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

In the Matter of	)	
	)	
S.S	)	OAH No. 25-3011-SNA
	)	

DECISION

I. Introduction

S.S is a Supplemental Nutrition Assistance Program (SNAP)[1] recipient who began receiving SNAP benefits in January 2025. On September 15, 2025, the Division of Public Assistance (Division) determined that Mr. S's household had received an overpayment of SNAP benefits and notified him that he was required to reimburse the Division $5,401.00, for benefits issued from January 2025 through September 2025.

Mr. S timely requested a hearing to dispute the Division's determination. A hearing was held on January 29, 2026. Mr. S represented himself and testified on his own behalf. The Division was represented by Marie Thirlwell, Public Assistance Analyst II, who also testified on behalf of the Division.

The evidence established that the Division erroneously informed Mr. S that he was not required to disclose certain household income. However, when that income is properly counted, Mr. S's household exceeded the applicable income limits for SNAP eligibility. As a result, the household was ineligible to receive the SNAP benefits issued during the relevant period and Mr. S is required to reimburse the Division $5,401.00 for those benefits.

II. Facts

Mr. S applied for and was approved to receive SNAP benefits beginning in January 2025 for a household consisting of himself, his partner B.E, and three minor children.[2] The household received SNAP benefits in the amount of $209.00 for January 2025 and $649.00 per month for February 2025 through September 2025.[3] The Division approved SNAP benefits based on the household's reported gross monthly income of $3,733.79, a calculated net monthly income of

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1 The Supplemental Nutrition Assistance Program (SNAP) is also commonly referred to by its previous name of the Food Stamp Program. The term SNAP will be used in this decision.

2 Div. Ex. 1.

3 Div. Ex. 2.19-2.20.

$2,816, and reported household resources, including Mr. S's reported Global Credit Union balance of $2,560.00.[4]

On May 13, 2025, the Division notified Mr. S that his case had been randomly selected or a Quality Assessment (QA) accuracy review by the federal quality control statutes.[5] Mr. S cooperated with the Division's request for documentation and participated in a QA interview.[6] Based on information obtained during the QA review, the Division determined that Mr. S's household was incorrectly found eligible for SNAP benefits in January 2025 due to excess countable household resources. As of January 22, 2025, the household's countable resources consisted of the following :

- S.S, Global Federal Credit Union savings account: $10.21
- S.S, Global Federal Credit Union checking account: $0
- B.E, Global Federal Credit Union savings account: $3,087.11
- B.E, Global Federal Credit Union checking account: $4.94

The household's total countable resources were $3,102.26.[7]

Because the household's countable resources exceeded the $3,000 resource limit at the time SNAP benefits were approved, the Division issued a notice dated September 15, 2025, notifying Mr. S that his household had received $5,401.00 in overpaid SNAP benefits and that he was required to reimburse the Division for that amount.[8]

Mr. S asserts that he should not be required to repay the overpayment because the household was only $102.00 over the resource limit and because the Division informed him that Permanent Fund Dividends (PFDs), tax returns[9] and Ms. E's income did not count towards the household income.[10]

4 Div. Ex. 2.7-2.15; 2.19; 11.
5 Div. Ex. 4-4.2.
6 Div. Ex. 5-5.5.
7 Div. Ex. 10.
8 Div. Ex. 2-2.1.
9 Mr. S stated tax returns, but he was referring to tax refunds.
10 Div. Ex. 3.

An initial hearing was held before the Office of Administrative Hearings (OAH) on November 10, 2025, which was ultimately concluded on January 29, 2026. Division exhibits 1-14.13 were admitted and the record closed at the conclusion of the hearing.[11]

III. Discussion

The relevant issues that must be determined for this case are (A) what were the countable resources for the S household; (B) did those countable resources exceed the applicable resource limit; (C) if so, was Mr. S overpaid benefits and in what amount; and (D) if so, is Mr. S required to reimburse the Division for those overpaid benefits. The Division has the burden of proof in this case because it is seeking to recover paid SNAP benefits from Mr. S.[12]

SNAP is a federal program administered by the State.[13] In Alaska, the Division follows the rules contained in the Code of Federal Regulations (C.F.R.) when determining both SNAP eligibility and benefit amounts.[14] Accordingly, the decision in this case is governed by the federal SNAP regulations.[15]

