

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

In the Matter of)
)
U J) OAH No. 21-0226-CMB
) Agency No.
_____)

DECISION

I. Introduction

U J applied for a variety of public assistance benefit programs: General Relief Assistance (GRA), Alaska Temporary Assistance (TA), Chronic and Acute Medical Assistance (CAMA), Supplemental Nutrition Assistance Program (SNAP)¹, Adult Public Assistance (APA) and related Medicaid, and Expansion Group Medicaid.

The Division of Public Assistance (Division) denied his application for benefits for all of the requested benefit programs. Mr. J requested a hearing to challenge those denials. His telephonic hearing was held on March 31 and April 12, 2021. Mr. J represented himself and testified on his own behalf. Sally Dial, a Public Assistance Fair Hearing Representative, represented the Division and testified on its behalf.

The evidence presented at hearing demonstrated that the Division correctly denied Mr. J' application as to each of the programs for the following reasons:

GRA: Mr. J did not provide proof of an emergent need during December 2020, the month of his application.

TA: Mr. J did not attend the required interview.

CAMA: Mr. J did not attend the required interview.

APA and related Medicaid: Mr. J did not attend the required interview.

SNAP: Mr. J failed to provide the requested information.

Expansion Group Medicaid: Mr. J was not eligible due to receiving Medicare.

The Division's denial of the application for these benefits is therefore **AFFIRMED**.

II. Facts

Mr. J completed an application for GRA, TA, CAMA, SNAP, APA, and Medicaid benefits on December 8, 2020.² That application was initially denied for GRA because the

¹ The Supplemental Nutrition Assistance Program (SNAP) is also commonly known as Food Stamps.
² Exs. 2.3 – 2.20.

Division found that Mr. J' income exceeded the income limit for the GRA program.³ After a subsequent review, the Division denied the GRA application because Mr. J did not provide it with proof of an emergency need for financial assistance, either due to having his utilities shut off or a pending eviction, during the month of application, as part of the application process.⁴

Mr. J' application for SNAP benefits listed monthly rent of \$890 and \$90 in telephone costs.⁵ His application was approved on an expedited basis. However, in order to continue receiving those benefits, he was notified that he needed to provide the Division with proof of his monthly rent from a landlord and telephone expenses. The deadline for providing that information was January 22, 2021.⁶ Mr. J provided the Division with a copy of a two- day hotel bill for January 21 and 22, 2021, which had a handwritten comment on it that "as soon as I can acquire permanent housing, the average should be \$1300.00" per month and a water bill for December 2020 for property in Arkansas on January 27, 2021.⁷ The Division denied his application on February 5, 2021 for not providing it with the requested information.⁸

Mr. J was also scheduled for a telephone interview in conjunction with his application for benefits. The interview notice provided him with the date and time, January 19, 2021 at 10:00 a.m., a telephone number to call, and cautioned him that his application would be denied if he did not participate in the interview.⁹ Mr. J did not participate in the interview, and his applications for APA, Medicaid, TA, and CAMA were denied.¹⁰ Mr. J testified that he was told he would be telephoned for the interview, that he waited for a call, and was not called.¹¹

Mr. J was subsequently notified, on February 26, 2021, that his application for Medicaid under the Expansion Group Medicaid coverage category (Denali Care) was denied because he was also receiving Medicare benefits.¹²

The Division hearing representative contacted Social Security, which confirmed that Mr. J had been receiving Medicare benefits continuously for a number of years and those benefits

³ Ex. 3.

⁴ Ex. 11.

⁵ Ex. 2.12.

⁶ Ex. 3.1.

⁷ Exs. 4.3 – 4.4.

⁸ Ex. 5.

⁹ Ex. 3.2.

¹⁰ Exs. 4.2, 5.1 – 5.3.

¹¹ Mr. J' testimony.

¹² Ex. 7.1 – 7.2.

were to continue through March 2021,¹³ and that he did not actually receive a Social Security payment in December 2020, but that he received a larger payment than normal, to account for back months, in January 2021.¹⁴

III. Discussion

A. GRA

General Relief Assistance is a program that provides limited one-time assistance to individuals who make little or no money and have little or no assets.¹⁵ It is only provided for emergent needs, regulatorily specified as an “immediate and specific need for subsistence items, such as rent, food, fuel, transportation, or burial.”¹⁶ Proof of that immediate need must be provided as part of the application process.¹⁷ GRA payments are not made to an applicant, only to the vendor or provider.¹⁸

The Division initially denied Mr. J’ application for GRA on income grounds. However, he did not receive any Social Security income in December 2020. As a result, that denial was incorrect. The Division subsequently denied the application because Mr. J did not demonstrate an emergent need during the month of application. The facts show that Mr. J did not submit information showing an emergent need, such as an eviction notice or a utility shut off notice. Consequently, Mr. J did not demonstrate that he was eligible for GRA assistance and his application was properly denied.

