

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

In the Matter of)	
)	OAH No. 13-0572-APA
K X)	Division No.
_____)	

FAIR HEARING DECISION

I. Introduction

K X applied for Interim Assistance on January 30, 2013. Her application was denied because she allegedly did not provide the Division of Public Assistance (DPA) with the required Preliminary Examination for Interim Assistance (Preliminary Examination) form. She requested a hearing.

Ms. X' hearing was held on June 4, 2013. Ms. X represented herself and testified on her own behalf. Jeff Miller, Public Assistance Analyst with DPA, represented DPA.

This decision concludes that Ms. X did not provide DPA with the completed Preliminary Examination form until May 1, 2013, which was after the deadline for receiving the form, and was also after DPA had denied her application. Because the completed form was necessary to process Ms. X' application, DPA's decision denying her Interim Assistance application is affirmed.

II. Facts

The following facts were established by a preponderance of the evidence.

Ms. X applied for Interim Assistance on January 30, 2013.¹ A DPA Eligibility Technician (ET) telephonically interviewed her on February 11, 2013. On February 13, 2013, DPA sent her written notice that she needed, in addition to other forms, to provide DPA with a copy of the Preliminary Examination form, completed by her doctor, no later than February 25, 2013. The necessary forms were mailed to Ms. X that same day.²

On March 18, 2013, an ET determined that although Ms. X had sent in the other required forms, the completed Preliminary Examination form had not been received. The ET left a telephone message for Ms. X advising her that she needed to return the form. It also sent her a

¹ Ex. 2.

² Exs. 3 – 4.1.

notice on March 19, 2013, that gave her another ten days, until March 29, 2013, to provide the completed form, and sent her another copy of the form.³

A DPA casenote, dated April 9, 2013, stated that DPA had not received the completed Preliminary Examination form. DPA denied Ms. X' application on April 10, 2013.⁴ Ms. X testified that the Preliminary Examination form had been sent to DPA by her doctor, because every time her advocate at her clinic sent something to DPA, Ms. X was given a copy of it. The record was held open after the hearing to allow Ms. X to provide documentary proof that the Preliminary Examination form was sent. Ms. X submitted three documents. One was a Certification of Medical Status for the Chronic and Acute Medical Assistance program, which was marked as having been faxed on May 24.⁵ Another was a Social Security Authorization form, which was marked as having been faxed on March 5, 2013.⁶ The last was a fax cover sheet that showed that Ms. X' Preliminary Examination form was faxed on May 1, 2013.⁷ It is therefore more likely true than not true, Ms. X' testimony notwithstanding, that the Preliminary Examination form was not provided to DPA until May 1, 2013.

III. Discussion

The Alaska Public Assistance program provides financial assistance to “aged, blind, or disabled needy [Alaska] resident[s].”⁸ Applicants who are under the age of 65 years are required to apply and qualify for federal Supplemental Security Income (SSI) benefits.⁹ Once an applicant is approved for SSI benefits, he or she is then eligible to receive Adult Public Assistance benefits.¹⁰

Interim Assistance is a monthly payment in the amount of \$280 provided by the State to qualifying Adult Public Assistance applicants while they are waiting for the SSA to approve their SSI application.¹¹ As part of the application process, the applicant is required to have his or her medical provider complete and submit the Preliminary Examination form.¹²

³ Exs. 5, 6.

⁴ Exs. 7 – 8.

⁵ Ex. A, p. 2.

⁶ Ex. A, p. 4.

⁷ Ex. A, p. 5.

⁸ AS 47.25.430.

⁹ 7 AAC 40.170(a). Adult Public Assistance applicants whose income exceeds the SSI standards are not required to apply for SSI benefits. 7 AAC 40.170(a).

¹⁰ 7 AAC 40.030(a); 7 AAC 40.170(a).

¹¹ 7 AAC 40.170(a) and (b); AS 47.25.455.

¹² 7 AAC 40.050(c); 7 AAC 40.180(a).

If the Preliminary Examination form is not submitted in a timely manner because the examiner “did not furnish a report to the division,” DPA “may postpone an eligibility decision for an additional 30 days.”¹³ DPA followed this process. Ms. X’ Preliminary Examination form was due by February 25, 2013. When DPA did not receive the form, it extended the deadline to March 29, 2013, *i.e.*, by over 30 days. It then waited another 12 days, until April 10, 2013, before it denied Ms. X’ Interim Assistance application. However, Ms. X’ Preliminary Examination form was not submitted until after the March 29, 2013 deadline and after the April 10, 2013 denial. Given the delay in submission, DPA was correct to deny Ms. X’ application.

IV. Conclusion

DPA’s decision to deny Ms. X’ application for Interim Assistance benefits is affirmed.

DATED this 19th day of June, 2013.

Signed _____
Lawrence A. Pederson
Administrative Law Judge

Adoption

The undersigned, by delegation from the Commissioner of Health and Social Services, 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 8th day of July, 2013.

By: *Signed* _____
Name: Lawrence A. Pederson
Title/Agency: Admin. Law Judge, DOA/OAH

[This document has been modified to conform to the technical standards for publication.]

¹³ 7 AAC 40.070(b).