

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

In the Matter of)
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_____)

OAH No. 13-1262-CMB
Agency No.

DECISION

I. Introduction

D K applied for Medicaid and Adult Public Assistance benefits. The Division of Public Assistance (division) denied his application, and Mr. K requested a hearing to contest that decision.

A hearing was held on October 3, 2013. Mr. K appeared and represented himself. The division was represented by its lay advocate, Ms. Terri Gagne. Because Mr. K is over the income limit to receive Interim Assistance benefits, and because he has not yet qualified for Social Security Administration disability benefits, the division’s decision is upheld.

II. Facts

Mr. K’s application for benefits was received by the division on August 15, 2013.¹ He indicated that he was applying for Medicaid and Adult Public Assistance.² Mr. K testified that he did not want to receive financial assistance, but that he needed help purchasing medical equipment and paying for surgery that he hopes to receive soon. He was told by the No Name Regional Health Consortium (No Name RHC) to apply for benefits so he could receive assistance with his medical costs.³

Mr. K was 59 years of age at the time of his application.⁴ He receives \$3,002.90 each month, before taxes, in pension benefits.⁵

III. Discussion

The division considered Mr. K’s application for three types of benefits: Medicaid, Adult Public Assistance, and Interim Assistance.

¹ Exhibit 2.0.
² Exhibit 2.0.
³ Testimony of Mr. K.
⁴ Exhibit 2.1.
⁵ Exhibit 4.2.

Medicaid benefits are available to assist eligible families, children, or adults with medical costs. Mr. K would be eligible for Medicaid if he were receiving Social Security Administration disability benefits, or if he were receiving Adult Public Assistance Benefits.⁶

Mr. K has not yet applied for Social Security disability benefits, so he is not yet receiving those. To qualify for Adult Public Assistance, he must be either 65 years old or permanently and totally disabled.⁷ Mr. K is under 65 years of age. In order for him to be considered disabled for purposes of receiving Adult Public Assistance, he must either be eligible for and receiving Social Security disability,⁸ or found by the Division of Vocational Rehabilitation, of the Department of Labor and Workforce Development, to be disabled.⁹ Mr. K has not established eligibility for Adult Public Assistance under either of these two methods. Because he is not receiving this cash benefit, he is not eligible for Medicaid.

The last benefit considered by the division was Interim Assistance. This is a type of Adult Public Assistance paid to individuals while they are waiting for the Social Security Administration to rule on their federal disability application. Receipt of Interim Assistance does not make one eligible for Medicaid, though it does provide some money that can be used to pay medical bills. This is a needs based program. In addition to other eligibility factors, a person earning more than \$1,319 per month is not eligible to receive Interim Assistance.¹⁰ Mr. K has more than \$3,000 in monthly income, so he is not eligible for Interim Assistance.

IV. Conclusion

Mr. K applied for assistance to obtain help paying for medical equipment and medical treatment. He would only qualify for Medicaid if he was receiving Adult Public Assistance or Social Security disability payments. He has not yet qualified for either of those programs. He is also not eligible for Interim Assistance benefits because his income is above the income eligibility limit for a single person. Accordingly, the division's denial

⁶ 7 AAC 100.410.

⁷ 7 AAC 40.120.

⁸ 7 AAC 40.170(a).

⁹ 7 AAC 40.170(c).

¹⁰ Exhibit 15.1. This exhibit shows the current standards. 7 AAC 40.320 establishes income eligibility levels which are adjusted annually based on any increase in Social Security benefits. 7 AAC 40.320(c).

of his application is affirmed. He may reapply at any time if he believes he has become eligible since his prior application.

Dated this 4th day of October, 2013.

Signed _____
Jeffrey A. Friedman
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 21st day of October, 2013.

By: *Signed* _____
Signature
Jeffrey A. Friedman
Name
Administrative Law Judge
Title

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