A. What were the countable resources, and did they exceed the resource limit?

Federal SNAP regulations establish eligibility requirements, including limits on household financial resources. For a household like Mr. S's the combined value of all countable liquid and non-liquid resources may not exceed $3,000.[16] At the time of his application, Mr. S reported to the Division that his household had $2,560 in his savings account. However, bank records show that Mr. S held only $10.21 in his savings account, while Ms. E held $3,087.11 in her savings account and $4.94 in her checking account. As of January 2025, the combined checking and savings account balances totaled $3,102.26. Funds held in bank accounts are countable resources and are not excluded under the exemptions provided in the federal SNAP

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11 This case was continued, without objection, for over 30 days after the initial hearing date on November 10, 2025, because Mr. S was undergoing neck surgery and was unavailable until January 2026. AS 44.64.060(d) requires an ALJ to issue a proposed decision within 120 days after the Division received Mr. S's request for a hearing. The 120-day deadline passed on January 23, 2026. Both parties waived the 12-day deadline and the Chief ALJ provided a formal waiver of the deadline.

12 7 AAC 49.135.

13 7 C.F.R. § 271.4(a).

14 7 AAC 46.010.

15 The applicable regulations are located at 7 C.F.R. § 273.1 *et. seq.*

16 7 C.F.R. § 273.8.

regulations.[17] Accordingly, the S household's countable resources exceeded the $3,000 resource limit.

B. Was Mr. S overpaid benefits and if so, in what amount?

Because the S household's countable resources exceeded the allowable limit by $102.26, the household was ineligible for SNAP benefits in January 2025, when the Division approved the application. As a result of the erroneous approval, Mr. S received $5,401 in SNAP benefits that he should not have received.

C. Is Mr. S required to reimburse the overpaid benefits?

Mr. S argued that the Division advised him that certain income did not need to be reported. Even assuming that assertion is correct, the household's ineligibility is not based on any determination regarding Mr. S's or Ms. E's income. Rather, it is based on the household's excess countable cash resources held in bank accounts, primarily Ms. E's savings account. Although the Division erroneously approved the household for benefits based on the information available at the time, but for that error, the S household would not have received $5,401 in SNAP benefits.

Federal law requires the Division to pursue recovery of SNAP overpayments even when overpayment results from "an action or failure to take action by the State agency."[18] The Alaska Supreme Court, has expressly addressed the fairness concerns raised by this requirement. In *Allen v. State* the Court recognized the potential inequity of requiring recipients to repay benefits issued through no fault of their own, but explained that Congress considered that concern when enacting the federal scheme:

> We are sympathetic to the argument that it is unfair to require indigent food stamps recipients to repay benefits that were overissued to them through no fault of their own, but Congress has already made the policy decision that a ten dollar, or ten percent cap on monthly allotment reduction coupled with allowing state agencies some flexibility to compromise claims is sufficient to mitigate this unfairness.[19]

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17 See 7 C.F.R. § 273.8(e).

18 7 C.F.R. §273.18 (b) (3).

19 203 P.3d 1155 (Alaska 2009).

Both the federal regulations and the *Allen* decision are binding on the Division. Regardless of fault, the Division is required to establish and pursue recoupment of SNAP overpayments. Federal regulations explicitly provide that the Division "must establish and collect any claim" for overpaid SNAP benefits.[20] The Division bears the burden of proof in overpayment cases. Here, the Division met that burden and established that the S household received SNAP benefits for which it was not eligible. Accordingly, the Division is entitled to reimbursement in the amount of $5,401.

IV. Conclusion

The evidence establishes that the S household's countable resources exceeded the allowable SNAP resource limit at the time benefits were approved. As a result, the household was ineligible to receive SNAP benefits beginning in January 2025, and an overpayment occurred. Federal law requires the Division to establish and recover overissued SNAP benefits regardless of fault. Accordingly, the Division's determination is affirmed, and Mr. S is required to reimburse the Division in the amount of $5,401.

Dated: January 29, 2026

Signed
Beth Goldstein
Administrative Law Judge

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20 7 C.F.R. § 273.18(a)(1)(i); 7 C.F.R. § 273.18(a)(2).

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 12th day of February, 2026.

By: *Signed*
Name: Beth Goldstein
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.]