

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

In the Matter of:)
)
 D M)

)

OAH No. 17-0460-APA
DPA Case No.

DECISION

I. Introduction

The issue in this appeal is whether the Department of Health and Social Services, Division of Public Assistance (DPA) was correct to terminate D M's Interim Assistance benefits because the Social Security Administration denied his application for Supplemental Security Income at the Federal Court level.

Based on the evidence in the record, DPA was correct to terminate Mr. M's Interim Assistance benefits after April 30, 2017.

II. Facts

Mr. M received Interim Assistance benefits.¹ He was waiting to hear the results of his Supplemental Security Income (SSI) appeal. On April 11, 2017, Carl Johnson from the Social Security Administration (SSA) informed DPA that Mr. M's SSI appeal was denied by a federal court.² On April 12, 2017, DPA notified Mr. M that his IA benefits would end on April 30, 2017.³ On April 28, 2017, DPA received information from Michael Mason, also with SSA, confirming that Mr. M's SSI appeal was denied at the federal court level on 00/00/2017.⁴

Mr. M requested a hearing on April 17, 2017. The hearing was held on May 25, 2017. Mr. M participated in the hearing, assisted by M X from No Name Agency. DPA Public Assistance Analyst Sally Dial participated by telephone, and presented DPA's position.

Mr. M reapplied for both SSI and Interim Assistance before the hearing. His applications are still being processed.

¹ Ex. 1.
² Ex. 2.
³ Ex. 3.
⁴ Ex. 5.

III. Discussion

Interim Assistance is a monthly payment provided by the State of Alaska to Adult Public Assistance applicants while those applicants' eligibility for Supplemental Security Income (SSI) is being determined by the Social Security Administration.⁵

According to regulation 7 AAC 40.190, DPA must continue to pay interim assistance while a person's application for SSI is pending. Once a final SSI denial occurs, DPA must end Interim Assistance benefits. The regulation does not contain any exceptions to the termination requirement.

A federal court denied Mr. M's SSI application on 00/00/2017. DPA was required to end Mr. M's Interim Assistance benefits after learning of his SSI appeal denial.

IV. Conclusion

Mr. M's eligibility for state Interim Assistance benefits ended when denied his application for SSI. Accordingly, DPA's decision to end his Interim Assistance benefits is affirmed.

Dated May 25, 2017.

Signed _____
Bride Seifert
Administrative Law Judge

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 13th day of June, 2017.

By: *Signed* _____
Signature
Bride A. Seifert
Name
Administrative Law Judge
Title

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

⁵ AS 47.25.455; 7 AAC 40.170(a) and (b); 7 AAC 40.375(a).