

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

In the Matter of	)	
	)	
F.V	)	OAH No. 22-0460-SNA
_____	)	

DECISION

I. Introduction

F.V was a Food Stamp¹ recipient from January 2021 through April 2022. The Division of Public Assistance notified her that because she was above the household eligibility limit, she received more Food Stamp benefits than she was entitled, and she was required to repay the overpayment. She requested and received a telephonic hearing challenging the Division's determination.

The evidence shows that Ms. V obtained \$440 more in Food Stamp benefits than she was entitled because of a failure to timely report additional income received by the household, thereby placing it above the eligibility limit. Accordingly, the Division's decision establishing its entitlement to, and amount of repayment, is affirmed.

II. Facts

The following facts were established at the hearing and uncontested by Ms. V.

Ms. V was a Food Stamp recipient from January 2021 through April 2022.² Her household was comprised of two persons, herself and her husband, T.T.³

On April 6, 2022, Mr. T contacted the Division's virtual contact center inquiring about interim assistance payments for the household. During the communication, he reported that Ms. V had been receiving Social Security Disability benefits. This information then caused a review of the V case because previous Food Stamp benefits had not been calculated based on any income attributable to Social Security Disability benefits.⁴

As the review determined and as was established at the hearing, Ms. V became eligible for Social Security Disability benefits on November 5, 2021.⁵ As of January 2022, the amount of monthly Social Security Benefits Ms. V was entitled to receive was \$1,081.⁶ However, this

¹ Congress changed the official name of the Food Stamp program to the Supplemental Nutrition Assistance program ("SNAP"). However, the program is still commonly referred to as the Food Stamp program.

² Exs. 1, 3; Sally Dial Testimony.

³ Exs. 1, 2; Sally Dial Testimony; T.T Testimony.

⁴ Exs. 3.1 – 3.11; Sally Dial Testimony.

⁵ Exs. 2.1 – 2.3, 3.14; Sally Dial Testimony.

⁶ Ex. 2.3.

was not reported to the Division until Mr. T did so on April 6, 2022. Had this notification to the Division occurred timely,⁷ it would have resulted in the household's Food Stamp benefits having been discontinued as of January 2022, because the household would have been deemed over the income limit.⁸

Because of the Social Security disability benefits being received as of January 2022, the household's new monthly net income was \$2,378.⁹ However, per Food Stamp program requirements, the maximum monthly net income limit, for a household of two, is \$1,815.¹⁰ As a consequence, Ms. V's household was overlimit for the months of January through April 2022 and was overpaid Food Stamp benefits each month in the amount of \$110.¹¹

Ms. Dial confirmed, however, that the household had been eligible to receive Emergency Allotment (EA) Supplemental Assistance Program Benefits in December 2021, in the amount of \$481. However, it did not receive December's EA benefits. Because of this, Ms. Dial indicated that if it is determined that the household was overpaid Food Stamp benefits from January through April 2022, it could request that the overpayment of \$440 be taken out of the EA benefits not previously received by the household in December 2021. This would result in a credit to the household of approximately \$41.¹²

Ms. V timely submitted her request for a Fair Hearing. In her request, she asserted that she was unaware that an overpayment occurred, and that she believed she and her husband had done everything that was required of them.¹³

III. Discussion

The issue in this case is whether Ms. V is required to pay back \$440 in Food Stamp benefits that she obtained after the household received unreported income from Social Security disability benefits. Based on the facts and evidence presented at the hearing, there is no real dispute as to Ms. V's obligation to do so.

The Food Stamp program is a federal program which is administered by the State of Alaska.¹⁴ The Code of Federal Regulations contain the rules for determining if an applicant

⁷ For instance, in November or December 2021, after Ms. V initially became eligible and began receiving payments.

⁸ Exs. 3.8 – 3.11, 3.14; Sally Dial Testimony.

⁹ Ex. 5; Sally Dial Testimony.

¹⁰ Exs. 3.5, 5.1; Sally Dial Testimony.

¹¹ Exs. 3.14; Sally Dial Testimony.

¹² Sally Dial Testimony.

¹³ Ex. 4.

¹⁴ 7 C.F.R. § 271.4(a).

is eligible to receive Food Stamp benefits. A two-person household possessing more than \$1,815 in net monthly income during the period from October 1, 2021 – September 30, 2022, is ineligible for benefits.¹⁵ Per federal regulations, the Division “must establish and collect any claim” for overpaid Food Stamp benefits issued.¹⁶ This is true irrespective of whether the overpayment was caused by the Division, or by the recipient.¹⁷

The Division’s calculations both as to the household’s income during the period and the benefits overpaid, are contained in the record.¹⁸ Ms. V did not dispute these figures.¹⁹ As the hearing evidence and testimony demonstrates, the overpayment arose from Ms. V becoming eligible Social Security disability benefits beginning in November 2021, and yet not making the Division aware of those benefits until April 2022.²⁰ Had this change of income been timely reported, Food Stamp program benefits would have ended beginning in January 2022. Instead, they continued through April, resulting in a total overpayment of Food Stamp benefits of \$440.²¹

Therefore, the preponderance of the evidence in this case establishes that Ms. V’s household was ineligible for Food Stamp benefits from January through April 2022, because it was above the monthly income limit. This caused it to receive \$440 more in Food Stamp benefits than it was entitled, and Ms. V must reimburse the Division for those benefits. However, as Ms. Dial indicated, because the household was eligible to receive EA benefits in December 2021 of \$481 and yet did not receive those benefits, it can request that the Food Stamp benefit overpayment of \$440 be taken out of the EA benefits not previously obtained. This will likely result in a small credit to the household.²²

IV. Conclusion

The Division’s decision, seeking recovery of \$440 in Food Stamp benefits overpaid to Ms. V, is **AFFIRMED**.

DATED this 9th day of June 2022.

Signed

Z. Kent Sullivan
Administrative Law Judge

¹⁵ Exs. 3.5, 5.1, 9 (State of Alaska SNAP Policy Manual, Addendum 4).

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

¹⁷ 7 C.F.R. § 273.18(b)(2) and (3); *Allen v. State, DHSS*, 203 P.3d 1155, 1164-1166 (Alaska, 2009).

¹⁸ Exs. 3.8 – 3.11, 3.14.

¹⁹ T.T Testimony.

²⁰ Exs. 2.1 – 2.3, 3.14; Sally Dial Testimony.

²¹ Ex. 3.14; Sally Dial Testimony.

²² Sally Dial Testimony.

Adoption

The undersigned, by delegation from the Commissioner of Health and Social Services, 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 23rd day of June, 2022.

By: Signed
Name: E. Kent Sullivan
Title: Administrative Law Judge

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