

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

In the Matter of)
)
H. H.) OAH No. 18-0833-GRE
) Agency No.
_____)

FINAL DECISION

This matter came before me to consider the proposed decision by Administrative Law Judge (ALJ) Hanna Sebold dated September 21, 2018. Also before me is a proposal for action filed by the Division of Public Assistance.

In accordance with AS 44.64.060(e)(5), I reject the interpretation and application of regulation in the decision as follows and for these reasons.

1. The criteria for eligibility based on available resources in 7 AAC 47.160 specifies that General Relief may not be granted if the applicant has personal resources, including liquid assets such as cash and savings, in excess of \$500.
2. It is undisputed fact that Ms. H. had \$900 in the bank at the time of her death in July 2018.
3. The interpretation of 7 AAC 47.150(c)(3), which addresses income eligibility and defines income received in the month prior to application as a resource, to mean that by extension, income received in the month of application is not a resource, is rejected. The cited regulation specifically pertains to income Ms. H. received in June 2018, not to income received in July 2018. The General Relief regulations do not define income received in the month of application to be excluded when determining available resources.
4. Because Ms. H. had \$900 in the bank at the time of her death, and the amount of cash available was a personal resource, she was over the \$500 personal resource limit for receiving burial assistance. While this may seem harsh, this is what the regulations provide and the Division appropriately followed its regulations.

The proposed decision is therefore rejected. The Division correctly denied Ms. H.'s burial application based on regulation.

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.

Done this 2nd day of November 2018, under the authority delegated to me by the Commissioner of Health and Social Services.

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

By: Signed
Signature
Deborah Erickson
Name
Program Coordinator, Office of the Commissioner
Title