

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

In the Matter of	)	
	)	
N B	)	OAH No. 16-1479-MDE
_____	)	Agency No.

**DECISION**

**I. Introduction**

N B applied for Chronic and Acute Medical Assistance (CAMA) benefits. The Division of Public Assistance (Division) denied her application because it determined she was not a U.S. citizen and did not meet the requirements for being a legal alien.

Ms. B requested a hearing. It was held on January 10, 2017. Ms. B represented herself. Sally Dial represented the Division. The record was held open until January 13, 2017.

Ms. B has been legally living and working in Alaska for 22 years. She is not a U.S. citizen, does not have permanent resident status in the U.S, and has not shown that she is a “person residing under color of law.” Consequently, she is not eligible for CAMA benefits. The denial of her application is upheld.

**II. Facts**

Ms. B was born in El Salvador. She has been working and living in Alaska for 22 years. She has an Alaska driver’s license. She has a Social Security Card. She is not a U.S. citizen. She does not have a permanent resident status (Green Card). Instead, she has an Employment Authorization Card, which expired on September 9, 2016. She has significant medical issues. She was previously receiving Social Security benefits, which were terminated.<sup>1</sup>

Ms. B applied for CAMA benefits on November 23, 2016. The Division denied her application because she is not a U.S. citizen, nor is she a legal alien.<sup>2</sup>

**III. Discussion**

CAMA is a state program which provides some payment for medical bills incurred by people who have certain medical conditions. The CAMA program does not provide benefits to persons who are not U.S. citizen or legal aliens.<sup>3</sup> The CAMA regulations do not contain a

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<sup>1</sup> Ms. B’s testimony; Exs. 5, 7.  
<sup>2</sup> Ex. 6.  
<sup>3</sup> 7 AAC 48.525(a)(6).

definition of the term “legal alien.” The Division’s CAMA Manual states that “[u]nlike *Medicaid*/Denali KidCare, CAMA recognizes an individual who is ‘permanently residing under the color of law’ (*PRUCOL*) as a legal alien.”<sup>4</sup> The way to prove this is supply either a *PRUCOL* letter from the U.S. Customs and Immigration Service or by supplying a copy of an “I-94 granting the alien voluntary departure for an indefinite time period.”<sup>5</sup> An I-94 is the official record of a person’s admission to the U.S.<sup>6</sup>

Ms. B is not a U.S. citizen. Because she is not a Green Card holder, she is not a permanent resident of the U.S.<sup>7</sup> She is therefore not a “qualified alien”, as defined by the Alaska Medicaid regulations and applicable federal law.<sup>8</sup> Instead, she holds an expired Employment Authorization Card. She would be eligible for CAMA benefits if she is an alien “permanently residing [in the U.S.] under the color of law.” However, in order to establish that status, she must provide the Division with a copy of an I-94 showing a voluntary indefinite departure date, or a *PRUCOL* letter from U.S. Customs and Immigration Service. The record contains neither of those documents.

As an applicant for benefits, Ms. B has the burden of proof by a preponderance of the evidence.<sup>9</sup> To qualify for CAMA benefits, she would need to show any one of the following: U.S. citizenship, Green Card status, a *PRUCOL* letter, or a copy of a qualifying I-94. She has not done so.

#### **IV. Conclusion**

The Division’s decision to deny Ms. B’s application for CAMA benefits is upheld.

DATED this 21<sup>st</sup> day of February, 2017.

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

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<sup>4</sup> *Chronic and Acute Medical Assistance Manual* §920-3 (emphasis in original).

<sup>5</sup> *Chronic and Acute Medical Assistance Manual* §920-3. Also see <https://secure.ssa.gov/apps10/poms.nsf/lnx/0500501420> for the Social Security Administration’s list of requirements for establishing *PRUCOL* status.

<sup>6</sup> See Department of Homeland Security website for information on I-94s: <https://i94.cbp.dhs.gov/194/#/home>

<sup>7</sup> <https://www.usa.gov/green-cards>.

<sup>8</sup> Although this decision involves the CAMA program and not the Medicaid program, given the fact that the CAMA regulation, 7 AAC 48.525(a)(6), does not contain a definition of legal alien, it is useful to look at the Medicaid regulation, 7 AAC 100.052(b)(1), which adopts the definition contained in 8 U.S.C. 1641. 8 U.S.C. 1641(b)(1) defines a qualified alien as “an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act.”

<sup>9</sup> 7 AAC 49.135.

## 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 2<sup>nd</sup> day of March, 2017.

By: Signed \_\_\_\_\_  
Name: Lawrence A. Pederson  
Title: Administrative Law Judge

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