

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

In the Matter of	)	
	)	
L.C	)	OAH No. 25-2022-MDS
_____	)	

DECISION

I. Introduction

Mr. L.C requested a hearing following notification that his authorization for personal care services was closed. The hearing took place on Friday, April 22, 2025, at the Office of Administrative Hearings. Mr. C appeared in person; the Division of Senior and Disability Services (Division) was represented by Ms. Victoria Cobo-George who appeared telephonically owing to illness. swore to tell the truth in the hearing and presented no evidence beyond his testimony. He did not object to the evidence submitted by the Division. The record closed at the end of the hearing.

II. Facts

Mr. C is a man who lives in Anchorage, Alaska. He was authorized to receive personal care services (4.75 hours) by the Division in January of 2025. Mr. C, however, discontinued the services, because he believes that it is not helping him to receive the benefits he wishes to receive: Social Security Disability benefits. The Division notified Mr. C that his authorization would be closed effective July 11, 2025. Mr. C requested a hearing but at the hearing did not present evidence as to why his authorization should not be closed.

Mr. C does not wish to enter into a contract with the State of Alaska, which he views as a mere “piece of paper.” He believes he is entitled to Social Security Disability and this request for a hearing was made to see if he could get action on that, which began, he said, five years ago. Mr. C sees himself as sacrificing his personal comfort (use of the personal care services paid for by the State of Alaska Department of Health) in service of a principle (his entitlement to Social Security Disability).

Ms. Cobo-George offered to extend the period of the authorization for 30 days so that Mr. C could secure another provider’s services and continue receiving the services. She also assured him that he could reapply for benefits. Mr. C declined to accept the offer.

III. Discussion

A. Limits of jurisdiction.

This matter, the closure of the authorization for personal care services, was referred to this Office under authority of Alaska Statute 44.64.030(a)(43). That statute allows this office to hear matters relating to the Alaska Statute 47.07.010 et seq. This matter concerns the Department of Health, Division of Senior and Disability Services' closure of authorization for personal care services to Mr. C; personal care services that the Alaska Legislature allows the Department of Health to provide in Alaska Statute 47.07.030(b). As the administrative law judge duly assigned by the Office of Administrative Hearings,¹ the undersigned has jurisdiction to hear the matter of closure of authorization for personal care services.

However, this administrative law judge does not have jurisdiction to hear Mr. C's dispute concerning entitlement to Social Security Disability Insurance under federal law. Clearly, 42 U.S. Code Sec. 405(b)(1) grants to Mr. C a right to a hearing upon notice of a decision rendered by the Commissioner of Social Security (or on his behalf) respecting Social Security Disability Insurance (SSDI) that may have prejudiced his rights. If Mr. C applied for SSDI benefits and was denied based on an adjudication of medical eligibility by the Alaska Disability Determination Services², that decision and case file was returned to the Social Security Administration Office. No statute gives this administrative law judge authority to hear an appeal of such a decision. Whether Mr. C received and filed a timely appeal of a Social Security Administration decision denying him Social Security Disability Insurance is not part of this record, and this administrative law judge cannot hear such an appeal in any event.

B. Closure of authorization for personal care services.

Mr. C takes the position that the use of Medicaid funds to pay for personal care services somehow impacts his entitlement to Social Security Disability Insurance. He does not wish to

¹ See, Alaska Statute 44.64.040(d).

² The Disability Determination Services (DDS) is part of the Division of Vocational Rehabilitation, within the Alaska Department of Labor and Workforce Development. Under authority of Alaska Statute 23.15.060(a), the Commissioner of Labor and Workforce Development may enter into an agreement with the Social Security Administration to "carry out provisions of the Social Security Act . . . relating to the making of determinations of disability under Title II and Title XVI of that Act." The DDS receives applications for SSDI that are filed with the Social Security Administration, a federal agency, to develop medical evidence and a medical determination of disability. After the DDS decision is made, the case file goes back to the Social Security Administration. The Department of Health does not adjudicate medical determinations of disability for the Social Security Administration.

enter into a contract with the State of Alaska, notwithstanding that the personal care services were awarded to him following an application for such benefits. Mr. C acknowledged that application for Alaska Medicaid benefits was filed on his behalf by the hospital, and he understands that the personal care services were nice to have. He declines them now because “it isn’t helping [him] get disability” benefits.

The Division notes that Mr. C is not being “terminated” from entitlement to personal care services because he is not entitled to receive them; Mr. C’s case is being closed because he did not use the services; in such a case, the provider must find another client for whom services may be billed. This means that the Division does not regard Mr. C as having engaged in activities that may lead to termination by the provider under 7 Alaska Administrative Code 125.110. The Division may not require a provider agency to indefinitely carry a client on its books who will not accept services (and thus generates no payment to the provider and its employees). Nothing in the hearing led the administrative law judge to believe that Mr. C lacked cognitive capacity to make his own decisions, thus requiring the agency to act under 7 Alaska Administrative Code 125.110(c). Mr. C’s reasoning was generally sound, although, in the opinion of the administrative law judge, based on mistaken premises. In the hearing, Mr. C declined to seek another provider of personal care services acceptable to him during a 30-day extension. Therefore, the Division has no choice but to close Mr. C’s authorization. 7 Alaska Administrative Code 125.110(a).

IV. Conclusion

The action of the Division in closing authorization for personal care services to Mr. C is AFFIRMED.

Dated: August 27, 2025.

Signed

Kristin S Knudsen
Administrative Law Judge

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 20th day of October, 2025.

By: Signed
Name: Daniel R. Phelps II
Title: Process Improvement Manager
Office of the Commissioner
Alaska Department of Health

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