

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

In the Matter of: )  
 )  
 F M ) OAH No. 15-0274-APA  
 ) DPA Case No.

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**DECISION**

**I. Introduction**

F M applied for Adult Public Assistance and its associated Medicaid benefits in August 2014. The Division of Public Assistance (Division) denied her application because her application for Supplemental Security Income (SSI) benefits from the Social Security Administration (SSA) was denied by the SSA.<sup>1</sup> Ms. M requested a hearing.

Ms. M’s hearing was held on April 2, 2015. Ms. M participated in the hearing. She was assisted by Q C. Jeff Miller represented the Division. The record was held open after the April 2, 2015 hearing for Ms. M to submit additional documentation. Ms. M did not supply any additional documents.

Because Ms. M’s application for SSI benefits had been denied by the SSA, she was not eligible for Adult Public Assistance benefits and its associated Medicaid benefits. The Division’s decision to deny her application for Adult Public Assistance and the associated Medicaid benefits is affirmed.

**II. Facts**

Ms. M applied for Adult Public Assistance and its associated Medicaid benefits on August 25, 2014.<sup>2</sup> She had an SSI application pending at the time, which had been filed on April 16, 2014.<sup>3</sup> The SSA denied Ms. M’s SSI application on December 30, 2014, due to a failure to submit medical information.<sup>4</sup> On January 26, 2015, the Division denied Ms. M’s Adult Public Assistance and Medicaid application because it learned that her SSI application had been

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<sup>1</sup> Ms. M had also applied for Interim Assistance benefits, as part of her Adult Public Assistance application. However, Ms. M was notified that her Interim Assistance application was denied on November 3, 2014 (Ex. 16). Ms. M had thirty days thereafter to request a hearing to challenge that denial. 7 AAC 49.030. Ms. M did not file any type of appeal until February 27, 2015, which was substantially after the thirty-day appeal deadline. As a result, this case is limited to the issue of Ms. M’s Adult Public Assistance eligibility, and will not address her Interim Assistance denial.

<sup>2</sup> Ex. 2.

<sup>3</sup> Exs. 3.1 – 3.3.

<sup>4</sup> Ex. 3.1.

denied.<sup>5</sup> Computer printouts obtained by the Division, from its interface with SSA, indicate that Ms. M had not appealed her SSI denial by March 27, 2015.<sup>6</sup>

### **III. Discussion**

#### *A. Adult Public Assistance*

An Adult Public Assistance applicant “must meet the eligibility requirements of the SSI program.”<sup>7</sup> “An applicant for aid to the permanently and totally disabled . . . must be found by the Social Security Administration to meet the definition of disability contained in Title XVI of the Social Security Act.”<sup>8</sup> The applicable regulations do not make eligibility for Adult Public Assistance benefits dependent upon the receipt of SSI benefits; rather, Adult Public Assistance eligibility is dependent upon SSI eligibility.

Ms. M is not SSI eligible. Her application was denied. If she had timely appealed/requested reconsideration of that denial, then the Division should have not denied her application, but should have instead placed her application on hold pending the results of her appeal. The deadline for filing a reconsideration or appeal request from an initial denial is 60 days after the denial.<sup>9</sup> The Division’s initial denial on January 26, 2015 was premature, because 60 days had not passed since the December 30, 2014 SSI application denial. However, given that Ms. M had still not requested a Social Security appeal/reconsideration as of the end of March 2015, approximately 30 days past the time she could have requested an appeal/reconsideration with Social Security, the denial is valid. As a result, Ms. M is not eligible for Adult Public Assistance benefits because her SSI application was denied.

#### *B. Medicaid*

Both Adult Public Assistance and SSI recipients are potentially eligible for Alaska Medicaid benefits. However, the applicable Alaska Medicaid regulation, 7 AAC 100.410, requires not only that an applicant be eligible for either Adult Public Assistance or SSI benefits, but that they actually receive them:

(a) An individual who is eligible and receiving SSI is eligible for Medicaid . . .

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<sup>5</sup> Ex. 4.  
<sup>6</sup> Exs. 3.1 – 3.3.  
<sup>7</sup> 7 AAC 40.030(a).  
<sup>8</sup> 7 AAC 40.170(a).  
<sup>9</sup> 20 C.F.R. § 416.1409.

(b) An individual who is eligible for and receiving APA is eligible for Medicaid . . .

As discussed above, Ms. M's SSI application was denied, and she is not eligible for Adult Public Assistance benefits as a result. Because she has neither SSI nor APA benefits, she is not eligible for Medicaid benefits.

#### **IV. Conclusion**

Ms. M was not eligible for Adult Public Assistance or its associated Medicaid benefits because her SSI application was denied by the SSA. The Division's denial of her application is affirmed.

Dated this 30<sup>th</sup> day of April, 2015.

Signed  
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Lawrence A. Pederson  
Administrative Law Judge

### **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 15<sup>th</sup> day of May, 2015.

By: Signed  
\_\_\_\_\_  
Signature  
Lawrence A. Pederson  
\_\_\_\_\_  
Name  
Administrative Law Judge  
\_\_\_\_\_  
Title

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