

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. V-10/17-547  
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Appeal of )  
 )

INTRODUCTION

Petitioner appeals a closure of Reach Up Financial Assistance ("RUFA") by the Vermont Department for Children and Families ("Department"). The following facts are adduced from an initial merits hearing (by video) and a follow-up telephone status conference held on February 5, 2018.<sup>1</sup>

FINDINGS OF FACT

1. Petitioner was and is a RUFA recipient on behalf of his and his spouse's grandson, who lives with them. In or around June of 2017, the Department mailed petitioner a "Review Reminder Notice" to verify his - or more specifically his grandson's (with respect to what is known as a "child-only" RUFA grant) - continuing eligibility.

2. Petitioner did not respond to this notice. As a result, the Department mailed him a notice dated July 20,

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<sup>1</sup> Petitioner missed a telephone status conference that had been scheduled for December 4, 2017.

2017, informing him that the RUFA benefits would close as of July 31, 2017.

3. Petitioner contacted the Department on July 27, 2017. He does not recall the specifics of that conversation nor does the note created by the Department worker with whom he spoke indicate anything more than that he requested and was mailed a new application.<sup>2</sup>

4. Petitioner submitted an application that he signed on August 1, 2017 and which was received by the Department on August 7, 2017. In response, the Department mailed him a notice dated August 8, 2017 that he needed to complete an interview, with three options - he could come into a local district office for the interview, call for the interview, or call to schedule a specific time for the interview - and to choose one of these options prior to August 13, 2017. Petitioner did not contact the Department prior to August 13, 2017.

5. In response, the Department mailed petitioner a notice dated August 15, 2017, that he had failed to participate in or schedule an interview by the August 13 deadline, and reiterating that he needed to complete his

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<sup>2</sup>The Department was requested to determine whether an audio recording of that call exists, and subsequently reported that it was no longer available by the time of the initial hearing in this appeal.

interview to process his application. Petitioner then participated in an interview on August 17, 2017. In follow up to that interview, the Department mailed him a notice requesting verification of two items: one, authorization to pursue child support from a non-custodial parent of the child, and two, verification of "rent" being charged to the child by petitioner (the latter verification is typically a means to account for allowing a rental subsidy to be included in the grant).

6. Petitioner did not provide this verification and as a result, the Department mailed him a notice dated September 1, 2017, denying his application.

7. Petitioner filed another application on September 28, 2017, subsequently provided the forms and verification that had been requested, and he and/or his grandson were ultimately found eligible for RUFA in late October. After that determination, petitioner appealed the July 31, 2017 closure, effectively requesting that RUFA be restored between August and October of 2017.

8. Petitioner's explanation of the events at issue and his response(s) to the Department's various notices, while genuine, are inconsistent at best. Petitioner initially insisted that he filed a new application in early July of

2017 but acknowledged that he had signed that application on August 1, 2017 (which is material to the extent this occurred after the July 31 closure). He had previously (in contacts with the Department reflected in the case notes) insisted that he had provided the requested verification in July of 2017, but there was no record of this, nor did he ever raise this during the appeal proceedings. He also asserted that he had experienced problems with his mail or mailbox, suggesting that might explain his lack of a response to notices, although this was never reported to the Department nor is it consistent with petitioner's insistence that he had, in fact, responded to the notices.

9. Ultimately, petitioner indicated that he did not think he should be required to reverify eligibility on an annual basis; and in particular, he admitted that he had "a problem" with verifying that he was charging his grandson "rent," because he was not comfortable with the concept (despite that it would be to his and his grandson's financial benefit), and that this was the reason he delayed providing this verification.

10. While there is no question that petitioner is committed to the care and supervision of his grandson, and has been for several years, his statements objecting to the

eligibility and verification processes and his own acknowledgment that he delayed providing certain information establishes a decided lack of cooperation during both the eligibility review beginning in June of 2017 (leading to the July 31, 2017 closure) as well as the August 2017 application process.

ORDER

The Department's decision is affirmed.

REASONS

Review of the Department's determination is de novo. The Department has the burden of proof at hearing if terminating or reducing existing benefits; otherwise, the petitioner bears the burden. See Fair Hearing Rule 1000.3.0.4.

The general purpose of the Reach Up program is to encourage economic self-sufficiency, support nurturing family environments, and ensure that children's basic needs are met. See Reach Up Rules § 2200. Eligibility is based upon countable household income, minus applicable deductions from income, measured against the payment standard (representing a level of need) for the applicable household size. See Reach

Up Rules § 2251 (there is also a resource test which is not at issue here).

Here, petitioner's RUFA was closed when he failed to participate in the process of reverifying his eligibility. In general, the rules are clear that verification of information affecting eligibility or benefit level may be required, as it was here. See Reach Up Rules § 2211.3.

Moreover, the rules provide that:

Denial or closure shall result if an applicant or recipient:

- fails without good cause to submit documentation necessary for verification;
- fails without good cause to consent to verification of any eligibility factor;
- fails without good cause to cooperate in any investigation necessary to support an affirmative decision of eligibility.

Reach Up Rules § 2211.3 (at page 3 of Rule 2211).

While petitioner may have principled intentions in objecting to the eligibility and verification processes, his stated resistance to and delay of these processes do not constitute "good cause" for his failure to verify. The facts further demonstrate that his resistance to this process were intertwined with his failure to adequately respond to the June 2017 eligibility review, July 2017 closure, and August

2017 application (which was denied). The Department subsequently followed its rules in re-commencing RUFA in October 2017, at the time his household was determined eligible, and not retroactively. See Reach Up Rules § 2216.2.

As such, the Department's denial of RUFA is consistent with the rules and the Board must affirm. See 33 V.S.A. § 3091(d); Fair Hearing Rule No. 1000.4D.

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