

E.N. has limited income, which consists of Social Security Disability benefits. He receives a gross amount of \$1,049.10 per month. However, there is a deduction from that of \$170.10 for his Medicare premium, which results in him only receiving a payment of \$879.00 per month.³

Based upon the information provided by E.N. and his Social Security Disability income, the Division calculated that E.N. was eligible for \$495.00 in heating assistance benefits. It arrived at that amount as follows:

He lives in City A and heats with natural gas:	5 points
He lives in a mobile home that is 980 or more square feet:	1.4 dwelling factor
Multiply 5 x 1.4	Subtotal 7 points
One household member with a gross income of \$1,049	.7 income factor
Multiply 7 x .7	Subtotal 4.9 points
Disabled: add 1 point	Subtotal 5.9 points
Because his heating is subsidized – multiply 5.9 x .5	3.0 points (rounded up)
Multiply 3 points by \$165 per point resulted in an award of \$495. ⁴	

The Division notified E.N. on October 11, 2022 that his Heating Assistance award was \$495 and that it would be sent to him. There were delays in him receiving that check, however, those were rectified before the hearing.⁵

E.N. testified about his difficulties in dealing with both AHFC and the Division, including what he considered to be unjustified delays in the processing of his application. In addition, he pointed out that the form utilized by AHFC contained formatting errors.⁶ For instance in section A8, it says to enter the result on line 8 as being “line 8 minus line 6,” yet the amount entered on line 8 appears to be line 7 minus line 5. It compounds that same error throughout the form.⁷ It is not possible to determine from the AHFC form whether AHFC correctly calculated E.N.’s rental subsidy amount.

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³ Exs. 1.18 – 1.19.

⁴ Ex. 2.

⁵ Ex. 4; Ms. Dial’s testimony.

⁶ Mr. Meddleton’s testimony.

⁷ Ex. 1.14.

III. Discussion

As an initial point, this tribunal only has jurisdiction to consider the primary issue before it, which is whether E.N. received the correct amount of Heating Assistance.⁸ Accordingly, E.N.'s concerns about AHFC and the Division will not be addressed further.

A review of the evidence and E.N.'s arguments reveals that there are two factual issues that need to be resolved. First, what was E.N.'s monthly income? Second, was E.N. provided a utility allowance by AHFC as part of his monthly rental subsidy calculations?

A. E.N.'s Monthly Income

E.N. has limited income of Social Security Disability. The gross monthly amount of that income is \$1,049.10. After a deduction for his Medicare premium is taken out, he only receives \$879.00 per month. In calculating an applicant's Heating Assistance award, the Division uses an income factor, which is based upon an applicant's *gross monthly income*.⁹ This means that E.N. does not get a deduction for his Medicare premium¹⁰ and his monthly income is \$1,049.10 for the purposes of calculating his Heating Assistance award, and not the \$879 which he actually receives. Because his gross monthly income is more than \$1,005 and less than \$1,340, he falls within the 75% of the Alaska federal poverty guidelines for a one-person household and he has an income factor of .7.¹¹

B. Utility Allowance

Although as convincing pointed out by E.N., the AHFC rent subsidy calculation form contained formatting errors, which might have resulted in calculation errors, it does show that when AHFC calculated his rental subsidy, it took his rent of \$1,000, added an additional \$183 to that amount as a "utility allowance," and then calculated his rental subsidy based upon the total amount of \$1,183 per month, and not upon his rental obligation of \$1,000. This means that he "receives a utility allowance as part of [his] household's housing cost calculation."¹²

⁸ See AS 44.64.030 for the Office of Administrative Hearings' (OAH) jurisdiction. See 7 AAC 49.010 and 7 AAC 49.020 for the issues that OAH can hear in Division public assistance disputes. 7 AAC 49.020(1) does allow OAH to hear cases involving a delay in application processing. However, the delay was resolved before the hearing, and as a result, it is moot and will not be addressed further.

⁹ 7 AAC 44.080(i).

¹⁰ *Alaska Hearing Assistance Program Policy Manual* § 3003-1B2c: "The monthly entitlement including the cost of Medicare, if deducted, is counted as income in the month of intended use."

¹¹ 7 AAC 44.080(i)(4); Ex. 7 (Federal Poverty Income Guidelines).

¹² See 7 AAC 44.080(l)(3).

C. Calculation of E.N.’s Heating Assistance Payment

The Heating Assistance payment is calculated by using a formula that takes into account where the recipient resides and type of heat used,¹³ the type of dwelling,¹⁴ the amount of a recipient’s income,¹⁵ if the household contains an elderly or disabled individual,¹⁶ and whether the recipient has subsidized housing, and if so, whether he received a utility allowance when his housing subsidy was calculated.¹⁷ The result is then rounded and multiplied by the benefit rate, which is currently \$165, to arrive at the Heating Assistance payment.¹⁸

E.N. lives in City A and heats with natural gas. This results in 5 points.¹⁹ This is multiplied by 1.4 because he lives in a mobile home that is at least 980 square feet.²⁰ That results in 7 points. This, in turn is multiplied by .7, because E.N.’s monthly gross income of \$1,049 is “more than 75 percent but no more than 100 percent of the Alaska poverty level.”²¹ This results in 4.9 points. E.N. is disabled. As a result, he receives 1 point.²² This results in 5.9 points. Then because E.N.’s AHFC rental subsidy is based in part upon a utility allowance, the 5.9 points is multiplied by .5, resulting in a total of 3 points (2.95 rounded up to 3).²³ The 3 points are then multiplied by \$165, the current benefit rate.²⁴ The result is \$495. This is the exact methodology used by the Division and the amount of Heating Assistance provided E.N. Consequently, the Division provided E.N. with the amount of Heating Assistance to which he was entitled.

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¹³ 7 AAC 44.080(a) – (f).
¹⁴ 7 AAC 44.080(g).
¹⁵ 7 AAC 44.080(i).
¹⁶ 7 AAC 44.080(k).
¹⁷ 7 AAC 44.080(l).
¹⁸ 7 AAC 44.080(n). “For FY 2022 heating assistance season, this rate is \$165 per point.” *Alaska Hearing Assistance Program Policy Manual* § 3004-5.
¹⁹ 7 AAC 44.080(a) and (b); Ex. 8.
²⁰ 7 AAC 44.080(g)(1).
²¹ 7 AAC 44.080(i)(4); Ex. 7.
²² 7 AAC 44.080(k).
²³ 7 AAC 44.080(l).
²⁴ 7 AAC 44.080(n).

IV. Conclusion

The Division's determination that E.N. should receive \$495 in Heating Assistance benefits is AFFIRMED.

Dated: December 1, 2022.

Signed _____

Lawrence A. Pederson
Administrative Law Judge

Adoption

The undersigned, by delegation from the Commissioner of Health, 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 15th day of December, 2022.

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.]