

# ALASKA ADULT PUBLIC ASSISTANCE MANUAL

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## ALASKA ADULT PUBLIC ASSISTANCE MANUAL

### 420 DEVELOPMENT OF INCOME

To be eligible for Adult Public Assistance, an applicant or recipient must apply for and diligently pursue any other benefits for which the Division believes he or she may be eligible. This chapter explains the development of income requirements of the APA program.

### 420-1 REQUIREMENT TO APPLY FOR AND PURSUE OTHER BENEFITS

#### A. REQUIREMENT DEFINED

To be eligible for Adult Public Assistance, an APA applicant or recipient must apply for and diligently pursue any other benefits to which the Division believes he or she may be eligible. Under this requirement, a **benefit** must meet all of following criteria:

1. Require an application or similar action; and
2. Have conditions for eligibility; and
3. Provide periodic or one-time payments; and
4. Be a source of income that reduces APA payments.

In addition to applying for the benefit, the applicant or recipient must take all appropriate steps to pursue eligibility for other benefits. This means that he or she must:

1. Apply for the benefit; and
2. Provide the source of the benefit with the information necessary to determine eligibility; and
3. Agree to receive the other benefit; and
4. Take all necessary steps to receive, and to continue receiving, the benefit.

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#### **B. SSI APPLICANTS OR RECIPIENTS ARE PRESUMED TO BE APPLYING FOR OTHER BENEFITS**

An APA client who is applying for or receiving SSI benefits is presumed to be pursuing any other benefits to which he or she is entitled. SSI has a development of income policy which is equivalent to the APA policy. If the case worker becomes aware of an available benefit which is not being used by an SSI/APA client, he or she should inform the servicing SSA office and let the SSI claims representative resolve the matter. Whenever SSI assistance is denied or terminated for failure to apply for and pursue other benefits, the client loses APA eligibility as well.

#### **C. NON-SSI APPLICANTS OR RECIPIENTS MUST BE ADVISED OF THE REQUIREMENT TO APPLY FOR AND PURSUE OTHER PROGRAM BENEFITS WITHIN 30 DAYS**

Whenever a case worker believes that a non-SSI APA applicant or recipient may be eligible for benefits he or she is not already receiving, the individual must be given written notice of the requirement to apply for and pursue the other benefit within 30 days. The 30-day notice period shall not be used as a reason for delaying an eligibility decision on an APA application. If the individual fails, without good cause (such as illness), to apply for and pursue the other benefit within 30 days of the date the notice is mailed, the case worker shall either deny the APA application or close the APA case.

Changes in circumstances may cause a non-SSI APA recipient to become eligible for a benefit to which he or she was not previously entitled. When this occurs, the case worker must provide the client with written notice of the requirement to apply for and pursue the other benefit within 30 days of the date the notice is mailed. The client may continue to receive APA benefits while he or she is applying for the other benefit. If the recipient does not apply for and pursue the other benefit within 30 days of the date that the notice is mailed, the APA case must be closed, and the client provided with timely notice of benefit termination for failure to apply for other program benefits.

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Continued

### *Example 1:*

*A disabled APA applicant applies for assistance on April 7, and is interviewed on April 15. During the interview, the case worker discovers that the applicant may be eligible for Workers' Compensation payments for which he has not yet applied. The applicant is otherwise eligible for assistance. The applicant is informed, in writing, that he must provide proof that he has applied for Workers' Compensation payments by May 15. On May 7, the APA application is approved.*

*The individual then fails to provide proof that he has applied for Workers' Compensation payments by May 15, the end of the 30-day notice period. The case worker closes the APA case effective May 31, providing timely notice of termination for failure to apply for other program benefits.*

### *Example 2:*

*A similar situation to the example above, except that the applicant is not otherwise eligible for assistance because the application must be held for a disability determination by either SSA or the DDS.*

*When the individual fails to provide proof that he has applied for the other benefit by May 15, the APA application is denied.*

## **D. VERIFICATION OF APPLICATION FOR AND PURSUIT OF OTHER BENEFITS**

Application for and pursuit of other benefits must be verified. Verification may be obtained by various means, depending upon the type of benefit involved. The client's own documents (for example, award letters, referral letters, benefit-related correspondence, check stubs) are the preferred verifying documents. If the client claims that he or she is applying for the other benefit, but is unable to provide documentary evidence, the case worker must try to get the necessary verification. EIS interface information is one possible verification source; direct contact with the other agency is another acceptable method of verification.

