

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

In the Matter of: )  
 )  
 B S ) OAH Case No. 13-0295-GRE  
 ) DPA Case No.

---

**DECISION**

**I. Introduction**

This case is Ms. U E's appeal of the decision by the Division of Public Assistance (or Division) to deny her application for General Relief Assistance (GRA) benefits for cremation expenses for her father-in-law, B S. The Division denied these benefits because Mr. S' monthly income exceeded \$300 in March of 2013, which was the month he died and the month that the application for these benefits was filed.

Ms. E admitted Mr. S' monthly income exceeded \$300, but argued that it would be unfair to apply the monthly income limit in his case.

The Division's denial of GRA benefits for cremation expenses for the late B S must be upheld. There is no exception to the \$300 monthly income limit applicable to Ms. E's application.

**II. Facts**

Mr. S died on March 4, 2013.<sup>1</sup> Ms. E applied the following day for GRA benefits to cover his cremation.<sup>2</sup> On her application, Ms. E listed \$1,509.40 in Social Security benefits as monthly non-work income for Mr. S at the time of his death.<sup>3</sup> On March 6, 2013, the Division mailed a notice to Ms. E stating that her application was denied because Mr. S' income exceeded the \$300 monthly limit.<sup>4</sup> Ms. E appealed that decision.

Ms. E's appeal was heard by telephone on March 27, 2013. The hearing was audio recorded. Ms. E represented Mr. S' estate, and testified on its behalf. DPA Public Assistance Analyst Jeff Miller represented the Division.<sup>5</sup>

---

<sup>1</sup> Exhibit 2.  
<sup>2</sup> Exhibits 2-2.3.  
<sup>3</sup> Exhibit 2.2.  
<sup>4</sup> Exhibit 4.  
<sup>5</sup> Recording of Hearing.

Ms. E admitted at the hearing that Mr. S received \$1,509.40 in Social Security benefits, but she argued that it was unfair to include that benefit as income, because almost all of that money went to the assisted-living home he lived in when he died.<sup>6</sup>

### **III. Discussion**

Ms. E is understandably frustrated that Social Security benefits that were not available to help with cremation expenses were applied to the monthly income limit that made the late Mr. S ineligible for General Relief Assistance for his cremation. The regulations that set the eligibility requirements for this assistance are very strict, however. Alaska Regulation 7 AAC 47.150 sets the monthly income limit for a household of one at \$300. This regulation provides a limited list of deductions from the income before the monthly is compared to the \$300 limit. That list does not include money collected by the assisted living facility where the decedent was living.<sup>7</sup>

### **IV. Conclusion**

Mr. S did not qualify for General Relief Assistance for his cremation. The Division's decision is AFFIRMED.

Dated this 12<sup>th</sup> day of April, 2013.

*Signed*  
\_\_\_\_\_  
Mark T. Handley  
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 3<sup>rd</sup> day of May, 2013.

By: *Signed*  
\_\_\_\_\_  
Name: Mark T. Handley  
Title: Administrative Law Judge

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

---

<sup>6</sup> Recording of Hearing.

<sup>7</sup> 7 AAC 47.150(c)(2).