

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

In the Matter of	)	
	)	
S. T.	)	OAH No. 23-0326-ATP
_____	)	

DECISION

I. Introduction

S. T. applied for Alaska Temporary Assistance benefits. Her application was denied by the Division of Public Assistance (Division) because she allegedly did not provide requested information and because she did not participate in a required extension meeting.

Ms. T. requested a hearing to challenge the denial of her application. Her hearing was held on June 6, 2023. Ms. T. represented herself and testified on her own behalf. Jessica Hartley, a Fair Hearing Representative with the Division, represented the Division. The record was held open after the hearing for Ms. T. to submit additional information. She did not submit any additional documents by the deadline.¹

The evidence in this case shows that Ms. T. did not provide the Division with the requested information, nor did she attend a scheduled meeting, both of which were required to process her application. Consequently, the denial of her application is affirmed.

II. Facts

Ms. T. is a former Temporary Assistance recipient. Those benefits ended in July of 2022, because she had received a total of 60 months of Temporary Assistance benefits.² She reapplied for those benefits on November 15, 2022.³ At the time of her application, she had a son living with her. He was 18 years old at the time and was then attending school fulltime.⁴

Ms. T. and her son moved to City A. from Region A. in December 2022, after she filed her application. Per Ms. T.'s testimony, her son stopped going to school in Region A. in

¹ Ms. T. emailed the Office of Administrative Hearings (OAH) after the close of business on June 7, 2023, stating that she needed to "speak with the judge. . . The case I was referring to in the hearing, held yesterday is not the same case the state was talking about." OAH emailed and telephoned Ms. T. in an attempt to schedule a conference. She did not respond and consequently, a conference was not held.

² Exs. 5, 14.

³ Exs. 2 – 4.21.

⁴ Ex. 2.

December 2022 at the time of the school Christmas break, and Ms. T. was not able to reenroll him in the City A. schools after the move.⁵

Division staff interviewed Ms. T. regarding her November application on March 30, 2023. During her interview, she was told that she needed to provide documentation of her son's enrollment in school, and that she needed to participate in an "extension" meeting for Temporary Assistance, which was scheduled for April 3, 2023.⁶

Ms. T. was mailed a notice on March 31, 2023, that she needed to provide proof of the following by April 10, 2023:

1. Proof of her son's enrollment in school from November 2022 forward.
2. Child Support information for her son.
3. Proof that she had been approved for an extension for Temporary Assistance.⁷

Ms. T. did not attend her scheduled Temporary Assistance extension meeting. Nor did she respond to phone calls or emails regarding it. The extension was therefore denied.⁸ Ms. T. testified that she did not know that her extension meeting had been scheduled. She also stated that she was not getting messages because her emergency contact was not forwarding phone messages to her. She testified that when she missed her extension meeting, she asked that it be rescheduled.⁹

Ms. T. was also sent notice that she needed to attend a Family Self-Sufficiency Plan on March 31, 2023, and that she needed to contact Division Work Services to schedule that meeting.¹⁰

The Division has no record that Ms. T. supplied a response to the request for information regarding her son's school enrollment or the child support information by the April 10, 2023 deadline. Ms. T. testified that she emailed the filled-out child support form to both the Division and to Child Support Services on April 5, 2023.¹¹ She also testified that she emailed the "school verification" form to the City B. School District and the Division on April 5, 2023.¹² She provided a copy of the form signed by her, not completed by the school, which contained hand-

⁵ Ex. 5; Ms. T.'s testimony.

⁶ Ex. 5.

⁷ Ex. 6.

⁸ Ex. 7.

⁹ Ms. T.'s testimony.

¹⁰ Ex. 6.2.

¹¹ See *Appendix D Child Support Information* form filed by Ms. T. on June 6, 2023.

¹² Ms. T.'s testimony.

written interlineations indicating that it was emailed to the school district on April 5.¹³ She also emailed the Office of Administrative Hearings the morning of June 6, 2023, stating that she “sent out an email to Public Assistance April 5th April 10th and April 14th.”¹⁴ The Division Representative immediately asked the Division’s support team if it had records of emails from Ms. T. on April 5, 10, and 14, 2023. The response back was “[t]here do not appear to be any emails in any of our queues for her at this time.”¹⁵ Ms. T. was given an opportunity to submit the emails to the Division that she testified she had sent. She did not do so.

