



**United States
Department of
Agriculture**

January 30, 2024

Food and
Nutrition
Service

Western Region

90 Seventh St.
Suite 10-100
San Francisco, CA
94103

Heidi Hedberg
Commissioner Designee
Alaska Department of Health
3601 C Street, Suite 902
Anchorage, AK 99503

Dear Commissioner Hedberg:

Alaska's Department of Health (DOH) is out of compliance with Supplemental Nutrition Assistance Program (SNAP) requirements set by the Food and Nutrition Act of 2008 (the Act) and Federal regulations regarding initial and recertification interviews and mandatory verification requirements.¹ This letter serves as an advance notification² regarding DOH's inefficient and ineffective administration of SNAP, which could result in the suspension and disallowance of Federal funding for State SNAP administrative expenses if DOH fails to comply to the satisfaction of the Food and Nutrition Service (FNS).

On November 22, 2023, DOH advised FNS it would temporarily permit staff to process applications and recertifications without conducting interviews and would reassess the temporary practice after 6 months or earlier. DOH's decision is contrary to FNS direction and in direct violation of Federal requirements.

The SNAP application process includes filing and completing an application form, being interviewed, and having certain information verified. While FNS previously offered a waiver for the interview requirement in response to the end of the COVID-19 public health emergency (PHE), this was approved under special waiver authority for extraordinary temporary situations and limited to 12 months in order to assist States with PHE unwinding³. DOH operated this unwinding waiver from October 1, 2022, through September 30, 2023. In its August 2022 unwinding guidance, FNS was clear with all States that this waiver would not be extended, and specifically with DOH during its visit to Alaska in July 2023. DOH nevertheless submitted a waiver request on November 3, 2023.

¹ 7 CFR 273.2(a)(2), 273.2(d)(1), 273.2(e), 273.14(b)(3), and 273.2(f)(1).

² 7 CFR 276.4

³ "Supplemental Nutrition Assistance Program (SNAP) – Temporary Administrative Waivers Available to State Agencies to Support Unwinding from the COVID-19 Public Health Emergency," August 22, 2022, <https://www.fns.usda.gov/snap/temporary-administrative-waivers-available-state-agencies-support-unwinding-covid-19>.

When FNS denied the waiver request on November 22, 2023, DOH responded with its intent to move forward with waiving interviews without Federal approval. FNS reaffirmed its denial to DOH through email communication dated December 6, 2023.

Interviews are critical for providing program access because they aid in determining eligibility, ensuring households receive the correct benefits, providing applicants with important program information, and following up on missing or questionable information. This is especially critical given that Alaska leads the nation with the highest payment error rate.

DOH has also recently informed FNS of its reinstatement of a streamlined verification process to attempt to verify information, but if verification is not available, to authorize benefits without federally required verifications. As discussed with DOH when FNS visited in July 2023, this practice is out of compliance with Federal regulations which requires verification of certain information prior to authorization for benefits.⁴ This practice also likely creates overpayments that families are responsible to pay and increases the State payment error rate (PER). In a meeting with FNS on July 18, 2023, DOH acknowledged the practice was not in compliance with Federal law and agreed to come into compliance after the FNS visit.

Violation of Federal law can result in suspension or disallowance of administrative funding, as well as a finding that there has been a major systemic error in State processing in accordance with Section 13(b)(5) of the Food and Nutrition Act. A finding of major systemic error means that the State can be solely responsible to reimburse any overpayments.

DOH must immediately resume interviews for SNAP applications and recertifications and discontinue the practice of not verifying required information. Further, DOH must respond to this advance notification within 14 days of the date of this letter with verification that SNAP interview requirements have been implemented and that verification collection has resumed.

If DOH fails to comply with the requirements outlined in this advance notification to the satisfaction of FNS, FNS will take further steps, which could result in the suspension or disallowance of Federal funding for State SNAP administrative expenses and/or liability for overpayments.

We share your desire to improve service to applicants and participants by providing timely accurate service. This can and must be done in a manner that complies with federal law. We stand ready to continue to work with you to ensure that DOH's operation

⁴ 7 CFR 273.2(f)(1)

of SNAP is compliant with Federal law and regulations. If you wish to discuss these matters further, please contact Charles Tobin at charles.tobin@usda.gov, or (415) 407-8728.

Sincerely,

Jesus Mendoza, Jr.
Regional Administrator
Western Region