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### 420-2 CONCURRENT PARTICIPATION IN THE SSI PROGRAM

#### A. RELATIONSHIP BETWEEN THE SSI AND APA PROGRAMS

The Supplemental Security Income (SSI) program is a national, federally-funded and administered, public assistance program for the needy aged, blind, and disabled. Alaska's APA program is intended to supplement the benefits provided by the SSI program.

Because of the APA program's higher income eligibility limits, many clients are eligible for APA but not for SSI; there is no requirement that APA applicants or recipients whose countable income exceeds the applicable SSI standard pursue application for SSI benefits. Participation in the SSI program is, however, a condition of eligibility for any APA applicant who receives countable needs-based income from such sources as Temporary Assistance or BIA-GA that causes them to exceed the income limit for the SSI program. If SSI decides that these individuals are eligible, SSI payments can begin once the needs-based income ends.

With few exceptions, the SSI and APA programs use the same eligibility criteria. Because of this relationship between the two programs, the decision of the Social Security Administration on a claimant's eligibility for SSI benefits may be the basis of a case worker's decision on the individual's eligibility for APA benefits. The only essential difference between SSI and APA eligibility criteria are APA's more liberal income policies, and APA requirements that recipients be residents of Alaska and at least 18 years old. Thus, the requirement to participate in the SSI program goes beyond simple pursuit of a source of income; an APA client whose income is within SSI limits must not only apply for SSI, but also must be found eligible for SSI benefits, or the client will be ineligible for APA benefits.

**Exception:** The APA and SSI programs may apply a disqualification period if an individual (or spouse) transfers a resource for less than its value. If the APA disqualification period ends before the SSI disqualification period, the individual may qualify for APA benefits after the end of the APA disqualification period. To qualify for assistance, the individual must still meet all other APA eligibility requirements except for receipt of SSI benefits. See manual section 433-1 for the policy on transfer of resources.

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**B. TIME LIMIT FOR PURSUIT OF SSI BENEFITS**

**1. APA applicants**

Unless the individual has already established a current SSI claim, an otherwise eligible applicant whose countable income is within SSI limits must file a claim for SSI within 30 days of the date of APA application filing. The applicant must be provided with written notice of the requirement to file for SSI and be given a reasonable amount of time to do so. Clients shall be informed that SSI claims may be filed in person or by telephone, and that SSI will allow a responsible individual to apply on behalf of another. If the applicant fails, without good cause, to comply with this requirement, APA assistance must be denied.

**2. APA recipients**

Whenever the countable income of an APA recipient who is not receiving SSI is expected to decrease to less than the applicable SSI standard, the case worker shall provide the client with a notice, in writing, that he or she must apply for SSI within 30 days. SSI application is required of any APA recipient whose income or living situation changes enough to indicate potential SSI eligibility.

Refer clients to the SSI program even if it appears that they will be eligible for a period as short as one calendar month. Clients whose monthly income fluctuates above and below SSI limits must maintain an open SSI claim; SSI rules allow an individual's claim to remain open in nonpay status for up to 11 consecutive months without reapplication. Individuals in nonpay status with SSI are considered to have an open SSI claim; such individuals continue to remain eligible for APA if they meet all other factors of eligibility. Individuals in SSI nonpay status must report to the SSA any change in their circumstances which might result in eligibility for SSI payments.

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#### C. **BENEFITS TO APA APPLICANTS PENDING AN SSI DECISION**

APA applicants who are applying for both SSI and APA are not eligible for regular APA benefits while SSI is determining their eligibility. They may, however, be eligible for Interim Assistance payments until SSI makes a final decision on their eligibility. See manual section 426-2.

#### D. **BENEFITS TO APA RECIPIENTS PENDING AN SSI DECISION**

APA recipients are required to apply for SSI when there is a change in income or living arrangement that results in apparent eligibility for SSI. APA and Medicaid benefits may continue until a decision is reached on the SSI application, so long as the individuals continue to meet all other factors of APA eligibility. The APA case is adjusted upon receipt of the initial SSI eligibility decision.