III. Discussion

The Temporary Assistance program provides cash assistance to needy families. A Temporary Assistance household consists of the caretaker relative(s), which can be the parents or closely related relatives, and the dependent children who reside with them.¹⁶ Eligibility for this program, among other factors, is dependent upon there being an eligible dependent child in the household and the household meeting financial guidelines.¹⁷ Temporary Assistance is normally only provided for children through age 18. However, if a child is over 18 years of age but less than 19 years of age and enrolled full-time in school, assistance is allowed until they either finish their schooling or they reach the age of 19, whichever occurs first.¹⁸

A family may not normally receive Temporary Assistance benefits from the state (or parallel TANF programs in other states) for a total period of more than 60 months.¹⁹ However, the ATAP regulations allow for an extension to the 60-month lifetime limit when domestic violence, a physical or mental inability to work, the need to care for a disabled child or relative, or hardship interferes with a recipient’s ability to work.²⁰ In order to receive an extension to the 60 month limit, the family must participate in an extension review with the Division to determine if the family meets the extension requirements.²¹

In this case, the Division requested that Ms. T. provide child support information, her son’s schooling information, and proof that she had received an extension approval by April 10, 2023.

¹³ See *School Verification Letter* form filed by Ms. T. on June 6, 2023.

¹⁴ See Ms. T.’s email of June 6, 2023 at 8:33 a.m.

¹⁵ See Ms. Hartley’s email to OAH, contained the inquiry and response, of June 6, 2023 at 9:21 a.m.

¹⁶ See 7 AAC 45.195, 7 AAC 45.225, 7 AAC 45.335, 7 AAC 45.990(a)(13); AS 47.27.900(9).

¹⁷ 7 AAC 45.195; 7 AAC 45.210.

¹⁸ AS 47.27.900(9)(A); 7 AAC 45.210(a)(3).

¹⁹ AS 47.27.015(a)(1) (Ex. 25).

²⁰ See AS 47.27.015(a)(1)(A) -(C); 7 AAC 45.610(d) – (f). The ATAP regulations also allow an exception to the 60-month lifetime limit for family hardship. AS 47.27.015(a)(1)(D); 7 AAC 45.610(g).

²¹ 7 AAC 45.610(c).

Because all these requested items are relevant to this case, given the program's financial requirements, the son's age, and the fact that Ms. T. had used 60 months of Temporary Assistance benefits, the Division was justified in requesting this information.

Ms. T. testified that she had emailed information to the Division on April 5, 2023. She sent an email to the Division stating that she had emailed the Division on April 5, 10, and 14, 2023. The Division checked for emails and could not locate them. Ms. T. was given an opportunity to provide copies of the emails she sent to the Division. She did not provide copies of any such emails. Accordingly, the weight of the evidence demonstrates that it was more likely true than not true that she did not respond to the Division's information request by the deadline.

With further regard to the extension issue, an extension review meeting would have been necessary to first determine if Ms. T.'s household qualified for the extension. It is undisputed that she did not participate in that necessary meeting. She testified that she did not know it was scheduled and did not receive any phone messages, because her emergency contact did not relay phone messages to her. In contrast, the Division interview notes indicate that it was scheduled for April 3, 2023. She also testified that she requested the meeting be rescheduled after she missed it. There is no information in the record that corroborates Ms. T.'s testimony. What the record shows is that the Division staff performing the extension review attempted to contact Ms. T. telephonically and via email, to no avail. While Ms. T. may have confused the extension planning meeting with the requirement that she meet with Division Work Services²², that was a separate meeting on a separate issue. Accordingly, the weight of the evidence shows that Ms. T. was notified that she had to participate in an extension review meeting, did not, and did not respond to attempts to contact her. The fact that she might not have gotten her phone messages is not something that can be attributed to the Division. And the evidence shows that the Division also attempted to reach her via email.

Ms. T. has the burden of proof in this case because she was applying for services.²³ The evidence, however, shows that she did not respond to the Division's relevant information requests, nor did she attend a required extension meeting, which was needed to determine whether her household qualified for an extension to the Temporary Assistance program's 60-month limit. Failure to respond to

²² See March 31, 2023 Notice to contact Work Services to schedule a meeting to develop a Family Self-Sufficiency Plan. Ex. 6.2.

²³ 7 AAC 49.135.

the Division's requests, which required information about child support, her son's schooling, and whether she qualified for the extension, constituted grounds for denying her application.²⁴

IV. Conclusion

The Division's denial of Ms. T.'s November 2022 application for Alaska Temporary Assistance benefits is AFFIRMED.

Dated: June 30, 2023

Signed

Lawrence A. Pederson
Administrative Law Judge

²⁴ 7 AAC 45.175.

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 14th day of July, 2023.

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.]