

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

In the Matter of)	
)	OAH No. 14-0548-APA
K J)	Division No.
_____)	

DECISION

I. Introduction

K J applied for Adult Public Assistance (APA) benefits. The Division of Public Assistance (Division) notified him that his application was approved and that his benefits would begin effective May 1, 2014. Mr. J maintained that his benefit start date should have been one month earlier, April 1, 2014, and requested a hearing.

Mr. J's hearing was held on April 30, 2014. Mr. J represented himself. Public Assistance Analyst Terri Gagne represented the Division.

The Division's action approving Mr. J's APA benefit start date of May 1, 2014 is affirmed.

II. Facts

Mr. J is 59 years old. He applied for APA benefits on February 7, 2014.¹ He had previously applied for federal Social Security Supplemental Security Income (SSI) benefits. On April 1, 2014, the Social Security Administration (SSA) sent him notice that his SSI benefits were approved effective April 1, 2014. That same notice informed Mr. J that he satisfied SSI eligibility rules beginning March 1, 2014, but that those same rules did not allow him to receive benefits until April 2014. Mr. J provided the Division with a copy of the SSI approval notice on April 7, 2014.² Based upon his approval for SSI benefits, the Division approved Mr. J for APA benefits beginning May 1, 2014.³

III. Discussion

The APA program provides cash payments to financially eligible persons who are over 65, blind, or disabled.⁴ In order for a person, who is under the age of 65, to receive APA

¹ Ex. 1.
² Exs. 2 – 3.13.
³ Ex. 4.
⁴ AS 47.25.430; 7 AAC 40.120.

benefits, he or she must be approved for SSI benefits.⁵ If a person is already eligible for SSI benefits, his or her APA benefit payments begin on the date that the Division receives the APA application.⁶ The applicable regulation, 7 AAC 40.380(b), provides that if the applicant is not already eligible for SSI benefits, his or her APA benefit payments “begin[s] on the first day of the month after the Social Security Administration issues written notification to the applicant that SSI benefits are approved.”⁷

The Division relied on the April 1, 2014 date of the SSI approval notice and approved Mr. J for APA benefits beginning May 1, 2014, which was “the first day of the month after the Social Security Administration issue[d]” Mr. J written notice that his SSI benefits were approved. Mr. J argued that this was an incorrect interpretation of the applicable regulation because the SSI approval notice stated that he satisfied SSI eligibility rules as of March 1, 2014. Mr. J’s argument is not persuasive. The APA regulations base the beginning benefit date upon the date of the SSI approval notice, not the month of SSI eligibility. The Division followed the regulation and appropriately approved Mr. J for APA benefits beginning May 1, 2014.

IV. Conclusion

The Division’s approval of Mr. J’s APA benefits effective May 1, 2014 is affirmed.

DATED this 11th day of June, 2014.

Signed _____
Lawrence A. Pederson
Administrative Law Judge

Adoption

The undersigned, by delegation from 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 25th day of June, 2014.

By: *Signed* _____
Name: Lawrence A. Pederson
Title/Agency: Administrative Law Judge/OAH

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

⁵ 7 AAC 140.170(a). There is a limited exception to this requirement and additional financial requirements. However, they are not issues in this case.

⁶ 7 AAC 40.380(a).

⁷ 7 AAC 40.380(b).