

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

In the Matter of)
)
X and N L) OAH No. 12-0627-GRE
) Agency No. 12-FH-208
_____)

DECISION

I. Introduction

X and N L (“the Ls”) applied to renew their Alaska Senior Benefits (“Senior Benefits”) payments on April 20, 2012.¹ The Department of Health and Social Services, Division of Public Assistance (Division) denied their application based on its determination that their income was too high to qualify for the benefits.² The Ls requested a hearing on May 7, 2012.³

The Ls’ hearing was held on June 7, 2012. Mr. and Mrs. L appeared by telephone; Mr. L represented himself and his wife and testified on their behalf. Jeff Miller, a Public Assistance Analyst with the Division, appeared in-person and represented the Division.

Because the Ls’ yearly income exceeds the yearly income limit for the Senior Benefits program, they are not eligible to receive those benefits.

II. Facts

The Ls were each receiving monthly Senior Benefits payments in April 2012.⁴ They applied to renew those benefits on April 20, 2012.⁵

The Ls financially qualified for Senior Benefits payments in 2011. Their monthly income increased in December 2011 due to a Social Security cost of living increase.⁶ The Ls’ undisputedly have the following monthly income:

| | | |
|--------|----------------------|-------------------------------|
| Mr. L | Social Security | \$1,553.90 ⁷ |
| | Shell Pension | \$ 331.77 ⁸ |
| Mrs. L | Social Security | <u>\$ 878.90</u> ⁹ |
| | Total monthly income | \$2,764.57 |

¹ Exs. 2.0 – 2.3.

² Exs. 4 – 4.1.

³ Exs. 5 – 5.1.

⁴ Ex. 1.

⁵ Exs. 2.0 – 2.3.

⁶ Mr. L testimony; Ex. 3.3.

⁷ Ex. 3.3.

⁸ Ex. 3.2.

⁹ Ex. 3.3.

Their total yearly income is \$33,174.84.¹⁰

III. Discussion

The issue in this case is whether the Ls are financially eligible for Senior Benefits payments.

The Alaska Senior Benefits Payment program is a cash assistance program that pays a monthly cash benefit to eligible Alaska residents who are 65 years of age or older.¹¹ In order to be financially eligible for this benefit, the total gross yearly income for a household may “not exceed 175 percent of the annual federal poverty line for Alaska.”¹² That amount, effective March 1, 2012, for a married couple (two person household) is \$33,110.¹³

It is undisputed that the Ls’ yearly income is \$33,174.84. As a purely legal matter, because their yearly income is greater than \$33,110, they are not eligible for Senior Benefits payments.

IV. Conclusion

The Division’s decision to deny the Ls’ Senior Benefits application is AFFIRMED.

DATED this 17th day of July, 2012.

Signed _____
Lawrence A. Pederson
Administrative Law Judge

Adoption

The undersigned, by delegation from of 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 30th day of July, 2012.

By: *Signed* _____
Name: Lawrence A. Pederson
Title: Administrative Law Judge

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

¹⁰ \$2,764.57 monthly income times 12 months equals \$33, 174.84.

¹¹ AS 47.45.301 – 302.

¹² AS 47.45.302(a)(3); 7 AAC 47.549(a).

¹³ <http://dpaweb.hss.state.ak.us/POLICY/PDF/seniorbenefits2012.pdf> (accessed on July 16, 2012).