

September 13 to reschedule the interview, if she was unable to attend at the scheduled time.⁷ It also stated that if she did not attend an interview, her application would be denied after 30 days.⁸

Ms. O's parents live in Alaska, and on September 9 Ms. O made an unplanned trip to no name city to assist in caring for them.⁹ She contacted the division before she left to provide a no name city telephone number, but was not successful in making that change.¹⁰ While she was in no name city, on September 16, the division called her home telephone number at the scheduled interview time. Mr. P answered, and when the division representative asked for Ms. O he stated that she was in no name city and would be back "any day now."¹¹ Mr. P did not know Ms. O's parents' telephone number in no name city, and he did not inform her that the division had attempted to contact her until after she had returned.¹²

The day after the scheduled interview, September 17, the division mailed to Ms. O a notice stating that her application was denied, on the ground that she had not participated in the scheduled September 16 interview.¹³ Ms. O returned to no name city on Sunday, September 29.¹⁴ She filed this appeal on October 4. She filed a renewed application for Adult Public Assistance benefits on October 9, which was approved.¹⁵

III. Discussion

Ms. O filed an application for Adult Public Assistance benefits, which are payable to eligible needy disabled persons pursuant to AS 47.25.430-.615 and 7 AAC 40.¹⁶ After an application is filed, the division investigates eligibility.¹⁷ One of the requirements of eligibility is that the applicant must make themselves available for an interview at the

⁷ Ex. 3 ("If you are unable to keep this appointment because of work or for some other reason, please contact us by September 13, 2013 to reschedule your interview appointment.").

⁸ Ex. 3 ("If you do not attend an interview, your application will be denied on the 30th day from the date you gave us your application.").

⁹ B. O Testimony.

¹⁰ B. O Testimony. Ms. O testified that she was asked for her case security code, and did not know what that code was. She testified that some months later, well after her return, she was informed of her security code.

¹¹ Ex. 4.

¹² B. O Testimony.

¹³ Ex. 5 ("Your application...is denied because you did not complete the application process which includes an interview.").

¹⁴ B. O Testimony.

¹⁵ See Ex. 1.

¹⁶ Benefits are also payable to aged and the blind under this program. Ms. O's eligibility category is as a disabled person.

¹⁷ AS 47.25.450.

division's local office.¹⁸ That requirement may be waived, if to require participation at the office would be unreasonable.¹⁹ Following the interview, the division may require the submission of additional information it deems necessary.²⁰ Whether or not an interview is required, and regardless of whether requested information has been timely submitted, the division must issue an eligibility decision within 30 days of the date of the application.²¹

The division's policies state that interviews, which may be in person, telephonic, or in rare circumstances by correspondence, are mandatory for all applicants.²² In addition, the division's policies state that if an applicant fails to participate or reschedule an interview, the application will be denied:

When the applicant fails to participate in a scheduled interview and does not reschedule, the application is denied. If the household contacts the office within 30 days of the application filing date, the office must schedule an interview. If the household is determined eligible, the original application is used and benefits start based on the date the application was filed.^[23]

The clear implication of the policy, considered in light of the requirement to make a decision within 30 days and a similar policy for applicants who fail to provide needed verification,²⁴ is that the failure to participate in a scheduled interview within 30 days is grounds for denial of an application for Adult Public Assistance. Different rules may apply to applicants for other programs, such as Food Stamps,²⁵ but no provision of law or policy has been identified that provides an exception to this policy for an applicant for Adult Public Assistance benefits, regardless of whether the failure to participate was for good cause.

IV. Conclusion

The scope of this appeal is restricted to whether the division properly applied applicable law and policy in light of the evidence presented.²⁶ In this case, the division

¹⁸ 7 AAC 40.050(a).

¹⁹ 7 AAC 40.050(b).

²⁰ 7 AAC 40.050(d).

²¹ AS 47.25.460(a); 7 AAC 40.070(a).

²² APA Manual 410-3(A), (D) (Ex. 8). The complete manual is available online at <http://dhss.alaska.gov/dpa/Pages/features/org/manuals.aspx>.

²³ APA Manual 410-3(E) (Ex. 9).

²⁴ See APA Manual 410-5(D) ("If the applicant provides the verification...within 30 days of the application filing date, the case worker must accept the verification and make an eligibility determination without requiring a new application. If the household is found eligible, the caseworker will use the original benefit start date.").

²⁵ See 7 C.F.R. §273.2(h)(3)(ii) (permitting retroactive benefits in the event of agency-caused delay).

²⁶ 7 AAC 49.170(1).

followed an applicable policy that provides for denial of an application based on the failure to participate in a scheduled interview, which has not been shown to be inconsistent with any provision of law. Accordingly, its decision is sustained.

DATED April 4, 2014.

Signed

Andrew M. Hemenway
Administrative Law Judge

Adoption

The undersigned by delegation from the Commissioner of Health and Social Services, adopts this revised decision as final under the authority of AS 44.64.060(e)(1).

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 5th day of May, 2014.

By: Signed

Signature
Andrew M. Hemenway

Name
Administrative Law Judge

Title

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