

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

In the Matter of)	
)	
S. X.)	OAH No. 24-0391-ADP
_____)	

DECISION

I. Introduction

S. X. applied for Adult Public Assistance benefits. Mr. X.’ application was denied because he failed to file for federal Social Security Disability (SSD) or Supplemental Income (SSI). The Mr. X. disagreed and requested a hearing to challenge the denial.

Mr. X.’ hearing was held on July 15, 2024. Mr. X. represented himself and testified on his own behalf. Sally Dial, a Fair Hearing Representative with the Division of Public Assistance (Division) represented the Division and testified on its behalf.

The only issue in dispute is whether Mr. X. filed an application for Social Security benefits. Mr. X. said he filled one out and gave it to his wife to file, but his wife was not present and did not testify. Ms. Dial presented copies of the processing notes indicating that the Social Security Administration had been contacted and that it confirmed that Mr. X. had no pending application for Social Security benefits. Alaska law clearly requires an applicant for Adult Public Assistance to apply for Supplemental Security Income benefits if the reported income is low enough. Because Mr. X. did not present proof that he, or someone on his behalf, had recently applied for those benefits to the Social Security Administration, the Division’s decision denying Mr. X.’ application is affirmed.

II. Facts and Procedural History

The Division received Mr. X.’ application for Adult Public Assistance on February 20, 2024.¹ Two days later, the Division sent Mr. X. two notices telling him that he had to apply for Social Security Disability (SSD) or Supplemental Security Income (SSI).² He was also told that he “had to be in pay status with Supplemental Security Income (SSI) within 30 days” or his application would be denied.³ Mr. X. did not supply proof that he applied for SSI within 30 days

¹ Exhibit 2.

² Exhibit 3.

³ Exhibit 3.

of his application for Adult Public Assistance, or that he had applied for it and was diligently pursuing it after February 20, 2024.

Mr. X. said that he had applied for Social Security benefits. Exhibit 4.3 contains a print of the SSA state online query response screen showing Mr. X. had applied for SSI in 2022, two years ago, and had been denied. He also said his wife had dropped off an application, but she was not available to testify. In any event, he had not provided proof that he applied again within 30 days of his application for Adult Public Assistance, so the Division denied his application for Adult Public Assistance on May 17, 2024.⁴ Mr. X. requested a hearing on May 24, 2024⁵ but he did not provide any documents or other proof that he had applied for SSI recently.

III. Discussion

Adult Public Assistance (APA) provides cash payments to financially eligible persons who are over 65, blind, or disabled.⁶ APA benefits are only available to persons who meet the eligibility criteria for SSI (a federal program of the Social Security Administration) and the eligibility criteria of the APA regulations.⁷ A person who applies for APA *must* apply for SSI within 30 days of applying for APA.⁸ Usually a person gives the Division a copy of a printout from the SSA office showing the application or a copy of an appointment letter that SSA sends when an application is processed. However, here Mr. X. did not have such a letter (the only letter he described to in his testimony is one from the State of Alaska Department of Law, which is not, of course, the SSA). Mr. X. believed that he had applied for SSI, and that his wife had taken the application to the office, but it appeared that Mr. X. mistakenly referred to his application for APA, which was also signed by his wife.

In this appeal hearing, applicants for new benefits, like Mr. X., have the burden of proving their eligibility for benefits by a preponderance of the evidence.⁹ This means that Mr. X. had to supply evidence that he had applied for SSI benefits, that is, that he “promptly and diligently” pursued a claim for SSI. Here the Division gave Mr. X. notice that he had to supply the missing information “within 30 days.” The only evidence available to the Division is the

⁴ Exhibit 6.

⁵ Exhibit 6.1

⁶ AS 47.25.430; 7 AAC 40.120

⁷ AS 47.25.430(f); 7 AAC 40.030(a).

⁸ 7 AAC 40.060(a).

⁹ 7 AAC 49.135.

SSA response to their inquiry was that Mr. X. had last applied for SSI *two years ago* and was then denied. He had no appeal of the denial pending.¹⁰

After considering Mr. X.' testimony and Ms. Dial's testimony and evidence, taking all the circumstances together, this decision finds that Mr. X. failed to meet his burden of establishing he had applied for and diligently pursued an SSI application as of March 26, 2024. He was not receiving SSI benefit.

Mr. X. may file a new application for APA benefits if he reapplies for SSI.

IV. Conclusion

Because Mr. X. failed to meet his burden of establishing that he had applied for and diligently pursued an application for SSI benefits, or was receiving SSI benefits, the Division's decision to deny his application for APA is AFFIRMED.

Dated: July 23, 2024.

By: Signed
Signature
Kristin S. Knudsen
Name
Administrative Law Judge
Title

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

¹⁰ Ex. 7.

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 9 day of August, 2024.

By: Signed
Signature
Kristin S. Knudsen
Name
Administrative Law Judge
Title

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