

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

In the Matter of	)	
	)	
E J	)	OAH No. 18-0334-GRE
_____	)	Agency No.

**DECISION**

**I. Introduction**

E J applied in February 2018 for assistance from the General Relief program with her water bill after she got a shut off notice. The Division of Public Assistance checked with the utility, then denied Ms. J’s application, finding that there was no emergent need for the assistance that month. Ms. J requested a fair hearing.

Because the division properly applied the laws and policies in evaluating the immediacy of need in this case, the division’s denial of Ms. J’s application is affirmed.

**II. Facts**

E J participates in the Division of Public Assistance’s food stamp and Medicaid programs. On December 28, 2017, during an interview at the division’s office, a division employee told her about the general relief assistance program. Ms. J applied that day for assistance from the program in paying her water bill from City and Borough of Juneau (CBJ). The division interviewed Ms. J the same day.<sup>1</sup> Ms. J’s December application for general relief assistance was approved on February 2, 2017, and the division issued a check to the CBJ for Ms. J’s water bill on February 5, 2018.<sup>2</sup>

On February 16, 2018, the CBJ hand-delivered a notice to Ms. J that her water was scheduled to be shut off on February 22, 2018.<sup>3</sup> Ms. J took the notice to the division’s office, and again applied for general relief assistance to help pay the water bill.<sup>4</sup> She spent over three hours at the division’s office, but was interviewed that day.<sup>5</sup> The interviewer documented the interview in a case note, noting a need for policy clarification to determine whether a second general relief payment could be made to Ms. J that month.<sup>6</sup>

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<sup>1</sup> Testimony of J.  
<sup>2</sup> Ex. 2; Testimony of Dial.  
<sup>3</sup> Ex. 2.14.  
<sup>4</sup> Ex. 2 - 2.14.  
<sup>5</sup> Ex. 5.1.  
<sup>6</sup> Ex. 2.

On February 22, 2018, the division processed Ms. J's February 16, 2018 application. The case worker called the CBJ's collection department. The CBJ told her that because of a \$120 payment received earlier in the month, Ms. J's water would not be shut off in the month of February. The case worker determined that there was no emergent need for assistance and that the application should be denied.<sup>7</sup> On February 23, 2018, the case worker notified Ms. J of the denial.<sup>8</sup>

Ms. J requested a fair hearing.<sup>9</sup> OAH mailed a notice of hearing to Ms. J on March 12, 2018. A telephonic hearing was convened on April 3, 2018. Ms. J confirmed that the mailed address used by OAH was her correct address, but reported that she had not received the notice of hearing or the division's position statement in the mail. The hearing notice and position statement were resent to Ms. J via email, and the hearing continued on April 4, 2018. Ms. J represented herself. Division Hearing Representative Sally Dial represented the division.

### **III. Discussion**

Ms. J argued that when the division denied her February application for assistance, it penalized her for its own delay in processing her December application. She also questioned the factual basis for the division's decision to deny her February application. Ms. J's frustration and concern about the division's handling of her February application for assistance from the general relief program is understandable, given the delayed response to her December application, and the CBJ's in-person delivery of the shut off notice on February 16. The notice said Ms. J's water would be cut off on February 22. Ms. J applied for assistance on February 16 and was interviewed that day, but the division did not process Ms. J's February application until February 22, the date of the threatened shut off. However, the division did not err in denying the February application.

The general relief program differs from assistance programs offered by the Division of Public Assistance where an applicant applies and is approved to participate in the program on an ongoing basis subject to periodic review of eligibility. Unlike food stamp or Medicaid applications, if an application for assistance under the general relief program is approved the period of eligibility is only one month.<sup>10</sup> Approval of an application for general relief assistance

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<sup>7</sup> Ex. 3.

<sup>8</sup> Ex. 4.

<sup>9</sup> Ex. 5 - 5.2.

<sup>10</sup> *Id.* at § 230-2. *See also* 7 AAC 47.060.

for one month does not mean assistance will necessarily be granted in subsequent months. The general relief program is intended to assist with emergent needs -- “the most urgent needs of many Alaskans who are unable to meet an emergency need through other programs such as Temporary Assistance or Adult Public Assistance.”<sup>11</sup> Eligibility for assistance with subsistence items is based on “immediate and specific needs.”<sup>12</sup>

The division approved Ms. J’s December application for assistance with her water bill. However, because of the delay in processing that application, the division did not send a check to the CBJ for the water bill until February. After that check was mailed, the CBJ hand delivered the shut-off notice to Ms. J. That shut-off notice was the basis for Ms. J’s February application for assistance. The February application was denied after a division employee called the CBJ and was told that because there had been a \$120 payment made earlier in the month, Ms. J’s water would not be shut off in February. The caseworker documented this conversation in a case note.<sup>13</sup>

At the hearing, Ms. J sought to call the accuracy of the case note into question, based on her own conversations with the CBJ. She spoke with the same collections worker the case worker had, and then spoke with a supervisor. According to Ms. J, the collections worker’s supervisor said she had spoken with the worker, and that to the best of her knowledge, the worker had never told the division that the water was not going to be shut off.<sup>14</sup> However, the case worker’s contemporaneous note of her conversation with the CBJ collections worker is more persuasive evidence of what was said than the collections worker’s later statement to her supervisor as reported by the supervisor to Ms. J. Furthermore, Ms. J testified that the City and Borough of Juneau had not actually shut off her water in February.<sup>15</sup>

The regulations governing the general relief program require the division to determine the immediacy of needs before granting general relief assistance. In this case, the division went through a reasoned process in evaluating Ms. J’s February application for assistance. Based on the CBJ’s statement that Ms. J’s water would not be shut off in February, the division determined that the need for assistance was not sufficiently urgent to justify additional assistance under the program in the month of February. The division properly applied the relevant laws and policies

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<sup>11</sup> General Relief Assistance Manual at § 200, available at [http://dpaweb.hss.state.ak.us/manuals/GA/gra\\_manual.htm](http://dpaweb.hss.state.ak.us/manuals/GA/gra_manual.htm).

<sup>12</sup> 7 AAC 47.140(a)(6).

<sup>13</sup> Ex. 3.

<sup>14</sup> Testimony of J.

<sup>15</sup> The threat of shut off was apparently not eliminated, but only delayed, as Ms. J applied for general relief assistance with her water bill again in March and that application was approved. Testimony of Dial.

when it determined that there was no emergent need for the month of February and denied Ms. J's February application.<sup>16</sup>

**IV. Conclusion**

The division's denial of Ms. J's February 2018 application for general relief assistance to pay her water bill is affirmed.

Dated: April 24, 2018.

Signed  
Kathryn L. Kurtz  
Administrative Law Judge

**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 9<sup>th</sup> day of May, 2018.

By: Signed  
Signature  
Kathryn L. Kurtz  
Name  
Administrative Law Judge  
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]

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<sup>16</sup> 7 AAC 49.170.