

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

In the Matter of	)	
	)	
O.M	)	OAH No. 26-0176-SNA
_____	)	

DECISION

I. Introduction

O.M applied to recertify Supplemental Nutrition Assistance Program (“SNAP”) benefits on August 1, 2025. The Division of Public Assistance (“DPA”) was required by law to process that application within 30 days. It failed to do so. Indeed, it failed to take any action on Mr. M’s application until he requested a fair hearing more than six months later, and even then it merely scheduled him for an interview to take place two months later. More than eight months have passed since Mr. M applied and his application has still not been processed. DPA violated federal statute and regulations with these delays.

II. Facts

O.M is a SNAP recipient who filed to recertify benefits on August 1, 2025.¹ Mr. M did not list any contact phone numbers for himself on his application.² The application asks for contact information for two people who know the applicant well, which Mr. M provided, including their phone numbers.³

More than six months later, Mr. M requested a fair hearing because DPA had not taken any action on his recertification application.⁴ Several days later, on February 17, DPA finally issued a notice advising Mr. M that he needed to participate in an eligibility interview scheduled for April 1, 2026.⁵

Internal agency notes indicate DPA called Mr. M’s two contact people on February 20, 2026. The notes state that a voicemail was left with one contact and a message was left with the other, Mr. M’s sister, asking for a current phone number for Mr. M.⁶

¹ Ex. 2-2.7.
² Ex. 2.2.
³ Ex. 2.6.
⁴ February 12, 2026 Fair Hearing Request.
⁵ Ex. 4.
⁶ Ex. 3.

For hearings before OAH, the ALJ calls parties at the phone number provided by the agency in its referral, or at alternative phone numbers later provided by parties. DPA referred Mr. M's case to OAH for a fair hearing, but on that referral listed his sister's phone number as being Mr. M's. Thus it was not until shortly before a March 16 hearing that the ALJ discovered Mr. M did not have a contact phone number. At the scheduled hearing time, the ALJ called Mr. M's contacts as well as the Traditional Council A, which faxed his fair hearing request, but was unable to locate Mr. M or a phone number where he could be reached. The hearing was rescheduled for April 2, 2026, providing a call-in number so Mr. M could join the hearing from any phone.⁷

Mr. M did not call DPA for his scheduled April 1 eligibility interview.⁸

Mr. M did call in for the April 2 hearing, as did a DPA representative, Marie Thirlwell. Mr. M explained that he did not call in for his April 1 interview because the hearing was scheduled for April 2 and he did not understand he needed to also call in for the eligibility interview. Ms. Thirlwell explained that Mr. M could call for his interview that day and advised him what to say to ensure he would be allowed to proceed with the interview. Mr. M was given the option to postpone the hearing to explore that option or to proceed with the hearing as scheduled. Mr. M chose to have the hearing. DPA conceded that it had not timely processed Mr. M's recertification.

III. Discussion

DPA must approve or deny a SNAP applications within 30 days.⁹ When it fails to do so, DPA is required to determine whether the delay was the fault of the applicant or the agency.¹⁰ When the agency is at fault, it is required to take "immediate corrective action."¹¹

DPA utterly failed Mr. M. It did not process his application within 30 days. Not even close. Only when Mr. M requested a fair hearing **195 days later** did DPA schedule him for an eligibility interview. But even then, it did not take "immediate corrective action." No, it

⁷ This is the process OAH would have provided initially if DPA had indicated that it did not have a phone number for Mr. M.

⁸ Mr. M testimony.

⁹ 7 U.S.C. § 2020(e)(3).

¹⁰ 7 C.F.R. § 273.14(e) ("The State agency shall determine cause for any delay in processing a recertification application in accordance with the provisions of § 273.3(h)(1)," which appears to a reference to 7 C.F.R. § 273.2(h)(1), which addresses processing delays and not 7 C.F.R. § 273.3, which addresses residency and does not include a subsection (h)).

¹¹ 7 C.F.R. § 273.2

scheduled him for an interview many months later, on April 1 — a stunning **243 days** after he filed to recertify his SNAP benefits. That is more than eight times the SNAP review period mandated by federal statute. As courts have observed, “[t]he statute does not say that the State must determine eligibility within thirty days *unless* or *if* some event occurs; it states that the State *shall* determine eligibility within thirty days without conditions or limitations.”¹² That means DPA was required to not just touch Mr. M’s recertification application within 30 days, but to arrange and conduct the interview and take the necessary steps to determine his eligibility within those 30 days. DPA took no action at all for more than six months, and appears to have only done so because Mr. M requested a fair hearing. What if he had not made that request? How much longer might his application have remained unprocessed?

And how much longer until DPA finally processes his application? Eligibility interviews are required by federal regulation.¹³ But DPA has an obligation to make an interview available, and to do so in a timely manner. It did not do so. This is particularly egregious because DPA knew that Mr. M did not have a phone number listed, suggesting he did not have easy access to a phone to call in for an interview. Federal regulations specific to rural Alaska require DPA to “interview application households in the most efficient manner possible,” which can include an interview by written correspondence.¹⁴ From the records DPA provided, it does not appear it made any efforts to provide an interview in the most efficient manner for a rural applicant with no phone. Rather, it appears it called his contacts once and took no further action to provide an efficient interview. Mr. M did later miss that interview, but it is perfectly understandable that he confused the April 2 hearing date as addressing his application and therefore did not call for the interview on April 1.