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If SSI finds the client eligible, adjust the APA case to reflect receipt of SSI benefits. If SSI finds the client ineligible for any reason except excess income, close the APA case.

If SSI denies the application solely because of excess income, the client may continue to be eligible for APA benefits if the client's income is within the APA limits and the client continues to meet all other factors of eligibility.

#### **E. VERIFICATION OF PURSUIT OF SSI BENEFITS**

An individual's application for and pursuit of SSI benefits may be verified in several different ways. Whenever possible, the case worker should use the client's own documents as the verification source. Examples of verification sources include:

1. Copies of any notice from SSA to the client which indicate the client is currently pursuing a claim;
2. Referral letter from SSA to DPA which indicates the client has filed an SSI claim;
3. SSI award letter;
4. Current SSI benefit check;
5. SDX interface match or paper printout which indicates a current SSI claim;
6. Response to a State Verification Exchange System (SVES) inquiry from SSA which indicates a current SSI claim.

If no acceptable documentary evidence is available to verify application for or pursuit of SSI benefits, a case worker may request information by fax machine or telephone the servicing SSA office and get verbal verification. Telephone contacts should be used only when no alternative verification source is reasonably available.

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SSI will accept a written or oral request for benefits and establish the date of the request as a filing date for SSI benefits, but an SSI application is not considered to be received until a signed SSI application form is actually received by SSA. An individual who has not submitted a signed application to SSI has not complied with the APA requirement to apply for SSI benefits.

### 420-3 **OTHER COMMONLY AVAILABLE BENEFITS FOR WHICH AN APA APPLICANT OR RECIPIENT MUST APPLY**

#### **A. PRIVATE SECTOR PENSIONS AND ANNUITIES**

Private sector pensions and annuities may be available to an individual if the individual or a deceased spouse worked for a private employer, or was a member of a union, with a pension or annuity plan. An applicant or recipient who has a work history (or has a deceased spouse with a work history) which indicates potential eligibility for a pension or annuity must apply for and pursue the benefit.

In most cases, clients will already be receiving any pensions or annuities to which they are entitled. Case workers must, however, explore the possibility of potentially available benefits and make referrals if appropriate.

#### **B. PUBLIC SECTOR PENSIONS AND ANNUITIES**

The federal government operates pension plans for federal civilian employees and for members of the uniformed services. Most state and local governmental employees are also covered by pension plans. Foreign governments may also provide pensions for retired employees.

With some exceptions, state and local government and federal civilian employees must work a minimum of five years before vesting rights in the pension plan are established, and withdrawal of employee contributions to the pension plan will cause a loss of all vesting rights. Military retirement benefits generally require a minimum of 20 years' service. (See section 420-3E for VA pensions.)

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Any APA client who is not already receiving a pension, annuity, or retirement payment for which he or she appears eligible must be referred for application, unless the client provides convincing evidence that he or she is not eligible for the benefit in question.

#### C. SOCIAL SECURITY ADMINISTRATION (SSA) INSURANCE

The Social Security Administration makes payments under the retirement, survivors, and disability insurance (RSDI) program to retired workers and their family members, survivors of deceased workers, and disabled workers and their families under Title II of the Social Security Act. In the interest of brevity, this manual refers to Social Security Insurance Benefits as "SSA" benefits.

To be found eligible for benefits for themselves, their survivors, or their dependents, individuals must have worked a minimum number of calendar quarters in "covered" employment. Covered employment is any employment that involves payment of Social Security taxes.

Although SSA payments are not needs-based, certain limits are imposed on the amount an individual under age 70 may earn while receiving benefits. After the earnings maximum is exceeded, benefits are reduced by \$1 for each \$2 earned over the annual exempt amount for individuals under age 65. When an individual reaches the age of 65, benefits are reduced by \$1 for each \$3 earned over the annual exempt amount. Benefits are not reduced by earnings for individuals who reach age 70.

The amount of a worker's SSA benefit is based on a calculation which takes into account the worker's average covered earnings and the amount of time he or she worked or could have been expected to work. For persons who reach 62, become disabled, or die after 1978, the actual earnings are indexed - updated to reflect increases in average wage levels in the economy. Auxiliary and survivor benefits are based on a percentage of the worker's benefit.

