

Office of Hearings and Appeals  
3601 C Street, Suite 1322  
P. O. Box 240249  
Anchorage, AK 99524-0249  
Ph: (907)-334-2239  
Fax: (907)-334-2285

**STATE OF ALASKA  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
OFFICE OF HEARINGS AND APPEALS**

In the Matter of )

██████████, )

Claimant. )

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OHA Case No. 08-FH-407

Division Case No. ██████████

**FAIR HEARING DECISION**

**STATEMENT OF THE CASE**

██████████ (Claimant) was receiving Adult Public Assistance and Medicaid benefits in June 2008. (Ex. 1) On June 12, 2008, the Division of Public Assistance (Division) mailed the Claimant written notice it was terminating her Adult Public Assistance and Medicaid benefits effective June 30, 2008. (Ex. 4) The Claimant requested a fair hearing on June 16, 2008. (Ex. 5.2) This office has jurisdiction pursuant to 7 AAC 49.010.

Pursuant to the Claimant's request, a hearing was held on July 8, August 12, and August 27, 2008. The Claimant attended the hearing telephonically and represented herself. ██████████, the Claimant's daughter, attended telephonically on the July 8 and August 27, 2008 hearing dates, and testified on the Claimant's behalf. ██████████, Public Assistance Analyst with the Division, attended in person and represented the Division.

**ISSUE**

Was the Division correct to deny terminate the Claimant's Adult Public Assistance and Medicaid benefits effective June 30, 2008?

**FINDINGS OF FACT**

1. The Claimant is currently █ years old (birthdate ██████████). (Ex. 1) She applied to the Division for Adult Public Assistance and its related Medicaid benefits on July 17, 2007. (Ex. 2) Her application was approved because the Division eligibility technician thought the Claimant had been approved for Social Security disability benefits (Supplemental Security Income). (Ex. 2)

2. The Claimant was not approved for Supplemental Security Income. (Ex. 3.1) The Social Security Administration denied her application for Supplemental Security Income on July 13, 2007. (Ex. 3.1) She, however, had applied and been approved for regular Social Security retirement benefits beginning June 20, 2007. (Ex. 3.1)

3. A Division eligibility technician, while processing the Claimant's June 10, 2008 Eligibility Review Form (Gen 72) on June 11, 2008, discovered the Claimant was not receiving Supplement Security Income, but was rather receiving Social Security retirement benefits. (Ex. 3.0)

4. The Division eligibility technician then took action that terminated the Claimant's Adult Public Assistance and Medicaid benefits effective June 30, 2008. (Exs. 3.0, 4)

5. The Claimant had been previously approved for Medicaid benefits in the State of [REDACTED] before she moved to Alaska. (Claimant testimony) The Claimant provided copies of medical records showing that she has a medical history of cardiac problems, including a double bypass, partial deafness, twisted neck vertebrae, chronic back pain, a ventral midline hernia, and a disrupted sternum. (Exs. A, B)

### **PRINCIPLES OF LAW**

This case involves a termination of benefits. The Division has the burden of proof by a preponderance of the evidence.<sup>1</sup>

A person, under the age of 65, who is eligible to receive Social Security Supplemental Security Income benefits is also eligible to receive Adult Public Assistance benefits from the State of Alaska, if she also satisfies other State of Alaska eligibility criteria. 7 AAC 40.030; 7 AAC 40.120. A person who is receiving Supplemental Security Income or who has been approved for Adult Public Assistance is automatically eligible for Medicaid benefits. 7 AAC 100.002(b)(1) and (d)(1); 7 AAC 100.410(a) and (b).

Each state administers its Medicaid programs separately. The eligibility rules for the Alaska Medicaid programs are contained in the Alaska Administrative Code, 7 AAC 100.002 et. seq. These rules do not provide for transfer of Medicaid coverage from one state to another. *Id.*

### **ANALYSIS**

The facts in this case are not disputed. The Claimant was approved to receive Adult Public Assistance and Medicaid benefits from the State of Alaska because the Division thought she had been approved

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<sup>1</sup>Preponderance of the evidence is defined as follows:

Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

*Black's Law Dictionary* 1064 (5<sup>th</sup> Ed. 1979)

for Supplemental Security Income. However, the Division made a factual error when screening the Claimant's initial application. The Claimant had, in fact, been denied for Supplemental Security Income.

Because the Claimant is not yet 65, her Adult Public Assistance eligibility is dependent upon her being approved for Supplemental Security Income. 7 AAC 40.030. Because she did not satisfy this initial condition, the Division's initial approval of the Claimant's application was improper. The Division is not required to perpetuate its errors. It was therefore correct when it acted to terminate the Claimant's Adult Public Assistance benefits.

The Claimant testified she had been previously approved for Medicaid in [REDACTED]. However, her approval for Medicaid in [REDACTED] does not provide her with Medicaid coverage in Alaska. The Alaska Medicaid program has its own eligibility rules that do not provide for a transfer of Medicaid benefits from one state to another. *See* 7 AAC 100.002.

The Claimant's eligibility for Medicaid coverage required her to be a recipient of either Alaska Adult Public Assistance or Federal Supplemental Security Income benefits. There is no evidence in the record demonstrating her eligibility for Medicaid coverage in any of the other eligibility categories: pregnancy, medical institutionalization, home and community based waiver approval, or breast or cervical cancer.<sup>2</sup> 7 AAC 100.002(a)(4), (c)(7), (d)(4), d(7), and (d)(8). As a result, because the Claimant lost both her Adult Public Assistance benefits and because she was not receiving Supplemental Security Income, she was not entitled to receive Medicaid coverage. The Division was therefore correct when it acted to terminate the Claimant's Medicaid benefits.

### **CONCLUSIONS OF LAW**

1. The Claimant was erroneously approved for Alaska Adult Public Assistance benefits, based upon the Division's mistaken conclusion she was receiving Supplemental Security Income. The Division was therefore correct to terminate her Alaska Adult Public Assistance benefits because she was not receiving Supplemental Security Income.
2. Because the Claimant's eligibility for Medicaid coverage depended on her being eligible for either Adult Public Assistance or Supplemental Security Income, the Division was correct when it terminated her Medicaid coverage.

### **DECISION**

The Division was correct when it terminated the Claimant's Adult Public Assistance and Medicaid benefits effective June 30, 2008.

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<sup>2</sup> The Claimant presented evidence she has a medical history of various conditions. *See* Finding of Fact 5 above. However, none of these medical conditions qualify her for Medicaid coverage in their own right.

**APPEAL RIGHTS**

If for any reason the Claimant is not satisfied with this Decision, the Claimant has the right to appeal by requesting a review by the Director. To do this, send a written request directly to:

Director of the Division of Public Assistance  
Department of Health and Social Services  
PO Box 110640  
Juneau, AK 99811-0640

An appeal request must be filed within 15 calendar days from the date of receipt of this Decision.  
Filing an appeal with the Director could result in the reversal of the Hearing Authority's decision.

DATED this 3<sup>rd</sup> day of November, 2008.

Larry Pederson  
Hearing Authority

CERTIFICATE OF SERVICE

I certify that on this 3<sup>rd</sup> day of November, 2008, true and correct copies of the foregoing were sent to:  
Claimant- Certified Mail, Return Receipt Requested.

██████████, Director  
██████████, Policy & Program Development  
██████████, Staff Development & Training  
██████████, Fair Hearing Representative

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Al Levitre, Law Office Assistant I