

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

In the Matter of )  
 )  
 W T ) OAH No. 16-1474-GRE  
 ) Agency No.  
\_\_\_\_\_ )

**DECISION**

**I. Introduction**

W T applied to the Division of Public Assistance for general relief assistance benefits. The division found that Mr. T's income exceeded the program limits and denied the application. Mr. T requested a fair hearing.

Because the division relied on income information supplied by Mr. T in his application, and that information indicated that Mr. T's income and resources exceeded the program limit, the division's decision is upheld.

**II. Facts**

Mr. T applied for general relief assistance, a program available to help pay for rent or utilities.<sup>1</sup> He signed the application on November 9, 2016. Mr. T owns his home, but has a mortgage.<sup>2</sup> On his application form, he reported that he was not working, but that he had received income of \$600 a month from a tenant renting in his house this month, and expected to receive \$600 next month.<sup>3</sup> On November 29, 2016 the division denied Mr. T's application on the grounds that his rental income of \$600 a month exceeded the \$300 income limit for the program.<sup>4</sup> Mr. T requested a fair hearing on December 5, 2016, reporting that his renter left in October 2016, and that he no longer had the \$600 in rental income.

A telephonic hearing was held on January 10, 2017. Mr. T represented himself. Jeff Miller, a Public Assistance Analyst with the division, represented the division. An interpreter with CTS Language Link provided Spanish language interpretation services.

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<sup>1</sup> Exhibit 2.1 - 2.13.  
<sup>2</sup> Exhibit 2.9 - 2.10.  
<sup>3</sup> Exhibit 2.7.  
<sup>4</sup> Exhibit 3.

### III. Discussion

The general relief assistance program provides assistance only if a person's monthly net income is less than the maximum monthly need standard. The need standard for a one-person household is \$300.<sup>5</sup> On his application form, Mr. T listed \$600 a month in rental income.<sup>6</sup> Therefore, based on the information he provided on his application, Mr. T did not meet the program's criteria.

At the hearing, Mr. T argued that he was no longer receiving rent because his tenant moved out in October.<sup>7</sup> However, Mr. T signed his application on November 9, 2016, after his tenant had moved out. He could have stated on the application that he would not be receiving rental income in November. Indeed, the application form specifically asked for the amount of other income received "this month" and "next month." Mr. T wrote \$600 in both boxes. Mr. T argued that he had made a mistake by including that income on his application.<sup>8</sup> The division had no way of knowing when it acted on Mr. T's application that Mr. T was no longer receiving rent. Based on the information Mr. T supplied, the division correctly denied the application.

At the hearing the division also argued that Mr. T was ineligible because Mr. T's resources exceeded the program limit. Because this was not cited as a reason in the division's denial notice, and because it would not change the outcome of the case, this argument will not be decided here.<sup>9</sup>

### IV. Conclusion

The general relief program has strict eligibility requirements. The income Mr. T reported on his application exceeded the program's need standard. Accordingly, the division's decision to deny Mr. T's application for general relief assistance is upheld.

Dated: January 26, 2017.

*Signed* \_\_\_\_\_  
Kathryn L. Kurtz  
Administrative Law Judge

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<sup>5</sup> 7 AAC 47.150(a), (b).

<sup>6</sup> Exhibit 2.7.

<sup>7</sup> See also Exhibit 4.2 (change report form stating that the renter moved out on October 15, 2016).

<sup>8</sup> Exhibit 2.7.

<sup>9</sup> Exhibit 4.

## Adoption

The undersigned, by delegation from 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 13<sup>th</sup> day of February, 2017.

By: *Signed*

Name: Kathryn L. Kurtz

Title: Administrative Law Judge

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