

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

In the Matter of

E. S.

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OAH No. 23-0344-ADP

DECISION ON CONSENT

I. Agreed Outcome

Adult Public Assistance (APA) benefits were issued to E. S. in 2022-23 that were greater than she was entitled to. The Division of Public Assistance (DPA) wrote off the recovery of the 2023 benefits, acknowledging that agency error was involved, but sought repayment of \$3616.00 in overpaid 2022 benefits.

A telephone hearing was held on June 20, 2023. Ms. S. did not contest (and the record confirms) that she had been paid \$3616.00 of erroneous benefits during 2022. Ms. S. contended that she had not deliberately caused the overpayment, and the agency accepted on the record that there was no fraud or deception on Ms. S.'s part. Ms. S. accepted that there was error on both sides.

APA benefit eligibility is determined monthly based on the household's total monthly countable income. Ms. S.'s 2022 overpayment came about because her Social Security benefit increased, but the increase was not communicated and accounted for in her APA payment.

Even if the recipient is innocent of any deceptive conduct, the Division is authorized under its regulations to pursue repayment from an APA recipient who has received an overpayment of benefits.¹ Ms. S. presented no defense to the obligation to repay the 2022 overpayment, and agreed that a decision confirming her obligation could be entered.

II. Setting Up a Repayment Plan

As Mr. Miller explained at the hearing, once this decision is final, if Ms. S. does nothing her future APA benefits will be reduced by ten percent, or \$36.00 per month, which will be applied against the past overpayment. However, if the \$36.00 per month is a hardship, Ms. S. can ask a claims representative to consider a reduction to a lower rate of repayment. This is initiated by calling:

¹ 7 AAC 40.480.

855-255-3361

and asking to discuss

Case 23-04-00000-CL.

III. Conclusion

The Division's decision that Ms. S. was overpaid \$3616.00 in in Adult Public Assistance benefits is affirmed. Because the decision is uncontested, this is a final decision. Ms. S. may immediately contact a claims representative to discuss her repayment plan.

Adopted this 20th day of June, 2023.

Signed

Christopher Kennedy
Administrative Law Judge

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