

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

In the Matter of)	
)	
T. J.)	OAH No. 24-0311-CMB
	_____)	

DECISION

I. Introduction

The Division of Public Assistance (the Division) denied Ms. T. J.’s application for Adult Public Assistance (APA) benefits because she had not applied for Supplemental Security Income (SSI) benefits within 30 days of applying for APA. Because applicants who meet the income threshold for Social Security benefits must pursue those benefits in order to receive APA benefits, the Division’s decision is upheld.

II. Facts

The Division of Public Assistance administers the Adult Public Assistance (APA) benefits program. Applicants for and recipients of APA benefits are required to “apply for and diligently pursue” other benefits for which they may be eligible.¹ This requirement specifically includes the requirement to concurrently pursue SSI benefits.²

T. J. is a 27-year-old resident of City A., Alaska. Ms. J. currently has no income.³ According to Ms. J.’s mother and guardian, H. N., Ms. J. has severe mental health issues that are disabling and potentially life threatening.⁴

Ms. J. last applied for SSI benefits on July 18, 2007. On February 12, 2008, the Social Security Administration (SSA) denied Ms. J.’s application because she failed to submit to a consultative examination.⁵ Ms. J. did not file an appeal of the SSA denial within the deadline set out in SSA regulations.⁶

¹ 7 AAC 40.360
² 7 AAC 40.060
³ Testimony of Ms. Thirwell.
⁴ Testimony of Ms. N.
⁵ Ex. 7.1 (whole paragraph)
⁶ 20 C.F.R. § 404(a)(1)

On March 1, 2024, Ms. J. applied for APA and related Medicaid benefits. The Division first “pending” and eventually denied Ms. J.’s request for APA because of her failure to actively pursue social security benefits.⁷ The Division’s April 17, 2024 denial letter indicated that Ms. J.’s request for APA benefits had been denied because of she had not provided proof she was in pay status for SSI benefits.⁸

On April 12, 2024 H. N., Ms. J.’s mother, was approved as her court appointed guardian.⁹ Ms. N. timely requested a fair hearing to appeal the Division’s denial. After two continuances at Ms. N.’s request, a hearing on the Division’s denial was held on July 11, 2024. Ms. N. represented her daughter and testified on her daughter’s behalf. The Division was represented by fair hearing representative Marie Thirlwell. Ms. Thirlwell reiterated the Division’s position that Ms. J. is not currently eligible for APA benefits because she is not currently receiving SSI benefits, nor did she apply for SSI benefits within 30 days of her APA application. Ms. Thirlwell explained that the Division has access to an SSA database that displays, by social security number, an applicant’s status with the SSA.¹⁰ The database shows that SSA denied Ms. J.’s application for benefits, and that – as of the date of the hearing – no appeal or reapplication has been received.¹¹ Because the SSA database shows no record of Ms. J. having appealed her SSI denial or submitting a new application, the Division contends, her March 1, 2024 application for APA benefits cannot be granted.

Ms. N. explained the multiple hurdles and stressors she has faced trying to get her daughter the help she needs. Ms. N. also provided, during the hearing, two letters from the SSA indicating that a telephonic conference was scheduled for May 20, 2024. Ms. N. explained that the SSA had not contacted her at the correct number or address, so that conference did not occur. However, Ms. N. testified she was going to the SSA office immediately after the hearing to provide additional documentation and complete an application. The record was left open until close of business on July 11, 2024 for Ms. N. to submit proof of a pending application for SSI. Ms. N. did not file any documentation by the deadline.

⁷ Exs 5 & 6. In addition to APA benefits Ms. J. was also requesting related Medicaid benefits. The Division *approved* Ms. J. for Medicaid MAGI benefits. *See* testimony of Ms. Thirlwell.

⁸ Ex. 6.

⁹ Ex. 6.2.

¹⁰ Division case presentation; Ex. 9.1.

¹¹ Ex. 9.1. *See also* Testimony of Ms. Thirlwell.

Ms. N. was obviously and genuinely frustrated with her difficulties in obtaining benefits from either the SSA or the Division for her daughter. Ms. N. credibly testified to the difficulties she has faced, and her daughter's severe issues.¹²

III. Discussion

APA benefits are only available to individuals who meet both the eligibility requirements of the SSI program and the eligibility requirements of the APA regulations themselves.¹³ Because the APA program is administered concurrently with SSI, an applicant for APA whose income falls within SSI income standards *must* apply for SSI within 30 days of applying for APA.¹⁴

Ms. J. had no income at the time of her application for benefits. As her income was zero, she falls within SSI income standards. Accordingly, Ms. J. was required to actively pursue SSI benefits in order to pursue her application for APA benefits.¹⁵ Ms. N. bears the burden of showing that the Division erred in finding Ms. J. ineligible for APA.

At the time Ms. J. applied for APA benefits, she did not have an active application pending for SSI benefits. Ms. N. credibly testified to her efforts to apply for SSI benefits on her daughter's behalf and the hurdles she has faced. However, as was noted during the hearing, even if an application was submitted to the SSA the day of the hearing it would still be well outside 30 days the APA regulations require.

A preponderance of the evidence thus supports the finding that, when Ms. J. submitted her APA application, she did not have an active SSI application. Because she did not have an active SSI application or pending SSI appeal, Ms. J. was therefore required to apply for SSI within 30 days of applying for APA benefits. Because she did not do so, the Division correctly denied her application for APA benefits.

¹² Testimony of Ms. N.

¹³ AS 47.25.430(f); 7 AAC 40.030(a).

¹⁴ 7 AAC 40.060(a); Ex. 8-9.1.

¹⁵ 7 AAC 40.060(a).

IV. Conclusion

Because Ms. J. cannot receive APA benefits without having an active SSI application pending or granted, the Division correctly denied her March 2024 application for APA benefits. This decision does not preclude Ms. J., or her guardian, from reapplying for APA benefits should she submit a new application for SSI benefits.

Dated: July 15, 2024

By: Signed
Signature
Eric M. Salinger
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.]

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 30th day of July, 2024.

By: Signed
Signature
Eric M. Salinger
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.]