SSA benefits are potentially available to individuals in the following categories:

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1. Retirement benefits are payable at age 62 to a retired insured person and to the spouse of a retired worker when the spouse reaches age 62. These benefits are permanently reduced if claimed before full retirement age (between age 65 and 67, depending on the individual's date of birth).
2. Unreduced benefits are payable to the spouse of a retired worker at any age if the spouse has in his or her care a child under the age of 16, or disabled, who is entitled to benefits on the earnings record of the worker.
3. Child's benefits are paid to the retired worker's unmarried child under age 18, or from age 18 to 19 if the child is a full-time student in elementary or secondary school. They are also paid regardless of age if the child has been disabled since before reaching the age of 22.
4. Survivor benefits are payable to a widow or widower at age 60, or, if disabled, at age 50, and to a widow or widower at any age if she or he cares for a child who is either under age 16 or is disabled and entitled to benefits on the earnings record of the worker.
5. Survivor benefits are payable to unmarried children under age 18, or from 18 to 19 if in elementary or secondary school. They are also available at any age if the child has been disabled since before reaching the age of 22.
6. Survivor benefits are payable to a dependent parent at age 62. A parent is considered to be dependent if he or she received at least one-half of his or her support from the deceased worker.
7. A lump sum benefit of \$255 is payable on the death of an insured worker to the spouse living with the worker at the time of death or eligible to receive benefits at that time. If there is no qualified spouse, the death benefit is payable to a child or children of the worker who are eligible for monthly survivor benefits.
8. Disability benefits are payable to a disabled worker who has not reached full retirement age after a waiting period of five full months. These benefits end if the worker recovers or returns to substantial work despite the impairment.

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9. Benefits for the family members of a disabled worker are payable under the same conditions as for family members of retired workers.
10. Under certain circumstances, benefits may also be paid to the divorced spouse of a retired, deceased or disabled worker and to the remarried widow or widower of a deceased worker.

Case workers are not expected to understand the complexities of eligibility for SSA benefits. Clients are often unaware of their own eligibility for these benefits. In order to assure that all potential benefits are pursued, all APA applicants or recipients who are receiving neither SSA nor SSI benefits must be referred to a Social Security Administration office to apply for any benefits to which they may be entitled, unless documentation in the case file verifies that SSA benefits have been previously applied for and denied, and there is no reason to believe that the client has become eligible since the last denial.

***Verification.** Proof that a claim for SSA benefits has been filed is best obtained by viewing a referral letter from the Social Security office or correspondence from Social Security to the client. If such evidence is not available, the BENDEX interface is a possible alternative source, but the amount of time required for updated information to appear on the BENDEX generally means it is not usable for this purpose. State Verification Exchange System (SVES) responses will verify a current claim. If direct contact with the servicing SSA office is necessary, the manner in which this contact is routinely made must be coordinated by the managers of the DPA and SSA offices involved. In general, telephone contacts between case workers and Social Security claims representatives should be used only when the information needed cannot effectively be obtained in some other way, or is so complex that personal contact is necessary.*

### **D. UNEMPLOYMENT INSURANCE BENEFITS (UIB)**

Unemployment benefits may be available from the State of Alaska or another State where a client has recent employment history. Unemployment benefits may also be available in some cases from an individual's union or former employer.

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Eligibility factors for unemployment benefits generally include a recent history of "covered" employment, and availability for work. Many APA applicants have recently-acquired impairments which may render them unavailable for work. Others, particularly the blind and the aged, may be able-bodied.

Any APA applicant or recipient who appears to have potential eligibility for unemployment benefits should be referred for application, unless evidence in the case file clearly documents a physical or psychological condition which, in the judgement of the case worker, makes the individual unavailable for work.

### **E. DEPARTMENT OF VETERANS AFFAIRS (VA) PENSION AND COMPENSATION BENEFITS**

The VA administers numerous programs. Only VA pensions and VA compensation payments are prior resources to the APA program. Veterans have two major cash benefit programs:

#### **1. VA compensation for service-connected disability or death**

This program pays monthly cash benefits to veterans who are disabled as a result of an injury or disease incurred or aggravated by active military duty, whether in wartime or peacetime. The amount of monthly compensation depends on the degree of disability, which is rated by the percentage of normal function loss. Benefit rates above the 100% disability payment level are paid for certain specific severe disabilities. Veterans who have at least a 30% service-connected disability are entitled to an additional allowance for their dependents. VA compensation payments may also be made to dependent parents and to the widow(er) of a veteran who dies as a result of a service-connected illness or injury.

