

Mr. J sought to appeal the Social Security Administration’s decision, but was informed his request was untimely.³ Mr. J also appealed the division’s decision, arguing that he is gathering evidence of his continuing disability.⁴

III. Discussion

A person is eligible for APA as a disabled individual if he or she is first found by the Social Security Administration to meet the Social Security Administration’s definition of disability.⁵ Mr. J’s eligibility for APA and APA-related Medicaid coverage was based solely on being a recipient of SSI.⁶

This case is governed by an Alaska Adult Public Assistance regulation which says:

[i]f an applicant is receiving SSI benefits and is determined by the Social Security Administration to be ineligible . . . the division will terminate assistance in accordance with 7 AAC 49.060 regardless of whether the applicant files an appeal with the Social Security Administration.^[7]

This regulation provides that the division follows the Social Security Administration’s determination on questions of disability. Whether the Social Security Administration’s determination was factually incorrect or under appeal is not relevant. The only relevant factual question is whether Social Security Administration has terminated Mr. J’s SSI benefits.⁸

The “domino effect” of this termination is clear. Once the division has established, as here, that SSI benefits were terminated, regardless of the possibility that the Social Security Administration’s termination is factually or legally incorrect, the division is required to terminate Mr. J’s Adult Public Assistance benefits. And because Mr. J’s Medicaid benefits hinge on his eligibility for either Alaska Adult Public Assistance or SSI benefits, those Medicaid benefits must also be terminated.⁹

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³ Testimony of Mr. J.

⁴ Exh. 4; Exh. 4.2.

⁵ 7 AAC 40.170(a).

⁶ 7 AAC 100.002, subsections (b)(1) and (d)(1); 7 AAC 100.410, subsections (a) and (b).

⁷ 7 AAC 40.060(c). The exceptions stated in the omitted portion of the regulation are not applicable here.

⁸ Mr. J sought to submit into evidence medical records to show that he was in fact disabled and eligible to receive SSI benefits, and therefore should continue to receive APA and APA-Medicaid. The evidence was not admitted as it was not relevant to the issue in this proceeding.

⁹ *In re N C*, OAH No. 12-0982-CMB (Commissioner of Health and Social Services 2013), pages 2 – 3, available at <http://aws.state.ak.us/officeofadminhearings/Documents/CMB/CMB120982.pdf>.

IV. Conclusion

Mr. J was receiving SSI benefits. When the Social Security Administration found him to be ineligible, the division was required to terminate his Adult Public Assistance and related Medicaid benefits. Accordingly, the division's action is affirmed.

Dated this 2nd day of May, 2014.

Signed _____
Rebecca L. Pauli
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 16th day of May, 2014.

By: *Signed* _____
Name: Rebecca L. Pauli
Title: Administrative Law Judge

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