

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

In the Matter of	)	
	)	
H.M	)	OAH No. 25-2443-HAP
_____	)	

DECISION

I. Introduction

H.M is challenging a denial of Low Income Home Energy Assistance Program (“LIHEAP”) benefits by the Division of Public Assistance (“DPA”). As discussed below, DPA correctly denied these benefits because The M’s exceed the maximum gross monthly income for eligibility.

II. Facts

DPA received a LIHEAP application for H and K.M on April 18, 2025.¹ The M’s are retired and in their 70s.² The application lists their prior month’s social security income as \$1182 for Mr. M and \$568.50 for Ms. M.³ LIHEAP eligibility is based on several factors, one of which is gross income. Documentation Mr. M provided for their social security shows that beginning December 2024, Ms. M received \$1197 gross from Social Security per month.⁴ Mr. M also submitted an annual benefit statement for himself that lists a gross annual benefit for 2024 of \$25,547.10.⁵ Divided by 12, Mr. M had a gross monthly income of \$2128.93 in 2024. In general, a cost of living adjustment increased Social Security benefits for 2025.⁶ DPA nonetheless proceeded using the \$1197 gross Ms. M would have received in March 2025 and the \$2128 gross monthly benefits Mr. M would have been receiving in 2024, to determine a combined gross monthly income of \$3379.⁷ DPA denied benefits on May 2, 2025 because this exceeds the maximum gross monthly income for LIHEAP benefits.⁸

Mr. M submitted a preemptive appeal on April 29, 2025, but it was not referred to OAH until July 31.⁹ A hearing was held August 18, 2025. Mr. M explained the difficult financial

¹ Ex. 2-2.15.
² H.M testimony; Ex. 2,-2.1.
³ Ex. 2.3.
⁴ Ex. 7.4
⁵ Ex. 7.3 (box 3).
⁶ <https://www.ssa.gov/cola/>
⁷ Ex. 4.
⁸ *Id.*
⁹ Ex. 5.

situation he and his wife are facing, but did not dispute the gross monthly income amounts DPA used to determine they exceed the maximum income for LIHEAP eligibility.

III. Discussion

LIHEAP is a federally funded assistance program that provides assistance with home energy costs. In Alaska, eligibility is determined by a number of factors, one of which is income. If an applicant's gross monthly income exceeds 150 percent of the federal poverty guideline for Alaska, they are not eligible.¹⁰

For the October 1, 2024 through September 30, 2025 period, 150 percent of the federal poverty guideline for a two-person household is \$3192 gross income per month.¹¹ Even using Mr. M's 2024 monthly Social Security, The M's had \$3379 in gross monthly income as of April 2024. This exceeds the maximum income amount for LIHEAP eligibility.

As DPA's representative explained at the hearing, The M's may have options for qualifying for other types of public assistance. But based on their gross monthly income, LIHEAP is not available.

IV. Conclusion

Because the household's gross monthly income from Social Security alone exceeds the maximum income for eligibility, DPA correctly denied Mr. M's LIHEAP application. DPA's decision is affirmed.

Dated: August 21, 2025

Signed

Rebecca Kruse
Administrative Law Judge

¹⁰ 7 AAC 44.040(a)(4) ("A household is eligible to participate in the heating assistance program only if the household's gross monthly income is no more than 150 percent of the level set in the federal poverty guidelines for Alaska").

¹¹ Ex. 8.

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 4th day of September, 2025.

By: Signed
Name: Rebecca Kruse
Title: Administrative Law Judge

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