, *id.*

¹⁵ Hearing testimony.

¹⁶ Division position statement, *id.*

¹⁷ Exhibit 22.

¹⁸ Hearing testimony.

III. Discussion

In this case, Ms. S appeals the denial of an application for a new benefit (SNAP). On this issue, Ms. S bears the burden of establishing, by a preponderance of the evidence, that the Division's denial was incorrect.¹⁹ Ms. S also appeals the Division's termination of her previously-approved Medicaid benefit. On this issue, the Division bears the burden to establish, by a preponderance of the evidence, that its decision to terminate benefits was correct.²⁰ Finally, on the timeliness of Ms. S's appeal of Medicaid termination, Ms. S bears the burden of establishing that her "request for a hearing could not be filed within the time limit."²¹

The evidence in this case was not disputed. Ms. S's eligibility for both the SNAP and Medicaid programs were calculated based upon wage information which Ms. S herself submitted, and upon her husband's public benefit statements -- the accuracy of which Ms. S candidly acknowledged.²² Thus, the undisputed hearing evidence established that Ms. S's income for both programs exceeded the upper income thresholds discussed above.

That said, it also appears that Ms. S's request for hearing regarding the appeal of her Medicaid termination was untimely. The Division mailed a termination notice to Ms. S's Anchorage address on September 15, 2025.²³ The law recognizes a rebuttable presumption that properly addressed mail is duly received at the recipient's address.²⁴ Ms. S bears the burden of establishing the contrary.²⁵ In fact, hearing evidence revealed that Ms. S received the Division's hearing record and position statement -- which were mailed to the same Anchorage address.

Thus, Ms. S did not establish that the Division's September 15, 2025 notice was not received at her Anchorage address. Therefore, her appeal was due by October 15, 2025. Ms. S did not appeal this denial until November 24, 2025 -- which was 40 days late.²⁶ Nor did Ms. S establish that she "could not" have appealed the Division's denial in a timely manner.²⁷

¹⁹ 7 AAC 49.135.

²⁰ *Id.*

²¹ 7 AAC 49.030(a).

²² Hearing testimony.

²³ Exhibit 19.

²⁴ *Martens v. Metzgar*, 524 P.2d 666, 677 (Alaska 1974) ("Evidence as to the proper mailing of a letter has been held to create a presumption the letter was received by the addressee.")

²⁵ *State, Dept. of Revenue v. Merriouns*, 894 P.2d 623, (Alaska 1995) ("The Merriouns have the burden "of proving that the nonexistence of the presumed fact is more probable than its existence.", *citing Martens, id.*).

²⁶ Division position statement, *id.* The Division's discussion of this point was limited to two sentences in its position statement. ("I am unsure why [Ms. S's] November 24, 2025 fair hearing request was not sent a non-referral for untimely requesting an appeal to her September 15, 2025 notice per regulations.") Given the fact that the Division forwarded Ms. S's hearing request to this office, analyzed the merits of her household income claim, and

For each of these reasons, the Division's September 2025 termination of Ms. S's Medicaid benefit is affirmed.

IV. Conclusion

Ms. S's gross monthly household income exceeds the maximum income limit for both programs. Her appeal of her termination from Medicaid was not timely. Consequently, the denial of her application for SNAP benefits and her termination from Medicaid coverage is AFFIRMED.

This result is regrettable for Ms. S. However, nothing in this decision bars her future re-application should she experience a reduction in household income in the future.

Dated: March 19, 2026.

Signed

James Fayette
Administrative Law Judge

discussed the timeliness issue only in cursory terms, it is arguable that the Division waived its argument on this point. *See State v. Carlson*, 440 P.3d 364, 380 (Alaska App. 2019) (in a proceeding governed by Rules of Civil Procedure, finding waiver of statute of limitations defense where issue was given cursory treatment in briefing). However, in this case, the end result is the same: even if one were to set aside the untimeliness of Ms. S's appeal, the appeal fails on the merits. Her appeal is denied for both reasons.

²⁷ 7 AAC 49.030(a). *See also In re: C.C.*, OAH No. 14-2008-MDE (2015) (dismissing an appeal as untimely where request for hearing was submitted four days late; decision available at: <https://aws.state.ak.us/OAH/Decision/Display?rec=2168>).

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 8th day of April, 2026.

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

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