

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. V-01/17-31
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Appeal of)
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INTRODUCTION

Petitioner ostensibly appeals a denial of General Assistance ("GA") temporary housing by the Vermont Department for Children and Families ("Department"). The following facts are adduced from a hearing held February 8, 2017.

FINDINGS OF FACT

1. Petitioner applied for GA temporary housing on November 30, 2016. At the time of her application, she was staying (along with her minor child) at a shelter for victims of domestic violence. She indicated that she wished to leave the shelter due to what she alleged were health hazards there, as well as what she considered an unsuitable social environment for her child. Although she filed an application on November 30, she was advised at the time that leaving the shelter voluntarily would disqualify her from GA temporary housing assistance. She went to the local district office again on December 4 and 5, and was again advised that she may

not be eligible for housing if she left or was asked to leave the shelter.

2. The records submitted by the Department show that petitioner was denied GA housing assistance on December 5, 2016, because she was staying at the shelter. At hearing, petitioner acknowledged being ejected from the shelter (presumably on December 5), alleging that was in retaliation for complaining about the above issues.

3. Petitioner did not immediately appeal the December 5 decision; instead, using savings, she paid out-of-pocket for a motel room from December 5 through December 12 - and moved into an apartment on December 13.

4. Petitioner seeks reimbursement for her motel costs as well as a declaration that she had rightly been concerned about the conditions at the shelter.

ORDER

Petitioner's appeal should be dismissed as moot; denial of her additional requests for relief is affirmed.

REASONS

Review of the Department's determination is de novo. An applicant appealing an initial denial, as opposed to a termination of existing benefits, has the burden of

establishing eligibility by a preponderance of evidence. See Fair Hearing Rule 1000.3.0(4).

Petitioner does not currently need housing through the GA program; instead, she seeks reimbursement of her out-of-pocket motel costs as well as a validation of her concerns about the shelter she was staying in at the time she was denied assistance. Petitioner failed to immediately appeal the December 5, 2016 denial, and her request for temporary housing assistance is now moot; she otherwise seeks damages and declaratory relief, neither of which is in the Board's purview, even if her claims had merit.

For these reasons, petitioner's appeal must be dismissed as moot and the Department's denial of any further relief (as specified above) must be affirmed. See 33 V.S.A. § 3091(d); Fair Hearing Rule No. 1000.4D.

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