



In February of 2013 Q X traveled to California to visit family. She became ill and was apparently unable to return.<sup>4</sup>

C X concluded that he and Ms. X could not afford to have him in Alaska and her in California.<sup>5</sup> At the time, C X was under a doctor's care in Alaska for chronic obstructive pulmonary disease.<sup>6</sup> He reports that he has had ongoing lung difficulty "for decades, and I've been trying to get out of state, and I figured, well, I can't support two different things between the two of us, we were roommates, but our incomes don't permit us to live two different places, so I figured this is a good time, I went and talked to my physician, he said yes, I told him what I needed, he turned around and wrote it up."<sup>7</sup> This resulted in a physician's letter stating that Mr. X "would benefit from an extended stay in California with the warm air and sunshine which would help his lung condition."<sup>8</sup> Mr. X then traveled to California on about April 1, 2013.<sup>9</sup> Just before leaving, he provided the Division of Public Assistance with a signed statement stating that he would be "returning to Alaska once my medical problems are resolved and the doctor releases me to fly," and promising, "I will not be getting any benefits from California only Alaska during this time."<sup>10</sup>

On July 24, 2013, Mr. X applied for Medi-Cal, California's Medicaid program.<sup>11</sup> His application was approved on September 10, 2013, and he currently receives Medi-Cal benefits.<sup>12</sup> At some time prior to August 8, 2013, Q X likewise applied for and was approved for Medi-Cal.<sup>13</sup>

C and Q X state that they applied for Medi-Cal because Alaska Medicaid was not paying medical bills they incurred in California.<sup>14</sup> There is, however, no evidence that they appealed any non-coverage issues they encountered under Alaska Medicaid.

The Xs are living together in a mobile home in the Joshua Tree/Yucca Valley area, which they rent from a daughter.<sup>15</sup> Their Alaska home has been sold; they explain that this is due to financial necessity.<sup>16</sup>

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<sup>4</sup> Q. X Ex. 4, 5; testimony of C. X.

<sup>5</sup> Testimony of C. X.

<sup>6</sup> *Id.*; X medical records.

<sup>7</sup> Testimony of C. X.

<sup>8</sup> C. X Ex. 5.1 (March 14, 2013 letter of Wade Erickson, M.D.).

<sup>9</sup> C. X Ex. 7.

<sup>10</sup> C. X Ex. 6.1.

<sup>11</sup> Testimony of J. Miller; C. X Ex. 12. Mr. X does not contest this fact.

<sup>12</sup> *Id.*

<sup>13</sup> Testimony of J. Miller; Q. X Ex. 12, 13.3.

<sup>14</sup> Testimony of C. X; Q. X Ex. 13.3; C. X Ex. 10.3.

Mr. X insists that he was not attempting to double-dip, noting that he has been well aware that this would be impossible and that, because Alaska cash benefits are much more generous than those he qualifies for in California, it would be irrational for him to risk disqualifying himself from Alaska benefits through fraud.<sup>17</sup> His testimony on this point is believable; this decision does not find that any fraud occurred with respect to Alaska benefits.

The Division of Public Assistance notified C and Q X in early August 2013 that their Alaska benefits would be closed after that month on the basis of loss of residency. They both appealed that determination.

### III. Discussion

California residency is necessary for a person to be eligible for Medi-Cal. With the exception of migrant workers, an adult Medi-Cal recipient must be a California “resident” in the traditional sense: that is, the person must live in California with the intent to remain permanently or indefinitely.<sup>18</sup> Moreover, applicants for Medi-Cal must declare under penalty of perjury that they are not receiving public assistance outside California.<sup>19</sup>

Three of the benefit programs at issue in this case—Alaska Medicaid, Adult Public Assistance, and Senior Benefits—all require someone in the Xs’ position to be a “resident” of Alaska to maintain eligibility.<sup>20</sup> Applying for another state’s benefit program that requires the person to reside in that state with intent to remain indefinitely is inconsistent with Alaska residence, and it constitutes a renunciation of Alaska residence.<sup>21</sup> While it may be understandable that the Xs would resort to California Medicaid when they reportedly encountered difficulties getting coverage of California medical services through Alaska Medicaid, there is no exception to the general rule for such a situation. One can only access benefits in one state at a time and, by electing to apply in California, the Xs opted to be residents of that state.

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<sup>15</sup> Letter of Z O, Sept. 10, 2013 (attached to letter of C. & Q. X to OAH, Dec. 10, 2013).

<sup>16</sup> Testimony of C. X.

<sup>17</sup> Testimony of C. X.

<sup>18</sup> 22 Cal. Code Reg. 50320; Medi-Cal Handbook § 42.1.1

(<http://www.sccgov.org/ssa/medical/mcchap42.pdf>).

<sup>19</sup> Cal. Welfare & Inst. Code § 14007.1(a)(2).

<sup>20</sup> See 7 AAC 100.060 (Medicaid); AS 47.25.430(a) (Adult Public Assistance); 7 AAC 47.547 (Senior Benefits).

<sup>21</sup> OHA Case No. 08-FH-72 (Alaska Dept. of Health & Soc. Serv. 2008), at 6 (<http://aws.state.ak.us/officeofadminhearings/Documents/HSS/08-FH-072.pdf>); see also 7 AAC 100.064(a)(2).

Food Stamps eligibility also requires residency, but “residence” for purposes of Food Stamp eligibility is a unique concept. To be a resident and eligible, a person must “live in” the state.<sup>22</sup> California is where the Xs have their only home and it is where they physically are “living” for the time being—moreover, they have indicated through their Medi-Cal application that they intend to remain there permanently or indefinitely, and they have declared to California, under penalty of perjury, that they do not receive public assistance from another state. This makes California their residence for Food Stamps purposes, and it was appropriate to terminate them from the Alaska program.

#### **IV. Conclusion**

The August 2013 decision of the Division of Public Assistance to terminate the Alaska Medicaid, Adult Public Assistance, Senior Benefits, and Alaska Food Stamps benefits of C X and Q X is affirmed.

DATED this 19<sup>th</sup> day of December, 2013.

*Signed*  
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Christopher Kennedy  
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 14<sup>th</sup> day of January, 2014.

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

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

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<sup>22</sup> 7 C.F.R. § 273.3, “Residency.”