

was faxed somewhere on September 20.⁶ The AD 2 form has two pages. Curiously, Mr. L did not provide the second page.⁷

At the hearing, Mr. L was given an additional week to provide the second page of the AD 2 form and/or to provide documentation, such as fax transmission records, showing it had been sent to the correct place. Mr. L appeared to think he could provide these materials. However, he filed nothing further.

III. Discussion

S L has the burden to show he is eligible for Interim Assistance.⁸ To be eligible, he must submit an AD 2 form, except in exceptional circumstances that do not apply here.⁹ Moreover, what is on the form would need to support eligibility.

In this case, the agency does not have Mr. L's AD 2 form, and he has not been able to—or has not troubled to—prove that it was in fact submitted to the agency's fax number. We also do not know what the form would show, because he has only supplied the first page. With the evidence in this state, it is not possible to determine that the agency was mistaken in denying his application.

IV. Conclusion

Mr. L has not met his burden of proving that he is entitled to receive Interim Assistance, nor even that he has submitted a complete application for that benefit. The Division's decision to deny his application for Interim Assistance benefits is **AFFIRMED**.

DATED this 1st day of November, 2013.

Signed _____
Christopher Kennedy
Administrative Law Judge

⁶ Oct. 21, 2013 submission from S L.

⁷ The first page does not support his eligibility. The doctor has written on it, "S – you do not meet any of these criteria." However, one can qualify solely on the basis of items covered on the second page.

⁸ 7 AAC 49.135.

⁹ Adult Public Assistance Manual § 426-2(3) ("An individual who has a disability other than blindness must be examined by a physician or psychiatrist, as specified in Manual Section 425-2A. The results of this examination must be provided on an, *Preliminary Examination for Interim Assistance (AD #2) form*"). The exceptional circumstances are found in 7 AAC 40.070(b).

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 19th day of November, 2013.

By: Signed
Name: Christopher M. Kennedy
Title: Administrative Law Judge

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