

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

In the Matter of:)
)
 K E) OAH No. 13-1064-CMB
) DPA Case No.

DECISION

I. Introduction

K E submitted an application to the Division of Public Assistance for benefits under the Adult Temporary Assistance Program (ATAP), Adult Public Assistance (APA), and General Relief (GA) programs, as well as Medicaid (ME).¹ The Division determined that Mr. E was ineligible for Adult Public Assistance and Medicaid because he is not disabled,² ineligible for Temporary Assistance because he did not have a dependent child living with him,³ and ineligible for General Relief because his household income exceeded the applicable program limit.⁴

Mr. E requested a hearing and the matter was referred to the Office of Administrative Hearings. The assigned administrative law judge conducted a telephonic hearing on August 28, 2013. Mr. E participated and Jeff Miller represented the Division of Public Assistance.

Mr. E did not claim to be disabled or that he has a dependent child living with him. Mr. E argued that the household income attributed to him should not include income from other family members. However, the Division complied with Alaska law in calculating the household income. Both the Division and the administrative law judge must follow the law as it is written. For these reasons, the Division's decision is sustained.

II. Facts

K E lives with in an apartment in No Name with his parents, T and S E, and his adult sister H E.⁵ The elder E' family home is in No Name, but it is presently uninhabitable. Their daughter and son live with them in No Name because neither of them is at present able to maintain an independent household.

¹ See Ex. 2.0-2.8.

² Ex. 3.1.

³ Ex. 4.2.

⁴ Ex. 5.2.

⁵ Testimony of K E; Ex. 2.2. Further information regarding the E' occupancy of the No Name apartment is available in a prior administrative decision concerning T E. See In Re E, OAH No. 12-0599-SNA (Commissioner of Health and Social Services 2013).

K E has longstanding left ankle, left knee, and right should problems, but he does not consider those conditions to be disabling.⁶ Mr. E has a minor son, but that child lives with his mother and not with Mr. E in the No Name apartment.⁷ Mr. E has been unemployed for more than a year, and he has no income.⁸ His parents and sister receive Social Security disability benefits.⁹

III. Discussion

A. Adult Temporary Assistance Program (ATAP)

The Alaska Temporary Assistance Program (ATAP) was created by the Alaska legislature and is implemented under regulations promulgated by the Department of Health and Social Services.¹⁰ ATAP provides temporary cash assistance and work services to low-income families with children to help them while they get back on their feet.¹¹

Eligibility is restricted to parents with physical custody of a dependent child,¹² caretaker relatives of a dependent child,¹³ and pregnant women.¹⁴ Because Mr. E falls within none of those categories, he is by law ineligible for ATAP benefits.

B. Adult Public Assistance (APA)

Alaska Public Assistance benefits are payable to eligible needy aged, blind and disabled persons.¹⁵ Applicants who are under age 65 are required to apply and qualify for federal Supplemental Security Income (SSI) benefits.¹⁶

Mr. E has not claimed to be disabled. He is neither elderly nor blind, and he has neither applied for nor shown that he is qualified for SSI benefits. Accordingly, by law he is ineligible for Adult Public Assistance benefits.

C. General Relief (GA)

The General Relief program was established to provide financial assistance to needy persons in an amount “determined by the department with regard to the resources and needs of

⁶ Testimony of K E. See Ex. 3.0.

⁷ Testimony of K E.

⁸ Testimony of K E. See Ex. 2.2.

⁹ See Ex. 2.2, Ex. 5.1.

¹⁰ See AS 47.05.010(1); AS 47.27.005 – AS 47.27.990; 7 AAC 45.149 – 7 AAC 45.990.

¹¹ AS 47.27.005(1).

¹² AS 47.27.020(1), (4).

¹³ AS 47.27.010(2).

¹⁴ AS 47.27.010(3).

¹⁵ AS 47.25.430-.615.

¹⁶ 7 AAC 40.170(a). Adult Public Assistance applicants whose income exceeds the SSI standards are not required to apply for SSI benefits. *Id.*

the person and the conditions existing in each case.”¹⁷ Eligibility is restricted to households in which the standard need exceeds monthly net income.¹⁸ Mr. E’s household includes his parents and sister, even though he is living with them by necessity due to his lack of income and inability to maintain a separate residence.¹⁹ For a household of four persons, the standard need is \$600 per month.²⁰ The monthly net income of the household in which Mr. E lives exceeds \$600 per month. Accordingly, he is ineligible for General Relief assistance.

D. Medicaid (ME)

The Medicaid program provides medical insurance coverage for eligible participants.²¹ There are numerous categories of eligibility.²² Coverage is mandatory for those persons who are eligible under federal law.²³ Mr. E does not fall within any of those mandatory coverage categories.²⁴ In addition, coverage is provided under Alaska law to certain other categories of persons.²⁵ These additional categories are limited to persons who are eligible for SSI or certain other benefit programs,²⁶ in a health care facility,²⁷ under the age of 21,²⁸ aged, blind or disabled,²⁹ pregnant,³⁰ diagnosed with breast or cervical cancer,³¹ or, under the Family Medicaid program, a parent in a household with a dependent child.³²

Mr. E falls within none of those categories. Therefore, the Division correctly determined that that he is ineligible for Medicaid coverage.

IV. Conclusion

The Division correctly determined that Mr. E is ineligible for the benefits applied for. Accordingly, the division’s decision is **AFFIRMED**.

DATED October 3, 2013.

Signed

Andrew M. Hemenway
Administrative Law Judge

¹⁷ AS 47.25.130(a).
¹⁸ 7 AAC 47.150(a).
¹⁹ 7 AAC 47.150(d). Cf. AS 47.25.230; 7 AAC 47.090.
²⁰ 7 AAC 47.150(b).
²¹ See generally, 42 U.S.C. §§1396-1396p (Title XIX, Social Security Act); AS 47.07.
²² AS 47.07.020.
²³ AS 47.07.020(a).
²⁴ See 42 U.S.C. §§1396-1396p (Title XIX, Social Security Act); 7 AAC 100.002(a), (b).
²⁵ AS 47.07.020(b)(1)-(15); 7 AAC 100.002(c).
²⁶ AS 47.07.020(b)(1).
²⁷ AS 47.07.020(b)(2), (6).
²⁸ AS 47.07.020(b)(3), (5), (7), (8), (10), (11) (age 18 or younger), (13) (under age 19).
²⁹ AS 47.07.020(b)(4), (12).
³⁰ AS 47.07.020(b)(9), (14).
³¹ AS 47.07.020(b)(15).
³² 7 AAC 100.102(a)(1).

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 1st day of November, 2013.

By: Signed
Name: Ree Sailors
Title: Deputy Commissioner, DHSS

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