

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

In the Matter of )  
 )  
 T M )  
\_\_\_\_\_ )

OAH No. 13-0167-MDE  
Division No.

**DECISION**

**I. Introduction**

T M was a Medicaid recipient. The Department of Health and Social Services, Division of Public Assistance (Division) terminated his Medicaid benefits because his resources exceeded those allowed by the Medicaid program. Mr. M requested a hearing.

Mr. M's hearing was held on March 5, 2013. Mr. M represented himself and testified on his own behalf. Public Assistance Analyst Terri Gagne represented the Division.

Based upon the undisputed evidence, Mr. M owns over \$3,000 in countable resources, which is more than the Medicaid program allows. This makes him financially ineligible for Medicaid benefits. The Division's decision terminating his Medicaid benefits is affirmed.

**II. Facts**

Mr. M is a married man who lives with his wife.<sup>1</sup> He was receiving Medicaid benefits in the fall of 2012.<sup>2</sup> In October 2012, he notified the Division that he had received two large cash wedding gifts. He used some of the money to purchase a mobile home. After he purchased the mobile home, his bank account balance was over \$13,000.<sup>3</sup> The Division reviewed his Medicaid benefit case in November 2012, and asked him to provide copies of his and his wife's bank account statements.<sup>4</sup> The Division reviewed Mr. M's bank account information and, on January 30, 2013, notified him that his Medicaid coverage would end on February 28, 2013, because he was over the resource limit for the Medicaid program.<sup>5</sup>

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<sup>1</sup> Ex. 1.

<sup>2</sup> Ex. 1.

<sup>3</sup> Exs. 2.0 - 2.4.

<sup>4</sup> Exs. 2. 6 - 2.7. Mr. M had already provided the requested information to the Division in connection with a different public assistance program. Mr. M contacted the Division after it requested the information and notified it the information was already in its possession. Mr. M testimony; Ex. 2.8.

<sup>5</sup> Exs. 2.8 - 2.9.

Mr. M's bank account balance has been greater than \$3,000 continuously from late August 2012 through the end of February 2013.<sup>6</sup> His home requires a number of repairs. The money remaining in his bank account is reserved for those repairs.<sup>7</sup>

### III. Discussion

The Alaska Medicaid program contains a variety of coverage categories. *See* 7 AAC 100.002. Each of these categories has differing eligibility requirements. These include financial requirements which limit how much monthly income a Medicaid applicant may have, and how much in resources (cash, other personal property, and real property) an applicant may own.

A Medicaid recipient, who is married and living with a spouse, may not own more than \$3,000 in countable resources.<sup>8</sup> Countable resources include cash.<sup>9</sup> Mr. M is therefore subject to the financial requirement that he may not own more than \$3,000 in countable resources. Mr. M undisputedly has a bank account balance that has exceeded \$3,000 continuously since late August 2012.

Mr. M argued that he should continue to be eligible for Medicaid, regardless of the Medicaid program's financial limits, because his home requires a number of repairs and his funds are being reserved to make those repairs. The Medicaid regulations do not allow any exceptions for funds held for repairs to a home when calculating financial eligibility.<sup>10</sup> Mr. M is therefore not eligible for Medicaid benefits.

### IV. Conclusion

The Division's termination of Mr. M's Medicaid benefits, after February 28, 2013, is affirmed.

DATED this 10<sup>th</sup> day of April, 2013.

*Signed* \_\_\_\_\_  
Lawrence A. Pederson  
Administrative Law Judge

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<sup>6</sup> Exs 2.2, A.

<sup>7</sup> Mr. M testimony.

<sup>8</sup> 7 AAC 100.400(a)(14).

<sup>9</sup> 7 AAC 40.260; 7 AAC 40.270(b); 7 AAC 100.400(a)(13) – (15).

<sup>10</sup> 7 AAC 40.260 – 280; 7 AAC 100.400(a)(13) – (15). It must be noted that there is an exception to this general rule, which is when the funds consist of “cash received from an insurance company to replace or repair” a home or other exempt resource. 7 AAC 40.280(a)(8).

## 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 24<sup>th</sup> day of April, 2013.

By: *Signed* \_\_\_\_\_

Name: Lawrence A. Pederson

Title/Agency: Admin. Law Judge, DOA/OAH

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