

In the Matter of: _____)
)
X. D.) OAH No. 24-0067-GRE
)

I. Introduction

Alaska Statute 47.45.302 (a)(1) explicitly limits eligibility for the Senior Benefits Program to Alaska residents who are 65 years of age or older. While the Division's processing of Mr. D.'s application was less than ideal, this does not override the fact he is simply too young to participate in the program. Accordingly, the Division's determination that Mr. D. is ineligible to participate in the Senior Benefits Program is **AFFIRMED**.

Mr. D. is a 63-year-old resident of City A.¹ His household income consists of Social Security and Adult Public Assistance payments, and he receives additional benefits through the Medicaid and Supplemental Nutritional Assistance Programs.²

1 Ex. 9.2
2 Maria Thirwell hearing testimony.
3 Ex. 9.1 – 9.18.

D. advising that his application was being placed on hold due to concerns that he had established residency in North Carolina.⁴ In response to this Mr. D. submitted a fair hearing request that was received by the Division on December 18, 2023.⁵ On January 8, 2024, the Division responded through a “notice of non-referral” which advised Mr. D. that his hearing request was not being referred to OAH since he was too young to participate in the Senior Benefits Program.⁶ This prompted Mr. D. to file an appeal of the Division’s non-referral decision. In that appeal Mr. D. referenced the following facts as supporting his claim to benefits:

Appellant has been awarded Social Security Senior Retirement, Survivors and Disability Insurance benefits in 1997 by the determination of the Social Security Administrative Law Judge at the SSA, OHO located on 4th Floor, 33 Broad Street, Providence, RI 02903.⁷

Based on this 1997 determination, Mr. D. alleged that the Division’s denial of his Senior Benefits application constituted a violation of the Social Security Act and Americans with Disabilities Act.⁸

A telephonic hearing on Mr. D.’s appeal was held on February 21, 2024. Eligibility Technician Maria Thirlwell appeared on behalf of the Division and offered 13 exhibits that were admitted into evidence. Mr. D. offered testimony and argument in support of his appeal.

III. Discussion

A. Overview of Alaska's Senior Benefits Program

Alaska’s Senior Benefits Program provides monthly cash payments to Alaska residents who are 65 years of age or older with low to moderate income. When fully funded, payments provided by the program vary between \$125 to \$250 per month.⁹ The program was established in 2007 and is currently scheduled to expire in June 2024.¹⁰ Since the Senior Benefits Program is entirely funded and managed by the State of Alaska through the Department of Health, the rules established for federally funded programs such as Medicare and Social Security in no way impact the eligibility requirements set by the Alaska Legislature.¹¹

⁴ Ex. 2.

⁵ Ex. 2.2.

⁶ Ex. 4.1.

⁷ Ex. 6.2.

⁸ Ex. 6.2.

⁹ See Senior Benefits Program Information and Fact Sheet, accessed on February 27, 2024 at https://health.alaska.gov/dpa/Documents/dpa/programs/senior-benefits/SBP_Fact_Sheet.pdf.

¹⁰ See SLA 2018, ch. 8, sec. 1.

¹¹ AS 47.45.301.

One of those eligibility requirements is found at AS 47.45.302 (a)(1), which provides that participants in the Senior Benefits Program must be 65 years of age or older. Program regulations adopted by the Department of Health also reference this age requirement.¹² No exception to this minimum age requirement can be found anywhere in the Alaska Statutes or the Alaska Administrative Code.

B. Mr. D. is Not Eligible for Senior Benefits Payments

While Mr. D. readily concedes that he is not 65 years of age, he believes the 1997 determination which found him eligible for Medicare benefits additionally entitles him to any type of senior benefits program offered by the State of Alaska – regardless of his actual age. Though he was unable to obtain a copy of that 1997 determination prior to the hearing, Mr. D. was able to offer a “Medicare Health Insurance Card” which shows him as being eligible for Medicare hospital and medical benefits beginning in 1997 and 2004, respectively.¹³ During his hearing testimony, Mr. D. described these as “survivor benefits” for which he became eligible after his father died in 1988 from a type of cancer linked to past employment at a U.S. Navy shipyard.

Though Mr. D. fervently believes that the 1997 determination entitles him to payments under the Senior Benefits Program regardless of how old he is, with a program that is 100-percent state funded the Alaska Legislature has the discretion to set age requirements and income limits as it deems appropriate. While it is regrettable that the Division allowed almost nine months to pass before acting on Mr. D.’s application, this does not alter the simple fact that persons below age 65 are flatly ineligible to participate in the program.

IV. Conclusion

Quite simply, Mr. D. will not be eligible to participate in the Senior Benefits Program until he reaches 65 years of age. This is true regardless of whether he has been found entitled to receive benefits through federally funded programs such as Medicare. Accordingly, the Division’s determination that Mr. D. is ineligible to participate in the Senior Benefits Program is AFFIRMED.

DATED this 28th day of February, 2024.

SIGNED
Max Garner

¹² 7 AAC 47.547(2).

¹³ Ex. 6.1.

Administrative Law Judge

Adoption

The undersigned, by delegation from of 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 19th day of March, 2024.

By: SIGNED

Name: Max Garner

Title: Administrative Law Judge

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