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

In the Matter of	)	
	)	
S.K	)	OAH No. 26-0349-SNA
	)	

DECISION

I. Introduction

Mr. K has been a Supplemental Nutrition Assistance Program ("SNAP") beneficiary since November 2024. In March 2026, the Division of Public Assistance (the "Division") denied Mr. K' recertification application for failure to submit required wage documentation. Mr. K requested fair hearing review. At his hearing, he established that he had in fact, submitted requested documentation prior to the agency's deadline, and had received a responsive email from the Division, stating, "[i]f more information is needed, a technician will reach out to you."[1] The Division requested a hearing recess to investigate. At a reconvened hearing, the Division reversed itself, conceded that Mr. K had established a claim of equitable estoppel, and conceded that his recertification application had been improperly denied. Further, the Division conceded that Mr. K met income eligibility standards, that he was otherwise eligible for SNAP benefits, and that his benefits should be approved retroactively to his recertification date.

Based upon the Division's on-record concessions, the Division's March 2026 denial of Mr. K' recertification application is REVERSED.

II. Facts

Mr. K has been a SNAP beneficiary since late 2024.[2] In October 2025, he submitted updated recertification information which the Division is required to obtain, to verify his continued eligibility.[3] Regrettably, the Division took no timely action. Mr. K' SNAP benefits were suspended as of October 31, 2025.[4] Mr. K testified that he called Division call center many times in December 2025 through March 2026. Mr. K testified that his formal recertification interview

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1 *DPA-Ks email* (March 19, 2026) (submitted as a hearing exhibit, May 5, 2026).

2 Exhibit 1. The factual summary provided in this section of this *Decision* will be abbreviated somewhat, as the Division's concessions, described below, render a more detailed factual recap unnecessary.

3 Exhibit 2.

4 Exhibit 1.

occurred on March 9, 2026, because he called and repeatedly requested processing.[5] He testified that in the wake of that interview, the Division requested additional December 2025 wage income documentation. The Division mailed Mr. K its formal written request for additional information on March 10, 2026.[6] That notice set a response deadline of March 20, 2026.

Mr. K testified that on March 19, 2026, he contacted the Division call center and simultaneously emailed the requested wage information to the Division.[7] Mr. K received a reply by email that day. The email stated,

> Thank you for contacting the Division of Public Assistance. We have received your submission. If more information is needed, a technician will reach out to you.[8]

Mr. K heard nothing further. The Division's deadline passed on March 20, 2026. On March 23, 2026, the Division denied Mr. K' recertification application.[9]

Mr. K timely requested fair hearing review.[10] A hearing was convened on May 5, 2026. The Division was represented by its Fair Hearing representative, Sythouane Malathip. Mr. K represented himself on a *pro se* basis.

At the hearing, the Division initially contended that its denial had been correct, based upon Mr. K' perceived failure to provide complete wage history information prior to the March 20, 2026 deadline it had set. Mr. K testified on his own behalf, and consistently with the summary appearing above. Mr. K contended that he had submitted information responsive to the Division's March 10 notice. Significantly, he contended that on March 19, 2026, he called the Division's call center, spoke with a technician for more than 11 minutes, and was told that the documents he had submitted "looked good." Mr. K offered an iPhone screenshot of outgoing calls corroborating his testimony and providing the time and length of the call. Finally, he offered a copy of the Division's March 19 email, quoted above.

Mr. K contended that he had been told on March 19 that his recertification materials were complete, that the email he received assured him that if more was needed, he would be contacted, and that he had never been re-contacted. Then, several days later he was unfairly denied – contrary to the oral and written assurances he had been provided by the Division.

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5 The Division did not dispute Mr. K' claims in this regard.

6 Exhibit 5.

7 *Id.* (wage information; received by DPA, March 19, 2026).

8 *DPA-Ks email* (March 19, 2026) (submitted as a hearing exhibit, May 5, 2026).

9 Exhibit 7.

10 *Division position statement,* p. 2 (April 28, 2026).

Neither Mr. K' March 19 telephone call nor the Division's email response were addressed in the Division's pre-hearing position statement. Following Mr. K' testimony, the Division requested a continuance of the hearing to conduct further investigation.

The hearing reconvened on May 7, 2026. At the May 7 hearing, the Division representative reported that she had researched Mr. K' March 2026 telephone calls, and reviewed the March 19 email.

