

Office of Hearings and Appeals
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**STATE OF ALASKA
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC ASSISTANCE**

In the Matter of

████████████████████

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) OHA Case No. 08-FH-466
) Division Case No. ██████████

FAIR HEARING DECISION

STATEMENT OF THE CASE

██████████ (hereinafter “Claimant”) was receiving Family Medicaid benefits from the State of Alaska. (Ex. 1) The Division of Public Assistance (hereinafter “Division”) sent her notice, on June 5, 2008, that her Family Medicaid would be terminated because she no longer met the requirements of the program. Specifically, the household no longer had a qualified dependent child. (Ex. 2.1) The Claimant requested a fair hearing on June 30, 2008. (Ex. 3) This office has jurisdiction pursuant to 7 AAC 49.010.

Pursuant to the request, a hearing was held on June 24, 2008. Ms. ██████ attended the hearing telephonically. ██████, Public Assistance Analyst with the Division, attended in person to represent the Division.

STATEMENT OF ISSUES

Was the Division correct to terminate Ms. ██████’s Family Medicaid benefits because she no longer met the requirement of having a qualified dependent child in the household?

FINDINGS OF FACT

1. The Claimant had been a recipient of Family Medicaid. (Ex. 1). Although there were other members in the household, the Claimant’s eligibility for Family Medicaid was based upon her child, ██████. This child turned nineteen years old on ██████ 2008 (DOB: ██████, 1989).

2. [REDACTED] is currently going to high school.
3. On June 5, 2008, the Division sent the Claimant notice she was terminated from Family Medicaid benefits because she no longer had a qualified dependent child.

PRINCIPLES OF LAW

A party which wishes to change the status quo bears the burden of proof by a preponderance of evidence.¹ Since the Division wishes to change the status quo it has the burden of proof.

In order to be eligible for Family Medicaid benefits, a household must have a dependent child. That dependent child must be deprived of parental support and care and either: “(A) under 18 years of age; or (B) under 19 years of age and enrolled full-time in a secondary school or in the equivalent vocational or technical training.” 7 AAC 100.104

ANALYSIS

The issue in this case is whether Claimant’s household qualifies for Family Medicaid. The facts of this case are not in dispute. The Claimant’s eligibility for Family Medicaid was based upon her having a qualified dependent child in the household. [REDACTED] was the qualified dependent child in Claimant’s household. On [REDACTED], 2008, she turned nineteen years of age. Therefore, she no longer qualified as a dependent child under the Family Medicaid program. 7 AAC 100.104. Because the household no longer had a qualifying dependent child, the household was no longer eligible for Family Medicaid benefits.

CONCLUSIONS OF LAW

The Claimant’s household no longer met the requirements of the Family Medicaid program because there was no longer a qualifying dependent child.

DECISION

The Division was correct to terminate Claimant’s Family Medicaid benefits.

APPEAL RIGHTS

If for any reason you are not satisfied with this decision, you have 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

¹ Amerada Hess Pipeline v. Alaska Public Utilities Comm’n, 711 P.2d 1170, 1179 n. 14 (Alaska 1986). Preponderance of the evidence is evidence which as a whole shows the fact sought to be proved is more probable than not.

If you appeal, you must send your request within 15 days from the date you receive this letter. Filing an appeal with the Director could result in the reversal of the Hearing Authority's decision.

Dated this 18th day of September, 2008.

/signed/

Patricia Huna-Jines
Hearing Authority

CERTIFICATE OF SERVICE

I certify that on this 18th day of September, 2008, true and correct copies of the foregoing were sent to:

Recipient – Certified Mail, Return Receipt Requested.

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

Case File
Hearing File

/signed/

Al Levitre, Law Office Assistant I