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

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In the Matter of

JJ

OAH No. 14-0285-APA Agency No.

DECISION

I. Introduction

J J is an Adult Public Assistance (APA) benefit recipient. The Division of Public Assistance (DPA) lowered Mr. J's monthly APA benefit amount to \$100 because he moved into an assisted living home (ALH). Ms. U N, Mr. J's sister and authorized representative requested a hearing to contest the reduction of his APA benefits.

A hearing was held on March 17, 2014. Ms. N represented Mr. J and testified on his behalf. Public Assistance Analyst Terri Gagne represented DPA and testified on its behalf.

Mr. J's monthly APA benefit was reduced because he moved into an ALH. The Division's decision reducing Mr. J's APA monthly benefit to \$100 is affirmed.

II. Facts

Mr. J was living independently and receiving \$500.67 per month in Social Security and Supplemental Security Income (SSI) benefits¹ and \$368 in APA benefits² per month.

On January 30, 2014, Ms. N telephoned DPA and informed it that Mr. J moved into an ALH.³ DPA reduced Mr. J's monthly APA benefit amount to \$100, effective March 2013, and notified him of that change on January 31, 2014.⁴ Ms. N requested a hearing on February 19, 2014, and requested that Mr. J's APA benefits continue at \$368 per month during the hearing process.⁵ DPA authorized \$368 per month in APA benefits through the decision date in this case.⁶

¹ Exhibit 2.1.

² Ex. 4.

 $^{^{3}}$ Ex. 2.

⁴ Ex. 3.

⁵ Ex. 4.1; 4.4.

⁶ Ex. 4.4.

At hearing, Ms. N expressed concern over her ability to meet the cost requirements of the ALH with the reduced benefit amount.⁷ Mr. J pays \$768 per month to the ALH for room and board.⁸ Ms. U wants to ensure that Mr. J has adequate housing.⁹

III. Discussion

The APA program provides cash payments to financially eligible persons who are over 65, blind, or disabled.¹⁰ The benefit amount is based on income.¹¹ DPA is required to reevaluate benefit amounts when it receives information that a recipient's living condition has changed, and adjust benefit amounts as necessary.¹² The monthly APA payment for a SSI recipient who resides in an ALH is \$100.¹³ No exceptions are available.

It is undisputed that Mr. J moved into an ALH. DPA is required by regulation to reduce Mr. J's APA monthly benefit amount to \$100.

IV. Conclusion

DPA's reduction of Mr. J's monthly APA benefit to \$100 is affirmed. DATED: April 28, 2014.

> <u>Signed</u> Bride Seifert Administrative Law Judge

OAH No. 14-0285-APA

⁷ N testimony.

⁸ N testimony.

⁹ Ms. N also stated that Mr. J had recently applied and was approved for Medicaid Home and Communitybased Waiver benefits. However, Ms. N did not know when the benefits began or program specifics. Ms. Gagne directed Ms. N to the appropriate Senior and Disabilities Services employee to assist Ms. N with Mr. J's waiver issues.

¹⁰ AS 47.25.430; 7 AAC 40.120.

¹¹ 7 AAC 40.370(b). ¹² 7 AAC 40 450(c)

 $^{^{12}}$ 7 AAC 40.450(a). 13 7 AAC 40.205(a).

¹³ 7 AAC 40.395(a).

Adoption

The undersigned by delegation from the Commissioner of Health and Social Services, adopts this 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 14th day of May, 2014.

By: <u>Signed</u> Name: <u>Bride Seifert</u> Title/Division: <u>ALJ/OAH</u>

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