Based upon her review, the Division representative candidly conceded that Mr. K had been incorrectly denied recertification. The Division representative expressly conceded that Mr. K had reasonably relied upon the written and oral assurances he received on March 19. Further, she reported that she had personally contacted Mr. K' former employer and verified his December 2025 wage income – finding his income to be within program limits. Finally, she reported that she had reconsidered her Division's position and concluded that he was eligible, and that his March 2026 denial had been incorrect.[11]

III. Discussion

In this case, Mr. K appeals his termination of SNAP eligibility based upon his perceived failure to provide sufficient wage information in the recertification process. Because this case

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[11] The moment should not pass without acknowledgement of Ms. Malathip's exemplary and commendable efforts in this case. Following the May 5 hearing, Ms. Malathip devoted substantial time to personally investigate Mr. K' contact with her agency. She conducted a time-intensive review of the pivotal, audio-recorded telephone call. She contacted Mr. K' former employer, obtained wage information and personally reevaluated it. Based upon her investigation, she thoughtfully reconsidered and reversed her agency's position. Finally, on-record at the May 7 hearing, Ms. Malathip announced her conclusions in a way demonstrating remarkable tact and sensitivity. Readers should consider the hearing colloquy:

> Ms. Malathip: [addressing Mr. K and explaining her conclusions] I want you to know you are not simply a number…
>
> Mr. K: *God bless you* for sayin' that … what you just said right there nobody has ever told me that in my life and that made me feel like *a person* … I really, really appreciate your words you just said right there … *I am not a number* ... and thank you for acknowledging that. I wish we had more people in the system like you … I just want to thank you so much ... the words that you have spoken [have brought] tears to my eyes ... and they are tears of hope… tears of joy…
>
> Hearing testimony; May 7, 2026 at 15:00-18:08.

Mr. K' assessment is correct. Ms. Malathip's reversal of her agency's position when that position was shown to be incorrect is a textbook example of intellectual integrity prevailing over bureaucratic inflexibility. Mr. K approached this hearing understandably frustrated with what appeared to be a classic example of a state agency "run-around." He left the hearing feeling heard, and expressing thanks to Ms. Malathip for her attention to his case. That result is remarkable. Ms. Malathip's management of this case is consistent with the highest standards of public service, and merits acknowledgment here.

reviews an agency decision to terminate a previously-approved benefit, the burden rests with the Division to establish, by a preponderance of the evidence, that its denial was correct.[12]

Where a party makes a formal concession in litigation, "the concession removes the element from dispute, obviates the need for its active litigation, and allows submission of the case to the finder of fact—be it judge or jury—without evidence on the issue."[13] Where, as here, a litigant asserts equitable estoppel against the government, the litigant must establish that (1) a governmental body asserted a position by conduct or words, (2) the party acted in reasonable reliance thereon, (3) the party suffered resulting prejudice, and (4) estoppel serves the interest of justice so as to limit public injury.[14]

Here, the Division expressly conceded the first three elements of equitable estoppel on-record. The fourth is quickly found in Mr. K' favor. The Division conceded that Mr. K reasonably relied upon the oral and written assurances the Division had extended to him on March 19, and to his detriment. The Division's concessions are candid and well-founded. The fourth estoppel element is quickly resolved in Mr. K' favor. It is clearly inconsistent with principles of fair government and good-faith public benefits administration to permit an agency to assure a beneficiary, "[i]f more information is needed, a technician will reach out to you," and then permit the agency to stand mute, allow an important deadline to lapse, and then do exactly the opposite: deny the benefit based upon a defect which the applicant had been assured did not exist. As the Division correctly acknowledges, a state agency cannot "cross its fingers behind its back" when communicating with citizens. Thus, the Division is estopped from denying Mr. K' recertification based upon perceived application deficiencies, which it had previously assured him were not present.

Finally, the Division expressly conceded on-record that review of Mr. K' 2025 wage history established his continued eligibility.[15] Where parties stipulate or concede facts, intending to resolve factual issues before a court, the factual stipulation or concession — standing alone —

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[12] 7 AAC 49.135.

[13] *State v. McLaughlin*, 860 P.2d 1270, 1276 (Alaska App. 1993).

[14] *See Crum v. Stalnaker*, 936 P.2d 1254, 1256-58 (Alaska 1997) (applying estoppel against state Teachers' Retirement system based upon its misleading instructions); *see also Beecher v. City of Cordova*, 408 P.3d 1208, 1214 (Alaska 2018); *In re D.N.*, OAH No. 18-0419-SNA (Comm'r Health & Social Services 2018) (finding equitable estoppel against the agency in a SNAP case) (available at: https://aws.state.ak.us/OAH/Decision/Display?rec=6397).

[15] Hearing testimony (May 7, 2026).

may sustain that cause of action and eliminate the need for further litigation.[16] That is precisely the situation here. The Division's concessions resolve the case in Mr. K' favor and leave no disputed facts or legal conclusions to adjudicate.

IV. Conclusion

Accordingly, as the agency has expressly conceded, the denial of Mr. K' recertification application was incorrect. The agency is estopped from claiming otherwise. The agency's March 2026 denial of Mr. K' recertification application is REVERSED. The Division is ordered to reinstate Mr. K' benefits retroactively to the date of his October 2025 termination.

Dated: May 8, 2026.

Signed
James Fayette
Administrative Law Judge

[16] *See e.g. Henash v. Ipalook*, 985 P.2d 442, 449-450 (Alaska 1999) (discussing stipulations and their effect at some length).

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 14th day of May, 2026.

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.]