

**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. 18-0957-CMB  
 ) Agency No. 05907863  
\_\_\_\_\_ )

**DECISION**

**I. Introduction**

K E applied for Alaska Temporary Assistance Program (ATP), Alaska Public Assistance and Public Assistance-Medicaid (APA and MDE) and General Relief Assistance (GRE). The Division of Public Assistance (Division) denied all three applications: ATP because Mr. E did not have any dependent children in his home; APA and MDE because Mr. E failed to apply for Supplemental Security Income (SSI) benefits; and GRE because Mr. E did not have an identifiable immediate and specific need. Mr. E appealed. The Division correctly denied each of Mr. E’ applications for the reasons listed.

**II. Facts**

On July 17, 2018, Mr. E submitted an Eligibility Review Form to the Division seeking “review” of programs for Food Stamps, APA, MDE, ATP and GRE.<sup>1</sup> Upon receipt, the Division scheduled an interview with Mr. E for July 31, 2018. At the interview the Division informed Mr. E that he needed to submit a different form, an Application for Services, in order for the Division to finish processing his case.<sup>2</sup> The Division sent Mr. E the form in the mail and followed up with a notice requesting that he complete and submit the application for services.<sup>3</sup> The notice provided that he was required to apply and pursue SSI in order to qualify for APA and MDE and explained that he should apply by telephone and provided the telephone number to call to apply for SSI.<sup>4</sup> Mr. E requested a fair hearing on his submission of the Eligibility Review Form, but no action was taken on that application, so the Division did not refer the fair hearing request.<sup>5</sup>

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<sup>1</sup> Exhibit 4 – 4.25.  
<sup>2</sup> Exhibit 7.2.  
<sup>3</sup> Exhibit 9.  
<sup>4</sup> Exhibit 9.  
<sup>5</sup> Exhibit. 8.

On August 6, 2018, Mr. E submitted his Application for Services again requesting ATP, APA and MDE and GRE.<sup>6</sup>

The Division denied Mr. E' request for GRE on August 22, 2018 on the basis that he had failed to demonstrate an emergency need for the benefits because his parents provide him with a home and he does not pay for utilities. The Division informed Mr. E of its decision by notice sent the next day.<sup>7</sup> The Division denied Mr. E' request for ATP on August 24, 2018 on the basis that he did not have a dependent child living in his home. The Division notified Mr. E of its decision on August 27, 2018.<sup>8</sup> After repeatedly checking and verifying that Mr. E had not applied for SSI, the Division denied Mr. E' request for APA and MDE on the basis that he had not applied for SSI. The Division sent its notice of denial to Mr. E on September 10, 2018.<sup>9</sup>

Mr. E timely requested a fair hearing. His request referenced his previous request for fair hearing and his attached statement alleging grievances against various state and federal agencies.<sup>10</sup> The hearing was held on October 10, 2018. Mr. E appeared telephonically representing himself and testified. Ms. Cranford appeared representing the Division. Both witnesses were sworn in. Ms. Cranford set forth the Division's position as to each denial of benefits. Mr. E then read his statement into the record generally alleging unfairness and inappropriate actions by government agencies.<sup>11</sup> All exhibits and Mr. E' submission were admitted into evidence.

### **III. Discussion**

#### **A. ATP**

ATP is only available to households with a single parent who has custody of a dependent child, a pregnant woman in her last trimester or a caretaker relative of a dependent child.<sup>12</sup> Mr. E does not have a dependent child living with him. Therefore, the Division was correct in determining that Mr. E was not eligible for benefits under this program.

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<sup>6</sup> Exhibit 13 – 13.7. Mr. Dilts also submitted a second Eligibility Review Form. Exhibit 13.8-13.27. The Division received the application on August 13, 2018. Mr. Dilts was approved for Food Stamp benefits. (Exhibit 14-14.1). Therefore his request for Food Stamps is not part of this appeal.

<sup>7</sup> Exhibit 15 – 15.1.

<sup>8</sup> Exhibit 16 – 16.1.

<sup>9</sup> Exhibits 17 – 18. The Division again checked the Social Security Administration database on September 24, 2018, and again, verified that he had still not applied for SSI as of that date. Exhibit 20. .

<sup>10</sup> Exhibits 19-19.1. See also Exhibit 4.6;13.26;13.30-33 (written statements of Mr. Dilts submitted with his applications).

<sup>11</sup> Exhibits 4.6;13.26;13.30-33 and testimony of Mr. Dilts.

<sup>12</sup> AS 47.27.010. See also 7 AAC 45.195(3)(b) and AS 47.27.035.

## B. GRE

The General Relief Assistance Program provides immediate assistance to households with specific needs such as rent, food, fuel transportation or burial.<sup>13</sup> In his interview on July 31, 2018, Mr. E stated that his parents paid his utilities and he lives rent free. Therefore, he did not demonstrate a need for immediate assistance for any of the specific items for which assistance is authorized. The Division was correct in determining that Mr. E was not eligible for benefits under this program.

## C. APA and MDE

Applicants for APA benefits are required to apply for a diligently pursue other benefits for which they may be eligible. This requirement specifically includes the requirement to concurrently pursue SSI benefits. APA benefits are only available to individuals who meet the eligibility requirements of the SSI program. Because the APA program is administered concurrently with SSI, an applicant for APA whose income falls within SSI income standards must apply for SSI within 30 days of applying for APA.<sup>14</sup> MDE benefits are dependent on eligibility for APA.<sup>15</sup>

The Division sought to inform Mr. E on multiple occasions that he needed to apply for SSI in order to be eligible for APA and MDE benefits. The Division verified that Mr. E had not applied to SSI before denying his request and verified it again on September 24, 2018, after denying his request. Because Mr. E did not apply for SSI, the Division correctly denied his application for APA and MDE benefits.

As to all three determinations, Mr. E's objections relied on his written submission, accepted as part of the evidence in this case, and read into the record by Mr. E at the hearing. His complaints appear to be centered on general, allegations of unfairness, prejudice or misconduct by governmental agencies. The allegations are nonspecific and do not appear to relate to the determinations by the Division which were based on statutory and regulatory requirements. Therefore, they do not affect Mr. E' eligibility for the benefits requested or the Division's decisions.

## IV. Conclusion

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<sup>13</sup> 7 AAC 47.140 (a)(6). See also 7 AAC 47.110.

<sup>14</sup> AS 47.25.430(f); 7 AAC 40.030(a) and 40.060(a).

<sup>15</sup> See 7 AAC 100.410; 7 AAC100.412.

The Division correctly determined that Mr. E is not eligible for the ATP and GRE programs. Because Mr. E did not apply for SSI benefits, the Division also correctly denied his application for APA and MDE benefits. This decision does not preclude Mr. E from reapplying for APA and MDE benefits should he apply for SSI.

Dated: October 16, 2018

By: Signed  
Name: Karen L. Loeffler  
Title: Administrative Law Judge

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

### **Adoption**

The undersigned, by delegation from 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 30<sup>th</sup> day of October, 2018.

By: Signed  
Name: Karen L. Loeffler  
Title: Administrative Law Judge

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