

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

In the Matter of:)
)
 M T) OAH No. 12-0343-GRE
) DPA Case No.
_____)

DECISION

I. Introduction

M T applied for general relief assistance in order to pay her electrical bill.¹ The Division of Public Assistance (Division) denied the application on the ground that payment for prior months' services is not allowed.

Ms. T requested a hearing, and the assigned administrative law judge conducted a telephonic hearing on September 13, 2012. Ms. T participated, and Terri Gagne represented the Division.

Because Alaska law provides that general relief assistance is not available to pay for services provided prior to the month of application, the appeal is denied.

II. Facts²

M T is separated from her husband while divorce proceedings are pending in court. In the meantime, she is the sole occupant of the marital residence, on which her husband is paying the mortgage but not the utility bills. In August, 2012, she had a past due electrical bill of \$141.68 for electrical service and fees incurred prior to August, with an additional \$33.63 due for services through the date of the August bill.³ The electrical company notified her that due to the delinquent bill, her service would be disconnected on August 29.⁴

Ms. T is unemployed and without financial resources. She filed an application for general relief assistance on August 24, 2012, asking for help with the electrical bill.⁵ A Division caseworker contacted the electrical utility to inquire about the status of the bill. The caseworker was informed that payment of the amount due for the current month's service (\$33.63) would not prevent termination of electrical service, because of the prior balance due.⁶ The Division denied

¹ See AS 47.25.120, 7 AAC 47.020.

² Except as otherwise noted, the facts are based on Ms. T's testimony at the hearing.

³ Exhibit 3.1. Ms. T's electricity had previously been shut off, and in addition to paying for prior service she owed \$95 for reinstating the service.

⁴ Exhibit 3.1.

⁵ Exhibit 3; Testimony of L. T.

⁶ See Exhibit 3.

the application, on the ground that under Alaska law general relief assistance is not available for services provided prior to the month of application, and payment of the current month's bill would not enable her to retain electrical service.⁷ Ms. T appeals.

III. Discussion

The legislature has provided that financial assistance may be given to needy persons in an amount "determined by the department with regard to the resources and needs of the person and the conditions existing in each case. Where possible, assistance shall be sufficient to provide the applicant with reasonable subsistence according to the standards of assistance established by the department."⁸ By regulation, the maximum amount payable is \$80 per person per month.⁹

Direct cash payments to an applicant are not allowed for household expenses such as rent, food and utilities: payment for those serves "may be made only to the vendor or provider and not to the recipient of assistance."¹⁰ In addition, and of particular significance in this case, "vendor payments may not be made for services or goods provided before the month of application."¹¹

As may be seen, under these provisions of law, the Division is not authorized to provide the assistance needed by Ms. T. It can only make payment for utilities to the provider, and only for services provided during the month in which she applied. The Division could have paid \$33.63 to the utility company, but that would not have prevented termination of the utility service at the same time as if no payment were made at all, due to her previous balance. Moreover, even if Ms. T were paid the maximum allowable benefit of \$80, the previous balance would not have been paid and, according to the utility company, the service would still have been terminated.

IV. Conclusion

The Division did not have legal authority to provide general relief assistance in an amount sufficient to avoid the termination of Ms. T's electrical service. Accordingly, the denial of her application is **AFFIRMED**.

DATED September 14, 2012.

By: Signed _____
Andrew M. Hemenway
Administrative Law Judge

⁷ Exhibit 5.
⁸ AS 47.25.130(a).
⁹ 7 AAC 47.100.
¹⁰ 7 AAC 47.110.
¹¹ 7 AAC 47.110.

Adoption

The undersigned by delegation from the Commissioner of Health and Social Services, adopts this decision as final under the authority of AS 44.64.060(e)(1).

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 8th day of October, 2012.

By: Signed
Signature
Andrew M. Hemenway
Name
Administrative Law Judge
Title

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