

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

In the Matter of	)	
	)	OAH No. 13-0876-GRE
M G	)	Agency No.
_____	)	

**DECISION**

**I. Introduction**

M G applied for Senior Benefits, and the Division of Public Assistance (division) asked her for additional information. Ms. G requested a hearing on the division’s action. The division filed a petition to Deny Fair Hearing Request. Because there was no adverse decision as of the date the hearing was requested, the division’s motion to dismiss the hearing request is granted.

**II. Facts**

The division issued a notice to Ms. G on June 13, 2013.<sup>1</sup> That notice states that her application was being held because additional information was needed. Ms. G was informed that she must provide that information by June 28, 2013.

A second notice was issued on June 19, 2013, asking Ms. G to provide different additional information by July 5, 2013. Ms. G’s request for a hearing is dated June 15, 2013, presumably in response to the June 13 notice.

The division’s Petition is dated June 21, 2013. The undersigned administrative law judge (ALJ) issued a notice on June 21, informing Ms. G that she needed to respond to the division’s motion by July 10, 2013. Ms. G did not provide any response.

**III. Discussion**

A request for a hearing may be dismissed by an ALJ if “the issues by which the recipient is aggrieved are not those set out in 7 AAC 49.020.”<sup>2</sup>

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<sup>1</sup> The factual findings are based on the documents in the record. Those documents are not marked as exhibits or otherwise numbered. However, the record is small, and the description in the text of this decision sufficiently identifies the documents relied on.

<sup>2</sup> 7 AAC 49.100(1).

An opportunity for a hearing must be granted to a recipient whose

(1) request for financial, food, or medical assistance is denied or is not acted upon with reasonable promptness; or

(2) financial, food, or other medical assistance benefits are suspended, terminated, or reduced.<sup>[3]</sup>

Ms. G's request for financial assistance has not been denied, and the record does not reflect any unreasonable delay.<sup>4</sup> There is no evidence of any other benefits having been suspended, terminated, or reduced. Accordingly, she is not aggrieved as to any issue set out in 7 AAC 49.020.

#### **IV. Conclusion**

At the time she requested this hearing, Ms. G's application had not been denied, and there had not been any unreasonable delay. Accordingly, the division's motion is granted, and the hearing request is dismissed.

Dated this 18<sup>th</sup> day of July, 2013.

*Signed*

\_\_\_\_\_  
Jeffrey A. Friedman

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 1<sup>st</sup> day of August, 2013.

By: *Signed*

\_\_\_\_\_  
Name: Jeffrey A. Friedman

Title: Administrative Law Judge

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

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<sup>3</sup> 7 AAC 49.020.

<sup>4</sup> It is possible that her application has been denied since this matter was referred to OAH for a hearing. If so, Ms. G would have the right to timely request a hearing on that denial. If her application has not yet been acted on at all, Ms. G could, if she believes the delay has been unreasonable, request a hearing to contest the delay. This decision only holds that her request for a hearing should be denied as of the date of the division's petition.