

# ALASKA ADULT PUBLIC ASSISTANCE MANUAL

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### 481 NOTICES

The case worker must send a notice, in writing, to an APA applicant or recipient for every action taken on his or her case to approve, deny, close, suspend, or change the amount of assistance. All notices must be **adequate**. Some notices must also be **timely**.

The case worker also must give an applicant or recipient a reasonable amount of time to provide information that is necessary to decide his or her eligibility. (Refer to section 481-3 for the policy on requests for information.)

Whenever possible, case workers should follow-up a written notice to a blind applicant or recipient with a telephone call.

This chapter explains the notice requirements of the APA program.

### 481-1 ADEQUATE NOTICE DEFINED

#### A. EVERY NOTICE OF ACTION MUST BE ADEQUATE

A notice of action is any notice which informs an applicant or recipient of any action taken, or which will be taken, on his or her case to approve, deny, terminate, suspend, or change the amount of assistance. A notice of action must be adequate. An adequate notice must meet all the requirements listed below:

1. The notice must explain what action has been taken on the case.
2. The notice must explain why the action was taken.
3. The notice must reference the APA manual section that supports any action to reduce, suspend, deny, or terminate assistance.
4. The notice must advise the individual of the right to request a fair hearing on any action taken on his or her case. Notices generated by the Eligibility Information System (EIS) contain this information on the back of the paper stock on which they are printed.

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### 481-1 Continued

#### B. SITUATIONS WHICH REQUIRE ONLY ADEQUATE NOTICE

For actions taken on a new application, adequate notice must be given or mailed to the applicant by the workday following the day that the case worker makes the eligibility decision.

For all other actions, adequate notice must be given or mailed no later than the workday following the date the action is taken or the date the action becomes effective, whichever is later. Adequate notice must be provided in the following situations:

1. Action taken on a new application.
2. Action taken that is not an adverse action, such as an increase in the benefit amount.
3. Action to close a case because of the **confirmed** death of the recipient.
4. Action to close a case because a recipient enters a non-eligible institution such as a jail or Pioneers' Home.
5. Action to close a case or reduce benefits because a recipient enters a nursing home.
6. Action to issue a supplemental payment to correct a previous underpayment or to issue retroactive benefits.
7. Action to close a case because of the recipient's written request for closure.
8. Action to close a case for loss of contact. (Refer to section 480-6.)

### 481-2 TIMELY NOTICE REQUIREMENTS

#### A. TIMELY NOTICE DEFINED

In addition to being adequate, some notices also must be timely. Timely notice must be given for all adverse actions, except for those situations listed in section 481-1(B) above. An adverse action is any action taken to reduce, suspend, deny, or terminate benefits. Timely notice means that:

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1. The notice must meet all the requirements of an adequate notice; and
2. The case worker must give or mail the notice to the applicant or recipient at least 10 days before the date the action will become effective.

### B. SITUATIONS WHICH REQUIRE TIMELY NOTICE

The case worker must provide timely notice in the following situations:

1. Action to terminate benefits.
2. Action to reduce or suspend benefits.
3. Adverse action taken on a review application.

### 481-3 REQUESTS FOR INFORMATION

To determine a client's eligibility or correct benefit amount, the Division sometimes requires information or documentation that may not be immediately available. The case worker must inform the client, in writing, of what information is necessary and give the client a reasonable amount of time to provide it. A reasonable amount of time is at least 10 days. However, the case worker should give the client more than 10 days if it is unreasonable to expect the client to be able to provide the information within 10 days from the date of mailing.

If the client fails, without good cause, to respond to a written request for information, or fails to provide all of the information requested, eligibility for assistance does not exist. Timely notice requirements apply to termination of benefits for failure to provide requested information.

In certain situations, the case worker must give the client 30 days to provide necessary information. 30-day timeframes apply in the following situations:

1. When the Division becomes aware that a client may be eligible for other benefits for which he or she must apply, the client must be given 30 days from the date of mailing to provide proof that they have applied.

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### **Continued**

2. When an Interim Assistance (IA) recipient receives an adverse SSI decision from any level except the final Appeals Council review, the case worker must give the individual at least 30 days to provide proof of entry or re-entry into the SSI appeals process. If the required proof is received within the requested time period, and the client is otherwise eligible, the IA benefits are continued without interruption pending a final SSI decision. (Refer to section 426-5B for special notice requirements for IA recipients.)