



When authorizing child care for an applicant who will receive more than two hours of care, however, the division does not designate a precise number of hours. Instead, the division will authorize either part-time or full-time care for the day that the children are in care. A part-time authorization for one day will allow a client to have up to five hours of care reimbursed during that day. A full-time authorization will allow a client to have up to ten hours of care reimbursed during that day. How a client schedules the time for class/study/transportation will determine whether care for a day is authorized as part-time or full time.

When Ms. N was first authorized for child-care assistance for the spring semester, the authorization was for considerably less time than she had received in the fall.<sup>5</sup> She was able to increase her hours by obtaining letters from her professors supporting her need for the extra hour.<sup>6</sup> Because the authorization she received was still not as large as that she had received in the previous semester, and because she did not consider it to allow sufficient study time for a parent with a disability, on February 28, 2014, she sought an administrative review of her child-care authorization.<sup>7</sup> (At the time she sought administrative review, the letter from the second professor had not yet been received.) In her request for review, Ms. N asserted that the policy behind awarding hours for part-time students was illogical. She believed that it should be a set number of hours, and that for six credits she needed at least 25 hours per week. She also stated that she had a disability and received no accommodation for that disability.

On March 12, 2014, Ronda Buckingham, a Public Assistance Analyst I, issued a decision finding that Ms. N was eligible for three days of part-time care and one day of full-time care.<sup>8</sup> If Ms. N used the maximum care each of the four days for which care was authorized, she would receive reimbursement for 25 hours of care. On March 25, 2014, Ms. N filed a request for a fair hearing.<sup>9</sup> She requested that a new policy be adopted for part-time and disabled students with children. She also asked to be authorized for 30 hours of child-care. Approximately one week after requesting the hearing, Ms. N withdrew from school.

A telephonic hearing was held on May 6, 2014. Ms. N represented herself. Assistant Attorney General Alex Hildebrand represented the division.

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<sup>5</sup> Ex. 18; Ex. 19.

<sup>6</sup> Ex. 23a; Ex. 29a.

<sup>7</sup> Ex. 28a.

<sup>8</sup> Ex. 32.

<sup>9</sup> Ex. 36.

### C. Discussion

The child care assistance program is authorized under AS 47.25 for the purpose of “providing day care for the children of low and moderate income families.”<sup>10</sup> In general, the program is designed to help parents who need child care while they are working, seeking work, or attending school.<sup>11</sup>

Here the dispute between Ms. N and the division concerns the number of hours of child-care assistance for which Ms. N was eligible during the spring semester of school year 2013-14, when she was enrolled in six credits. The number of hours of child-care eligibility is governed by regulation 7 AAC 41.310. Under this regulation, Ms. N is eligible for child-care benefit for time spent actually attending school.<sup>12</sup> She is also eligible for one additional hour as study/library time.<sup>13</sup> She is also eligible for up to one-half hour of travel time before and after the school or study time.<sup>14</sup> Given that she would be attending school or studying on four days, a strict application of the regulation would authorize at most 16 hours of childcare (six hours of attending school, six hours of study time, and four hours of travel). Under the division’s methodology, however, Ms. N was authorized for up to 25 hours of child-care.<sup>15</sup> Therefore, the division did not make a mistake that resulted in Ms. N not receiving a benefit to which she was entitled under the regulations and statutes governing child care assistance.

At the hearing, Ms. N acknowledged that she was not arguing that the March 12, 2014, decision that allowed her up to 25 hours of child care was in violation of any regulation or statute. She was, however, arguing that policy should be changed to allow part-time or disabled students more time for studying. She also believed that the agency took too long to determine her authorization, and that the way the division awarded time for child-care assistance was confusing.<sup>16</sup>

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<sup>10</sup> AS 47.25.001(a)(1).

<sup>11</sup> 7 AAC 41.310.

<sup>12</sup> 7 AAC 41.310(2).

<sup>13</sup> 7AAC 41.310(3).

<sup>14</sup> 7 AAC 42.310(6).

<sup>15</sup> An issue that is not material, but that should be flagged for the record, is that the division’s practice of allowing an additional hour for study when approved by a professor is not adopted into regulation. As the division argued at hearing, however, this practice was to Ms. N’s benefit, not detriment.

<sup>16</sup> At the hearing, Ms. N requested that she be reimbursed for her tuition for the classes she had to drop. Even assuming that Ms. N could prove that her limited child-care authorization caused her to drop her classes, however, no statute or regulation authorizes reimbursement of expenses such as tuition. Therefore, to the extent this request was actually made, it is denied.

The issues raised by Ms. N at hearing, however, are not proper issues for this adjudication. This hearing is about whether Ms. N was denied a benefit to which she was entitled. The only remedy that could be ordered here is restoration of a benefit that was wrongly denied. This hearing cannot change regulations or statutes. Because the wrongs alleged by Ms. N cannot be addressed here, Ms. N's appeal will be denied.<sup>17</sup>

**D. Conclusion**

As a parent of two young children and a disabled veteran who is seeking to pursue education, Ms. N is entitled to respect and approbation. In this fair hearing, however, she has not shown that the division made an error or denied her a child-care benefit to which she is entitled under statute or regulation. Because the evidence does not show that the division made an error, and because the issues she raises are policy issues that are beyond the scope of this hearing, the division's March 12, 2014, decision regarding her child-care benefit is affirmed.

DATED this 9th of May, 2014.

By: Signed  
Stephen C. Slotnick  
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 11th day of June, 2014.

By: Signed  
Signature  
Stephen C. Slotnick  
Name  
Administrative Law Judge  
Title

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

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<sup>17</sup> With regard to the allegation of delay, the facts in this record show that the division was responsive and quick in processing any application or request when it received new information from Ms. N. On this record, therefore, concerns regarding division timeliness are not well founded. Although Ms. N is correct that requiring her to get notes from professors in order to receive extra study time is time consuming and causes delay, and although some of the notifications and nomenclature regarding child-care authorization may be confusing, these issues cannot be addressed in this forum.