

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

In the Matter of)	
)	OAH No. 13-1425-GRE
B D)	Agency No.
_____)	

DECISION

I. Introduction

B D applied for General Relief benefits. The Division of Public Assistance (division) denied his application because his income exceeded the maximum income amount. Mr. D contested that determination and requested a formal hearing.

A hearing was held on October 31, 2013. There were no relevant facts in dispute. Instead, the contested issue was whether, given the undisputed facts, Mr. D qualified for this benefit. Based on the existing statutes and regulations, Mr. D was not financially eligible and the division was correct to deny his application.

II. Facts

Mr. D is a veteran living in No Name, Alaska. He applied for Social Security but did not qualify because he did not have enough quarters of employment. He may have enough work history in early 2014 to qualify. In the meantime, he is having difficulty supporting himself. He works part time at the No Name Senior Citizens Center under the auspices of the MASST¹ program. He earns \$7.75 per hour and works 20 hours per week. This equates to a monthly net income of about \$653.00 per month. His rent is \$508.19 per month, and he is also responsible for paying all of his utilities.² He had help bringing his utilities current to the end of October 2013, but a new bill that he could not afford was starting on November 1st. Mr. D has also received assistance from the local food bank.

III. Discussion

General Relief assistance is available to Alaskans who meet the eligibility requirements adopted by the Department of Health and Social Services.³ The amount of

¹ MASST stands for Mature Alaskans Seeking Skills Training. Mr. D explained that it is a program in which older Alaskans work in community service positions to obtain job skills and become self-sufficient. The MASST program is administered by the Alaska Department of Labor and Workforce Development.

² Exhibit 2.13.

³ AS 47.25.120.

assistance provided to meet living expenses may not exceed \$80 per person each month.⁴ Financial eligibility is determined from an applicant's monthly net income. Net income consists of all earned or unearned income except money received under the Alaska Native Claims Settlement Act, minus mandatory payroll deductions and voluntary health insurance deductions.⁵ An applicant is financially eligible if the need standard exceeds his or her monthly net income.⁶ In other words, the applicant's income must be less than the need standard. The need standard for a single person household is \$300.⁷

The division initially based its denial decision on Mr. D' gross monthly income.⁸ On appeal of that decision, the division recognized its error and looked instead at his net monthly income.⁹ It is undisputed that Mr. D' net monthly income exceeds \$300 per month.¹⁰

Mr. D argued that his monthly expenses exceed his income, and that he needs financial assistance. There is no dispute that between rent, utilities, and other expenses, Mr. D' income is not enough to provide for all of his needs. However, that is not the applicable test. The applicable regulations set the needs standard at a low level, and only households with less income than that amount may receive this benefit.

IV. Conclusion

The General Relief program has strict eligibility requirements. Mr. D' monthly net income exceeds the \$300 per month need standard for a one person household. Accordingly, the division's decision to deny him this benefit is upheld.

Dated this 10th day of December, 2013.

Signed

Kay L. Howard
Administrative Law Judge

⁴ 7 AAC 47.100.

⁵ 7 AAC 47.150(c).

⁶ 7 AAC 47.150(a).

⁷ 7 AAC 47.150(b).

⁸ Exhibit 6.0

⁹ Division's Position Statement, page 2.

¹⁰ Exhibit 2.10.

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 24th day of December, 2013.

By: Signed _____
Name: Kay L. Howard
Title: Administrative Law Judge

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