With one exception, VA compensation payments are not needs-based and are not reduced by a recipient's other income. Benefits for dependent parent(s) of a deceased veteran are based on need. A parent is considered to be dependent if he or she received at least one-half of his or her support from the deceased veteran.

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#### 2. VA pension payments

VA pension payments are made on the basis of a combination of wartime service and an age of 65 or over, a nonservice-connected disability, or death. With very rare exceptions, VA pension payments are based on need. The VA may take a veteran's dependent's needs into account in determining a pension, augmenting the amount of the basic pension.

#### F. WORKERS' COMPENSATION PAYMENTS AND OTHER DISABILITY BENEFITS

If an applicant or recipient indicates that he or she has been injured on the job or has what seems to be a work-related impairment, he or she must be referred for Workers' Compensation payments. Workers' Compensation payments may also be available to the survivor of an injured employee who died as a result of a work-related condition.

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### BENEFITS FOR WHICH AN APA APPLICANT OR RECIPIENT IS NOT REQUIRED TO APPLY

#### A. TEMPORARY ASSISTANCE BENEFITS

APA applicants or recipients cannot, under APA rules, be required to pursue Temporary Assistance benefits. Instead, clients who have potential eligibility for either Temporary Assistance or APA benefits must have their options explained to them so that they can make an informed choice between the two programs.

Notwithstanding any other provision of the APA program, an applicant or recipient need not apply for SSI if doing so would result in termination of eligibility for Temporary Assistance benefits within the family unit.

*Note: Except for Temporary Assistance to APA conversions situations, no individual may receive APA benefits for any month during which he or she was included as an assistance unit member in a Temporary Assistance case. (See APA MS 452-10 for more information about Temporary Assistance to APA conversions.)*

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#### **B. BUREAU OF INDIAN AFFAIRS GENERAL ASSISTANCE (BIA-GA)**

BIA-GA is a needs-based assistance program available to American Indians and Alaska Natives to meet essential needs for food, shelter, and clothing. BIA-GA payments are considered as countable income by both the SSI and the APA program. Application for BIA-GA is not required for either APA or SSI.

#### **C. OTHER NEEDS-BASED ASSISTANCE PROGRAMS**

The only needs-based payments for which APA clients must apply are SSI and VA needs-based benefits. There is no requirement to apply for any other federal, state, local, or private program which makes payments based on need. Payments received from benefit programs in this category may or may not be excluded from income depending on the source of the payment.

#### **D. VA IMPROVED PENSIONS**

Certain individuals who were entitled to VA pensions as of December 31, 1978 can elect to receive an Improved Pension payment which is greater than a normal VA pension payment. VA Improved Pension benefits are not a prior resource to the APA program. APA clients who are eligible for either a normal or improved VA Pension are free to choose between the two payment levels.

#### **E. AUGMENTED PORTIONS OF VA, RAILROAD RETIREMENT, AND BLACK LUNG PAYMENTS**

VA, Railroad Retirement, and Black Lung benefits may be augmented (increased) because the beneficiary has dependents. When a benefit is augmented for dependents, the dependent has no vested right to the augmented portion. APA clients who are eligible for augmentation payments because they are dependents are not required to apply for augmentation.



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**F.        BENEFITS OF INELIGIBLE SPOUSE OR ALIEN'S SPONSOR**

An ineligible spouse or an alien's sponsor is not required to apply for any other program benefits. If the ineligible spouse or sponsor elects to receive benefits from another program, the amount of the benefit is subject to normal APA income availability policies.

**G.        BENEFITS WHICH DO NOT AFFECT AMOUNT OF ASSISTANCE**

APA clients are not required to apply for any other benefits which will not affect the amount of their APA.

In some cases, an APA client may be eligible for a benefit that will not affect the amount of their APA, but will affect the amount of their SSI. Like the APA requirement to apply for and pursue other benefits, Social Security also requires SSI applicants and recipients to apply for and pursue any other benefit which will reduce the amount of their SSI. Whenever SSI assistance is denied or terminated for failure to apply for and pursue other benefits, the client loses APA eligibility as well.

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