B. APA and Related Medicaid¹⁹, TA, CAMA

Each of these programs require an interview as part of the application process.²⁰ An applicant’s failure to complete the application process is grounds to deny the application. The evidence shows that Mr. J was notified in writing that his interview was supposed be held telephonically and that he was given a telephone number to call for his interview. However, he did not call and the interview was therefore not held. The fact that Mr. J did not complete the application process was a legitimate reason to deny his application.

¹³ There was a short lapse in Mr. J’ Medicare benefits. However, the benefits were reinstated. *See* Ex. 29.

¹⁴ Ex. 29; Ms. Dial’s testimony. *Also see* Ex. 8.

¹⁵ 7 AAC 47.140 – 150.

¹⁶ 7 AAC 47.140(a)(6).

¹⁷ 7 AAC 47.040.

¹⁸ 7 AAC 47.110.

¹⁹ Being found eligible for APA can also make a recipient, who satisfies other factors, eligible for Medicaid. *See* 7 AAC 100.102 for the list of Medicaid eligible individuals.

²⁰ APA – 7 AAC 40.050(a) and (b); TA – 7 AAC 45.170(a); CAMA – 7 AAC 48.505(b).

C. *SNAP*

There are two issues that need to be resolved to answer the question of whether the Division was correct when it denied Mr. J' application for SNAP benefits. The first issue is whether the Division was justified in asking for the information about his rent and telephone costs. The second issue is, assuming the request was justified, whether he refused to provide the information in a timely manner.

Regarding the first issue, the Division is allowed to request information regarding an applicant's eligibility.²¹ In this case, the Division inquired regarding his rental and telephone costs. These were justifiable requests because Mr. J claimed these expenses on his application, and they can be used as deductions for the household, which then effect both its eligibility for and the amount of SNAP benefits.

Mr. J undeniably did not respond to the Division's information request until January 27, 2021, after the deadline of January 22, 2021. His response was a copy of a two-day hotel bill with his handwritten estimate that his future rent would be about \$1,300, and a water utility bill for property in Arkansas. The next question is whether this limited response was a failure to comply with the Division's request for information. The Food Stamp program distinguishes between a failure to comply and a refusal to comply. A failure to comply is not grounds for a denial, whereas a refusal to comply is grounds for denial.²²

Mr. J' belated response was non-responsive: the hotel bill was for two days and was not for rent, it contained a handwritten estimate as to future rent, and the utility bill was for water, not telephone, and it was for water utility in a completely different state. As such, it more properly falls into a refusal to comply, rather than failure to comply. As such, the Division's denial of Mr. J' Food Stamp application was correct.²³

D. *Expansion Group Medicaid*

Expansion Group Medicaid is a type of Medicaid that is available to the general public, without a particularized medical need or specialized eligibility categories. There are factors, including income, that an applicant must satisfy in order to be eligible for this form of Medicaid.

²¹ 7 C.F.R. § 273.2(f)(8); 7 C.F.R. § 273.14(b)(4).

²² 7 C.F.R. § 273.2(d)(1).

²³ The Division reopened Mr. J' SNAP application on February 24, 2021, after Mr. J requested this hearing, and requested additional information from Mr. J. *See* Ex. 11.1. This decision does not address the Division's subsequent action, only the denial for the failure to respond to the Division's earlier request for information, which resulted in a denial on February 5, 2021. *See* Ex. 5.

Mr. J was financially eligible for this type of Medicaid in December 2020, because he did not receive any Social Security income in that month. However, he was receiving Medicare in December of 2020 and was scheduled to receive Medicare through the end of March 2021. An applicant who receives Medicare is not eligible for this type of Medicaid.²⁴ This means that the Division correctly denied Mr. J' application for Expansion Group Medicaid.

IV. Conclusion

Mr. J applied for a number of public assistance and medical benefits, to wit, GRA, TA, CAMA, SNAP, APA, and Medicaid. He did not satisfy the financial or other eligibility criteria for those programs, including not participating in a scheduled interview. As a result, the Division's denial of his application for all these benefit programs is AFFIRMED.

Dated: April 20, 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 11th day of May, 2021.

By: *Signed* _____
Name: Jillian Gellings
Title: Project Analyst
Agency: Office of the Commissioner, DHSS

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

²⁴ 42 C.F.R. § 435.119(b)(3).