As DPA itself concedes, it has not timely processed Mr. M’s recertification. It further failed to take “immediate corrective action” or to make an interview available “in the most efficient manner possible.” DPA has thus violated federal statute and regulations here. DPA’s challenges in timely processing SNAP applications have been the subject of numerous legal and

¹² *Garnett v. Zeilinger*, 301 F. Supp. 3d 199, 208 (D.D.C. 2018). See also *Leiting-Hall v. Winterer*, No. 4:14-CV-3155, 2015 WL 1470459, at *2 (D. Neb. Mar. 31, 2015) (“Generally, all applicants must receive approval or denial within 30 days of their applications.”).

¹³ 7 C.F.R. § 273.14(b)(3).

¹⁴ 7 C.F.R. § 272.7(d)(6). Mr. M lives in Town A.

administrative actions, as well as media reports. That Mr. M is in good company, however, does not lessen the seriousness of DPA's inactions here.

IV. Conclusion

Unfortunately, the remedies available here are few. Since this matter arises from agency inaction rather than a decision, there is no decision to affirm or reverse. Finding that DPA violated the law by failing to act does little to help Mr. M with his SNAP benefits. Thus in addition to those findings, DPA is directed to (1) permit Mr. M to interview if he calls for an eligibility interview; (2) arrange for an eligibility interview by correspondence within five business days of this decision if Mr. M has not already called for an interview and completed that process; and (3) process Mr. M's recertification within two business days of the interview.

Dated: April 8, 2026

Signed

Rebecca Kruse
Administrative Law Judge

NON-ADOPTION, AMMENDED ORDER, & FINAL DECISION

The undersigned, by delegation from the Commissioner of Health and in accordance with AS 44.64.060(e)(4), rejects, modifies or amends one or more factual findings as follows, based on the specific evidence in the record described below:

The Proposed Decision correctly concludes that the Division of Public Assistance (DPA) failed to timely complete an interview regarding Mr. M's application. However, the record does not support the additional factual finding that a correspondence interview would have been a more efficient or required interview method under the circumstances presented.

The Proposed Decision reasons that correspondence would have been more efficient because Mr. M lived in rural Alaska, did not list a telephone number on his application, and missed a scheduled telephone interview.¹ However, those facts do not necessarily establish that Mr. M was unreachable by telephone or that correspondence would have been the more efficient interview method under the circumstances presented. The record reflects that DPA contacted individuals listed on the application who were able to communicate with Mr. M.² Similarly, the Proposed Decision itself notes that the hearing was rescheduled for April 2, 2026, "providing a call-in number so Mr. M could join the hearing from any phone."³ Mr. M subsequently participated in the hearing by telephone, demonstrating some ability to access a telephone.⁴ During the hearing, Mr. M further indicated that he intended to call in for his interview later that same day.⁵

At no point during the hearing did Mr. M argue that a correspondence interview would have been more efficient, nor did DPA address on the record whether correspondence or telephone interviews would have been more efficient under the circumstances presented. Thus, the Proposed Decision appears to make a factual finding that a correspondence interview would have been more efficient without argument from the parties or sufficient factual development in the record.

Under 7 CFR 272.7(d)(6), DPA must interview households "in the most efficient manner possible, either by face-to-face contact, telephone, radiophone, or other means of correspondence including written correspondence." The regulation does not prescribe or enumerate the factors that determine what constitutes "the most efficient manner possible" of conducting an interview. Instead, it affords DPA discretion to evaluate efficiency based on the circumstances presented in each case.

Accordingly, it would be improper to limit the efficiency analysis to only a narrow set of factors, such as the applicant's rural location, the absence of a listed telephone number, and DPA's inability to reach the applicant for the scheduled telephone interview. The regulation

¹ Proposed Decision at 3.

² Proposed Decision at 1.

³ Proposed Decision at 2.

⁴ Id.

⁵ Hearing Recording at 00:14:15.

expressly contemplates that multiple interview methods may satisfy the federal requirement depending on the facts and circumstances presented in a particular case.

Generally speaking, correspondence interviews are more susceptible to delay, misunderstanding, incomplete responses, and extended back-and-forth communication than telephone or in-person interviews. As a result, correspondence interviews are often less efficient for both applicants and DPA.

Before a correspondence interview would ordinarily be attempted, DPA typically first determines whether a face-to-face or telephone interview is possible. This is reflected in [SNAP Manual Section 601-3\(D\)](#), which provides that interviews may be conducted face-to-face, by phone, or, “in rare circumstances when a face-to-face or phone interview is not possible, by correspondence.” Although the SNAP Manual does not carry the force of law, it helps illuminate how DPA operationalizes the federal requirement to utilize the most efficient interview method available. Here, the factual record does not establish that a phone interview was not possible, nor does it establish that a correspondence interview would have been more efficient under the circumstances presented.

Additionally, the instruction in the Proposed Decision directing DPA to “arrange for an eligibility interview by correspondence within five business days of this decision if Mr. M has not already called for an interview and completed that process”⁶ and to “process Mr. M’s recertification within two business days of the interview”⁷ is rejected. Those timelines are not prescribed by applicable statute or regulation. Instead, DPA is ordered to *immediately* comply with all applicable federal and state regulations governing the scheduling of eligibility interviews and the processing of recertifications.

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 11th day of May, 2026.

Signed

Daniel R. Phelps II
Process Improvement Manager
Department of Health
Office of the Commissioner

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]