

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

In the Matter of:)
)
 Q H) OAH No. 13-0415-APA¹
) DPA Case No.

DECISION

I. Introduction

Q H was receiving Adult Public Assistance benefits in March 2013. The Division of Public Assistance (Division) terminated his Adult Public Assistance benefits after March 31, 2013, after receiving notice from the Social Security Administration (SSA) that it had terminated his Social Security Supplemental Security Income (SSI) benefits. Mr. H requested a hearing.

Mr. H’s hearing was held on April 16, 2013. Mr. H was represented by his mother, T O, who testified on his behalf. Terri Gagne represented the Division.

Because eligibility for SSI is a prerequisite to eligibility for Adult Public Assistance benefits, the Division's decision to terminate Mr. H’s Adult Public Assistance benefits is affirmed.

II. Facts

Mr. H was receiving Adult Public Assistance benefits in March 2013.² He was also receiving SSI benefits. On March 20, 2013, the Division was notified that the SSA had terminated Mr. H’s SSI benefits. The reason for the termination was identified under code “N07” – “Cessation of recipient’s disability.”³ The Division then terminated Mr. H’s Adult Public Assistance benefits after March 31, 2013.⁴

T O is Mr. H’s mother. She testified that Mr. H’s disability was intellectual, not physical, and that he was still disabled.⁵ Mr. H has appealed his SSI termination, and that appeal is pending.⁶

¹ This case was originally categorized as a Medicaid eligibility case (MDE). At hearing, it was clarified that the case involved eligibility for Adult Public Assistance (APA) and the caption is corrected accordingly.

² Ex. 1.

³ Exs. 2.0 – 2.2.

⁴ The Division also terminated Mr. H’s Adult Public Assistance related Medicaid benefits, but immediately reinstated Medicaid benefits for him under a different eligibility category, with no lapse in coverage. Exs. 2.3, 2.5

⁵ T O testimony.

III. Discussion

A person who is eligible to receive SSI benefits is also eligible to receive Adult Public Assistance benefits from the State of Alaska, if he or she also satisfies other State of Alaska eligibility criteria.⁷ If a recipient of both Adult Public Assistance benefits and SSI benefits has his or her SSI benefits terminated by the Social Security Administration, the State of Alaska is required to terminate Adult Public Assistance benefits. Alaska's regulation, 7 AAC 40.060(c), states as follows:

(c) If an applicant is receiving SSI benefits and is determined by the Social Security Administration to be ineligible, except as provided in (d) and (e) of this section, the division will terminate assistance in accordance with 7 AAC 49.060, regardless of whether the applicant files an appeal with the Social Security Administration.

The exceptions to the termination rule contained in 7 AAC 40.060(c) refer to Supplemental Security Income termination due to either excess income or a disposal of resources for less than fair market value (*see* 7 AAC 40.060(d) and (e)). Because Mr. H had his SSI benefits terminated due to a “[c]essation of recipient’s disability,” those exceptions are not applicable here.

The Alaska regulation pertaining to the "domino effect" of a Supplemental Security Income benefit termination, 7 AAC 40.060(c), is clear. The termination of Mr. H’s SSI benefits requires that his Adult Public Assistance benefits be terminated. Even if the SSA’s decision to terminate SSI benefits is wrong or under appeal with the SSA, the Division does not have leeway to ignore the termination requirement.

IV. Conclusion

The Division was required by regulation to terminate Mr. H’s Adult Public Assistance benefits upon being informed by the SSA that Mr. H was no longer eligible for SSI. The Division's decision terminating Mr. H’s Adult Public Assistance is therefore affirmed.

Dated this 17th day of May, 2013.

Signed

Lawrence A. Pederson
Administrative Law Judge

⁶ Ex. 2.2; T O testimony.

⁷ 7 AAC 40.030.

Adoption

The undersigned, by delegation from of 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 31st day of May, 2013.

By: Signed

Title: Administrative Law Judge

Agency: DOA/OAH

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