

Security Income (SSI).² Among other requirements, to receive Interim Assistance an applicant must be “likely to be found disabled by the Social Security Administration.”³ Mr. J has the burden of proving that he is likely to be found disabled by the SSA.⁴

After the hearing, Mr. J submitted additional medical records from 2007.⁵ These records include x-ray results and discuss his chronic leg pain and low back pain. Mr. J testified that this report was from the doctor SSA sent him to previously, and that this report formed the basis for SSA’s original finding of disability.⁶

Also after the hearing was concluded, Ms. Gagne was notified by Mr. J that he has received an SSI benefit check deposited to his bank account. Ms. Gagne wrote: “Based on [Mr. J’] call and statement, I reviewed Social Security records and was able to confirm the approval for Supplemental Security Income (SSI).”⁷

The issue for this hearing was whether Mr. J was “likely” to be approved for SSI. He was approved, which is strong evidence that he was likely to be approved prior to the SSA approval. Based on this approval, and on the additional medical records submitted by Mr. J, he was likely to have been found disabled by SSA, and he therefore qualified for IA benefits.⁸

IV. Conclusion

The question in this case was whether the Social Security Administration would find that Mr. J was disabled. The Social Security Administration has found him to be disabled. That finding, along with the additional medical records submitted, is sufficient for Mr. J to meet his burden of proof. He is likely to be found disabled, and therefore qualifies for Interim Assistance.

Dated this 8th day of April, 2014.

Signed
Jeffrey A. Friedman
Administrative Law Judge

² 7 AAC 40.170(b); 7 AAC 40.375.

³ 7 AAC 40.180(b)(1).

⁴ 2 AAC 64.290(e).

⁵ Facsimile received from Mr. J on March 28, 2014.

⁶ Testimony of Mr. J

⁷ Letter from Ms. Gagne dated April 3, 2014.

⁸ This finding does not necessarily mean that Mr. J will receive a check for IA benefits. The application for IA includes an agreement for reimbursing the state for some or all of the benefits received. That reimbursement is made by SSA deducting the same amount from any retroactive SSI benefit payment. Exhibit 2.35. The division will need to determine whether and how this provision applies to Mr. J’ situation. Mr. J would have the right to contest any adverse decision made by the division regarding reimbursement.

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 22nd day of April, 2014.

By: Signed _____
Name: Jeffrey A. Friedman
Title: Administrative Law Judge

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