



### III. Discussion

The Alaska Temporary Assistance Program (ATAP) is provided under the federal Temporary Assistance for Needy Families (TANF) block grant. ATAP provides temporary cash assistance and work services to low-income families with children to help them while they get back on their feet.<sup>2</sup>

Eligibility is based on financial need.<sup>3</sup> By regulation, financial need exists if the household resources do not exceed the resource limitation of 7 AAC 45.280, and if one's monthly net income does not exceed either the need standard or the 185% eligibility standard established in 7 AAC 45.520.<sup>4</sup>

Ms. N's application was denied because the household income exceeded the need standard. The household size is five: Ms. N, her boyfriend, and their three children. The need standard for a family of this size is \$1,738.<sup>5</sup> Ms. N's income from her job is \$1,870. Because it is earned income, she is eligible for a "work expense" deduction of \$90, which lowers the household income for eligibility purposes to \$1780.<sup>6</sup> Thus the household income exceeds the need standard by \$42.

Ms. N stated in her request for hearing that the reason for her request was that "I don't believe [*sic*] that I make enough money to support my family of 5." During the hearing it also became apparent that she requested the hearing at least in part due to a misunderstanding regarding cost of living information she provided on her ATAP application form. Mr. Miller explained to her that the application form is used for both ATAP benefits and food stamps, and such expenses as fuel, car insurance, heating bills, renter's insurance, etc., do not provide deductions from countable income for ATAP purposes.

Ms. N's household is only \$42 over the needs eligibility limit and is well below the 185% standard.<sup>7</sup> In a perfect world there might be some method of providing assistance for families who are on the border between eligibility and non-eligibility. Clearly, the Ns' financial situation

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<sup>2</sup> AS 47.27.005(1).

<sup>3</sup> 7 AAC 45.275.

<sup>4</sup> 7 AAC 45.275(b).

<sup>5</sup> *Alaska Temporary Assistance Manual* Addendum 2.

<sup>6</sup> The only pertinent deductions from earned income that are allowed by the Temporary Assistance regulations are a work expense deduction and a child care deduction. *Alaska Temporary Assistance Manual* 760-2. The Temporary Assistance regulations do not provide an income deduction for shelter costs (rent/mortgage and utilities), nor for other costs of living such as for fuel, vehicle insurance, etc. (other than the "work expense" deduction).

<sup>7</sup> The 185% standard is \$3,117. *Alaska Temporary Assistance Manual* Addendum 2.

is nearly indistinguishable from that of a person with \$42 less in monthly income. However, the applicable statutes and regulations provide no room for discretion. The Commissioner of Health and Social Services, the division, and the undersigned must apply the regulations as written and must adhere to the bright line between eligibility and non-eligibility. To provide ATAP assistance to Ms. N would require changes that cannot be made through the hearing process.

**IV. Conclusion**

Ms. N's household income exceeds the needs eligibility test for a household of four. Therefore, the N household is not eligible for Alaska Temporary Assistance Program funds and their application is denied.

Dated this 1<sup>st</sup> day of July, 2014.

*Signed* \_\_\_\_\_  
Andrew M. Lebo  
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 16<sup>th</sup> day of July, 2014.

By: *Signed* \_\_\_\_\_  
Andrew M. Lebo  
Administrative Law Judge

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