

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

In the Matter of )

Q M )

) OAH No. 15-0726-MDE  
) Agency No.

**DECISION**

**I. Introduction**

This case is Q M's appeal of the denial of his application for eligibility for Medicaid benefits that he filed in January of 2015 because he missed his interview.

The Division's action is upheld because based on the evidence in the record, Mr. M is not eligible for the benefits that were denied because of the missed interview.

**II. Facts**

The Division of Public Assistance (Division) scheduled an interview on Mr. M's application for 9:00 AM on March 12, 2015.<sup>1</sup> On that day M K, who is Mr. M's daughter and legal guardian, was in the Alaska remote village of No Name, where she lives, and where Mr. M is in a nursing home. Ms. K had provided the Division with her cell phone number and waited for the call for the interview. She did not receive a call. Ms. K did not receive the call because of problems with GCI, her service provider, which she was not aware of until after she did not receive the interview call. Her phone was working when she went to bed on March 11, 2015. Ms. K had to get instructions and reprogram her phone to get it working again. Her phone did not work again until 1:00 PM, which was hours after the scheduled interview.<sup>2</sup>

Ms. K was not very concerned about that she did not receive a call for the interview at first because the Division had missed a prior scheduled interview on December 23, 2014 for an application submitted in September of 2014, and had simply sent her a notice to reschedule. The September application had been denied because Mr. M's income exceeded the limits for eligibility. Ms. K had subsequently created an Income Qualifying Trust for her father so that he could qualify for Medicaid.<sup>3</sup>

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<sup>1</sup> Exhibit 4.

<sup>2</sup> Recording of Hearing

<sup>3</sup> Exhibit 2 & Recording of Hearing

The Division did not offer to reschedule the interview. The Division sent Mr. M notice that his application was denied because he had missed the interview.<sup>4</sup>

Because Ms. K appealed the denial, a fair hearing was held. Ms. K appeared telephonically, and represented Mr. M. Michelle Cranford appeared telephonically for the Division. At the hearing, Ms. K worked through Mr. M's income records with the Division for the months of November and December. There was no real dispute that Mr. M's income exceeded the eligibility limits for those months.<sup>5</sup>

At the hearing, the Division explained that after the January application was denied, Ms. K re-applied and the Division was able to obtain from Ms. K the information it needed to verify Mr. M's ongoing eligibility as well as his eligibility for some prior months. When Ms. K reapplied for Mr. M and his eligibility for the months of January and February of 2015 was established, but not November and December of 2014. The Division explained that it was looking into other ways to help pay down the debt for those months.<sup>6</sup>

### **III. Discussion**

Federal law requires the Division to verify information about an applicant before the Division determines whether the applicant is eligible for food stamp benefits. The Division has authority to deny benefits to an applicant who refuses to cooperate. The evidence in the record does not show that Ms. K or Mr. M refused to cooperate with the Division.

However, Mr. M can be eligible for Medicaid only during months that his income was below the income limits.<sup>7</sup> At the hearing, Ms. K did not dispute that Mr. M's income exceeded the income limits during the months of November and December of 2014.<sup>8</sup> At the hearing, the Division explained that the \$9,494 annuity payment that Mr. M received in December of 2014 in addition to his monthly Social Security benefit, plus his labor union benefits of over \$2000, disqualified Mr. M for both November and December of 2014.<sup>9</sup>

Ms. K was understandably frustrated that her efforts to assist her father were apparently thwarted by the problems she had with her phone on the day of the interview, but the Division would still have had to deny of that application for coverage of the only months now in dispute

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<sup>4</sup> Exhibit 8 & Recording of Hearing

<sup>5</sup> Recording of Hearing

<sup>6</sup> Recording of Hearing

<sup>7</sup> Recording of Hearing & 7 AAC 100.410; *see also* 7 AAC 40.310.

<sup>8</sup> 7 AAC 40.310(a)(1) and (c).

<sup>9</sup> Recording of Hearing.

even if the interview had taken place. Based on the facts in this record, he was not eligible for Medicaid for the months of November and December of 2014 because his income exceeded the income limit established in regulation.

**IV. Conclusion**

Ms. K did not refuse to cooperate with the Division, but Mr. M's income for the months of November and December of 2014 exceeded the Medicaid-eligibility maximum applicable to him. These are the only two months for which that coverage was sought but not covered by Mr. M's subsequent application. Therefore, the Division's denial of his earlier application, filed on January 30, 2015 is affirmed. The Division's denial of benefits to Mr. M based on missing the interview is reversed.

DATED this 10<sup>th</sup> day of August, 2015.

By: \_\_\_\_\_  
Mark T. Handley  
Administrative Law Judge

**Adoption**

Under a delegation from the Commissioner of Health and Social Services, I adopt this Decision as the final administrative determination in this matter, under the authority of AS 44.64.060(e)(1),.

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 27<sup>th</sup> day of August, 2015.

By: Signed \_\_\_\_\_  
Name: Mark T. Handley  
Title: Administrative Law Judge

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