

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

In the Matter of)	
)	
H C)	OAH No. 21-0211-CCA
_____)	Agency No.

DECISION

I. Introduction

H C was a Child Care Assistance (CCA) benefit recipient who applied to renew those benefits on December 16, 2020. The Division of Public Assistance (Division) denied her application because it found that her household income exceeded the CCA program’s income limit for her three-person household.

Ms. C requested a hearing to challenge the denial of her application. A telephonic hearing was held on March 4, 2021. Ms. C represented herself and testified on her own behalf. Jessica Hartley, a hearing representative for the Division, represented the Division.

The undisputed evidence in this case shows that Ms. C’s monthly household income exceeds the CCA program’s income limit. As a result, the Division’s denial of her December 16, 2020 application for CCA benefits is AFFIRMED.

II. Facts¹

Ms. C has a three-person household, which consists of her, her partner, and their minor child.² Ms. C had been receiving CCA benefits for the child and applied to renew them on December 16, 2020.³ As part of the application process, Ms. C supplied pay information for both her and her partner.⁴ Based upon that pay information, the Division calculated that Ms. C and her partner’s joint gross monthly income was \$6,156.⁵ The Division did not provide the household with any deductions from that income, and as a result, it determined that the monthly household countable income was \$6,156.⁶

¹ The facts are established by a preponderance of the evidence. Unless otherwise noted, the factual findings are based upon Ms. C’s testimony.
² Ex. 2.1.
³ Exs. 2 – 2.9.
⁴ Exs. 7.1 – 7.16.
⁵ Exs. 8, 8.4 – 8.6.
⁶ Ex. 8.4.

Ms. C did not disagree with the Division’s determination that her household’s monthly gross income was \$6,156. No one in her household is making child support payments, nor are there any catastrophic medical or dental expenses.

The CCA program’s countable monthly income limit for a household of three is \$5,960.⁷ The Division denied Ms. C’s application because it found that her monthly countable household income of \$6,156 exceeded the program’s countable monthly income limit.⁸ Ms. C disagreed with the Division not providing the household with any deductions for standard living costs and testified that her family could not afford the cost of providing their child with daycare.

III. Discussion

The CCA program provides financial assistance for individuals who require daycare services for their minor children. Eligibility for the program is based, among other factors, upon financial need. The income of the parent or parents, who are living with the minor child(ren), is counted for the purposes of determining the family’s financial eligibility.⁹ Ms. C has a three-person household. In order for her household to be eligible for CCA benefits, her household’s monthly countable income cannot exceed \$5,960.¹⁰

A household’s monthly countable income is calculated, for the purpose of the CCA program’s financial eligibility requirements, by adding together all of the income of the household members, both earned, and unearned, and subtracting allowable deductions. There are no deductions available for taxes, medical insurance payments, or any other standard living expenses such as car payments, mortgages, rents, etc. The only deductions that are available are for child support payments and catastrophic medical or dental costs.¹¹

Ms. C did not disagree with the Division’s calculation of her household income. What she disagreed with was the fact that the Division did not provide her household with any deductions in calculating the household income. The CCA program regulations do not allow any deductions except for catastrophic medical or dental costs. Ms. C’s disagreement is with the law, and not with the Division’s application of the law. The Division does not have the discretion to relax the CCA program’s financial requirements. “Administrative agencies are bound by their

⁷ Exs. 8, 8.7.

⁸ Exs. 8 – 8.2.

⁹ 7 AAC 41.013, 7 AAC 41.300(a)(2).

¹⁰ 7 AAC 41.335(b); Ex. 8.7.

¹¹ 7 AAC 41.325(a)(3).

regulations just as the public is bound by them.”¹² Based upon the CCA program’s financial eligibility requirements, as set out in regulation, Ms. C’s household was not eligible for CCA benefits.

IV. Conclusion

The denial of Ms. C’s December 16, 2020 application for CCA benefits is AFFIRMED.

Dated: March 9, 2021

Signed _____
Lawrence A. Pederson
Administrative Law Judge

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 23rd day of March, 2021.

By: *Signed* _____
Name: Lawrence A. Pederson
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.]

¹² *Burke v. Houston NANA, L.L.C.*, 222 P.3d 851, 868 – 869 (Alaska 2010).