

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

In the Matter of)
)
 K J)
_____)

OAH No. 14-0149-CAM
Agency No.

DECISION

I. Introduction

K J applied for the Chronic and Acute Medical Assistance (CAMA) program. The Division of Public Assistance (Division) denied Ms. J’s application because of her excess in-kind income.¹ Ms. J requested a hearing.²

Ms. J’s hearing was held on February 24, 2014. Ms. J and C N, No Name Rescue Mission’s women’s shelter manager, testified on Ms. J’s behalf. Terri Gagne, Public Assistance Analyst with the Division, represented the Division.

Because Ms. J receives in-kind income that exceeds the \$300 per month CAMA income limit, the Division’s decision denying Ms. J’s CAMA application is affirmed.

II. Facts

Ms. J applied for CAMA benefits.³ Ms. J would have qualified for CAMA, but was determined to be over income for the program because of her work in exchange for housing.⁴

Ms. J has no monthly income.⁵ She lives at the No Name Rescue Mission, a homeless shelter.⁶ Shelter residents can either pay \$12 per day or perform chores in exchange for housing.⁷ Ms. J does laundry one day a week in exchange for housing.⁸ The Division calculated Ms. J’s in-kind income at \$12 per day or \$365 per month.⁹ The CAMA maximum income limit for a one person household is \$300.¹⁰

Ms. N testified credibly that other shelter residents in the very same position as Ms. J applied for and receive CAMA benefits. Ms. N and Ms. J understandably sought explanation for

¹ Exhibit 4.
² Ex. 5.1.
³ Ex. 2.
⁴ Ex. 4.
⁵ Ex. 2.7-2.8; N and J testimony.
⁶ Ex. 2; N testimony.
⁷ Ex. 2.11; N testimony.
⁸ Ex. 2.11; J testimony.
⁹ Ex. 5.
¹⁰ Ex. 5; Ex. 6. The general relief income limits have not been updated since 1991. *See* 7 AAC 47.150.

this apparent inconsistency. Ms. Gagne credibly stated that if the Division was aware that an applicant was working in exchange for housing, it would process that application the same way Ms. J's was processed. In other words, other residents in the same position as Ms. J would not qualify for CAMA.

III. Discussion

The issue in this case is whether the Division is correct to consider the work Ms. J does in lieu of paying the \$12 per day shelter cost in-kind income. The Division correctly interpreted the program regulation and policy to include work for shelter as in-kind income.

The CAMA program uses the general relief financial eligibility guidelines.¹¹ The Division must include "all income earned or unearned, from any source..." when determining an applicant's income.¹² CAMA guidelines define "in-kind income" as "income received by barter for subsistence needs, including housing in exchange for building management."¹³ "Including" is read as "including, but not limited to."¹⁴

Though the CAMA regulations do not define subsistence, its meaning can be inferred from other regulations as well as its common meaning. General relief regulations discuss, "subsistence items, such as rent, food, fuel, transportation, or burial..."¹⁵ Merriam-Webster defines subsistence as the "means of subsisting: as the minimum (as of food and shelter) necessary to support life."¹⁶ Subsistence includes both food and shelter. Bartering is, "to trade by exchanging one commodity for another."¹⁷

The rescue mission offers two options: residents can pay \$12 a day or perform chores in return for shelter and meals. Ms. J performs chores in exchange for shelter.¹⁸ The performance of chores in exchange for shelter which otherwise costs \$12 per day is "in-kind income" per the CAMA guidelines. Her in-kind income of \$12 per day, which comes to \$365 per month, exceeds the \$300 per month CAMA income limit.

¹¹ 7 AAC 48.540.

¹² 7 AAC 47.150(c).

¹³ Ex. 6.1.

¹⁴ A.S. 01.10.040(b)(providing that the word "including," when used in a law, "shall be construed as though followed by the phrase, "but not limited to").

¹⁵ See 7 AAC 47.140(a)(7).

¹⁶ <http://www.merriam-webster.com/dictionary/subsistence>

¹⁷ <http://www.merriam-webster.com/dictionary/barter>

¹⁸ This appears to be the only option for Ms. J, who does not have income by which to pay the \$12 per night.

IV. Conclusion

The Division's decision to deny Ms. J's CAMA application is affirmed.

DATED March 20, 2014.

Signed _____
Bride Seifert
Administrative Law Judge

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 10th day of April, 2014.

By: *Signed* _____
Name: **Bride Seifert**
Title: **Administrative Law Judge**

[This document has been modified to conform to the technical standards for publication.]