

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

In the Matter of	)	
	)	
E. U.	)	OAH No. 26-0140-ADP
_____	)	

DECISION

I. Introduction

E. U. applied for Adult Public Assistance (APA) benefits on December 17, 2025. The Division of Public Assistance (Division) processed that application and determined, based on Mr. U.'s Social Security (SSA) benefits, that he was over income and did not qualify for this benefits program.

Mr. U., through his sister and payee Ms. J. K., appealed the Division's determination. His hearing was held on February 26, 2026. Ms. K. appeared and testified on her brother's behalf. Marie Thirlwell, a Fair Hearing Representative employed by the Division, represented the Division and testified on the Division's behalf.

Ms. K. challenged the Division's determination that Mr. U. did not qualify for APA benefits because his monthly expenses were not considered in the calculation of his benefits. However, the calculation of APA benefit amounts is based on an applicant's household size, level of independent living, and income, and does not account for the cost of an applicant's living expenses. Therefore, the Division's determination that Mr. U. does not qualify for APA benefits is Affirmed.

II. Facts

Mr. U. lives in an assisted living home as a single adult.¹ He is disabled and in calendar year 2026 will receive a monthly SSA disability payment of \$1,258.00.² In 2025 his monthly SSA payment was slightly lower, at \$1,224.00 per month..³ On December 17, 2025, he applied for APA benefits and was denied for being over the program income limits.⁴ This appeal followed.

III. Discussion

¹ Ex. 2.

² *Id.*

³ Ex. 4.

⁴ Ex. 2.

The APA program provides cash payments to financially eligible persons who are over 65, blind, or disabled.⁵ The payment amount is calculated based upon a recipient's income, number of individuals in the household, and whether the applicant is living independently.⁶ The APA program counts SSA payments as unearned income, although there are a number of potential regulatory deductions that might apply to an applicant's request for APA benefits, the only applicable deduction for Mr. U. is a \$20 deduction from this gross monthly income.⁷

Mr. U., through his sister, does not dispute the calculation of his income, household size, or that Mr. U. resides at an assisted living home. Ms. K., however, believes that her brother's income eligibility for APA benefits should be based on his limited remaining SSA funds after monthly living expenses are deducted. Her argument is understandable. Unfortunately, eligibility for APA benefits is based on countable monthly income before deducting monthly living expenses. Moreover, it is beyond the scope of this administrative appeal to provide Mr. U. with relief that is not statutorily or regulatorily permissible.

Here, the Division followed the calculation process correctly. It started with Mr. U.'s \$1,224.00 in SSA monthly income for 2025 and \$1,258.00 in monthly SSA income for 2026. It then applied the \$20 deduction, to arrive at his countable monthly income of \$1,204.00 per month for calendar year 2025 and \$1,238.00 per month for calendar year 2026. The 2025 APA payment standard for a single person living in an assisted living home was \$1,067.00 per month for calendar year 2025 and is \$1,094.00 per month for calendar year 2026.⁸ Therefore, Mr. U.'s countable monthly income exceeded the APA income limit by \$137 in 2025 and \$144 in 2026.

⁹As such, the Division correctly concluded that Mr. U. does not qualify for APA benefits.

IV. Conclusion

The APA regulations do not allow the Division to deduct Mr. U.'s living expense from his income when determining a benefit amount. The Division does not have the discretion to ignore these regulations. Therefore, the Division correctly concluded that Mr. U. does not qualify for APA benefits. As such, its decision is Affirmed.

⁵ AS 47.25.430; 7 AAC 40.090 - .120.

⁶ 7 AAC 40.370(b).

⁷ 7 AAC 40.320(a)(23).

⁸ Ex. 5.

⁹ 2025 monthly countable income of \$1,204 - \$1,067 APA limit = \$137, 2026 monthly countable income of \$1,238 - \$1,094 APA limit = \$144.

Dated: March 5, 2026

SIGNED
Joan M. Wilson
Chief 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 March, 2026.

By: SIGNED

Name: Joan M. Wilson

Title: Chief Administrative Law Judge

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