

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

In the Matter of )  
 )  
 W H M )  
\_\_\_\_\_ )

OAH No. 13-0116-MDE  
Division No.

**DECISION**

**I. Introduction**

W H M challenges the termination of Family Medicaid coverage for himself and his wife. He received a hearing on the matter on February 20, 2013. Because Mr. M is a Hmong speaker, all proceedings were translated between Hmong and English by a duly sworn interpreter, J W.

Mr. M represented himself at the hearing and testified on his own behalf. Jeff Miller, Public Assistance Analyst, argued the case for the Division of Public Assistance. Mr. Miller did not present any witnesses, but he offered Exhibits 1-21, which were admitted over objection.

Based upon the undisputed evidence, it is not possible for Mr. M and his wife to qualify for Medicaid coverage at their present income level. The Division’s decision to terminate their coverage is affirmed. They may reapply if their income or other circumstances change to make them eligible.

**II. Facts**

W H M and his wife, D U, live in a single household with their two minor children.<sup>1</sup> They are unemployed, and their only income is unemployment insurance benefits.

Mr. M and Ms. U have been receiving Medicaid coverage. They were most recently reapproved on September 14, 2012, apparently on the assumption that their unemployment benefits were “exhausting in October.”<sup>2</sup> They were required by program rules to seek an extension of their benefits. This extension was granted, and they have been approved for unemployment benefits through November of 2013.<sup>3</sup>

Alaska Department of Labor records indicated that Mr. M and Ms. U together receive \$524 per week in unemployment benefits,<sup>4</sup> which works out to approximately \$2,253 per month. Mr. M

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<sup>1</sup> Ex. 2.  
<sup>2</sup> Ex. 4.  
<sup>3</sup> Testimony of Mr. M.  
<sup>4</sup> Ex. 5.

estimates the benefits to be slightly lower, at “\$1,800 or \$1,900 to take home.”<sup>5</sup> There is no dispute that the monthly unemployment benefits add up to more than \$1,713 per month.

On January 17, 2013, the Division notified the M household that Medicaid coverage for the two parents would be terminated on the basis that their net income exceeds the Family Medicaid maximum for a household of four.<sup>6</sup> The two children remain covered through Denali KidCare.<sup>7</sup> Mr. M requested a fair hearing to challenge the termination of the adults.<sup>8</sup>

### III. Discussion

Alaska’s Family Medicaid program is only available to people who meet precise eligibility criteria.<sup>9</sup> One of these requirements is that the household’s net income, after subtracting certain deductions, cannot be more than \$1,713 per month for a household of four.<sup>10</sup>

All of the income deductions except one are available only to employed people, and so they do not apply to Mr. M or Ms. U.<sup>11</sup> The one exception relates to certain child support payments for children outside the home, and it likewise does not apply to this household.<sup>12</sup> Therefore, there are no deductions for the M household.

Unemployment compensation is a type of income that must be considered for determining Medicaid eligibility.<sup>13</sup> It is undisputed in this case that the M household’s income from unemployment insurance is greater than \$1,713 per month. Since there are no applicable deductions, the household’s net income also exceeds \$1,713, and it is too high to qualify for Family Medicaid. The department *must* terminate Medicaid if net income is too high.<sup>14</sup>

Mr. M points out that he and Ms. U may need medical treatment, and their small income is insufficient to cover such expenses. However, the law does not give the administrative law judge or the Department of Health and Social Services any discretion to give them Family Medicaid coverage in this situation. They will have to address their health treatment needs in some other way.

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<sup>5</sup> M testimony.

<sup>6</sup> Exs. 6, 7.2.

<sup>7</sup> Ex. 6.

<sup>8</sup> Exs. 7.1, 7.3.

<sup>9</sup> See 7 AAC 100.102.

<sup>10</sup> This is the figure provided by law in 7 AAC 100.190(a)(1), as adjusted upward in accordance with 7 AAC 100.190(b). The final figure for 2013 can be seen in the excerpt of the Family Medicaid Manual found at Ex. 14 or at <http://dhss.alaska.gov/dpa/Documents/POLICY/PDF/2013MedStandards.pdf>.

<sup>11</sup> See 7 AAC 100.180 – 186.

<sup>12</sup> 7 AAC 100.184(3). Mr. M and Ms. U do not pay child support. Ex. 2.2.

<sup>13</sup> 7 AAC 100.158(d)(4).

<sup>14</sup> 7 AAC 100.180(d).

#### **IV. Conclusion**

W H M's household is not financially eligible for Family Medicaid at this time. The Division's decision to terminate the coverage of the two adults in the household is affirmed.

DATED this 21<sup>st</sup> day of February, 2013.

*Signed* \_\_\_\_\_  
Christopher Kennedy  
Administrative Law Judge

#### **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 7<sup>th</sup> day of March, 2013.

By: *Signed* \_\_\_\_\_  
Name: Christopher M. Kennedy  
Title: Administrative Law Judge

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