

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-10/17-556
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Appeal of)
)

INTRODUCTION

Petitioner appeals the receipt of an allegedly reduced amount of personal needs income under the General Assistance ("GA") program, by decision of the Department for Children and Families ("Department"). The following facts are adduced from a hearing held November 14, 2017, and documents submitted therein.

FINDINGS OF FACT

1. Through October of 2017, for a period of seven (7) years, petitioner had been regularly applying for and receiving personal needs income through the GA program. In order to receive this benefit, he was required to apply anew every 28 days (which is the period of time covered by the benefit). He would typically receive a benefit of \$56.

2. In October, petitioner reported that he had been granted Supplemental Security Income ("SSI") based on a long-standing application for those benefits. He was to begin

receiving his SSI on November 1, 2017. In the meantime, petitioner reapplied for personal needs income on October 16, 2017 (this was just after the end of his most recent 28-day period of receiving personal needs income).

3. The Department initially denied this application, due to a misunderstanding that petitioner had started receiving SSI as of October 1, 2017. The Department quickly corrected this by verifying that his SSI would not begin until November 1, 2017, and granted him personal needs income for the period of October 16 through October 31, 2017 - amounting to a benefit of \$32.

4. Petitioner appeals on the ground that he believes he should have received the full, 28-day amount of personal needs income, as he has always received. He does not dispute that he began receiving SSI on November 1, 2017.

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.

"General Assistance (GA) is an emergency financial assistance program for eligible applicant households whose emergency needs, according to department standards, cannot be met under any other assistance program administered by the department and cannot be relieved without the department's intervention . . ." GA Rules § 2600.

The GA program provides a "grocery and personal needs" allowance intended to cover certain essential needs, such as food and personal care, with eligibility based on available income. See GA Rules § 2651. The rules specifically provide that "[g]rocery and personal need allowances shall be issued, as needed from one to seven days. For applicant households exempt from the employment requirements allowances may be issued for up to 28 days as needed. GA Rules § 2651 (emphasis added). Here, there is no dispute that petitioner began receiving SSI on November 1, 2017, which renders him ineligible (over-income) for the personal needs allowance. The Department's decision awarding him a benefit from October 16 through the end of October is otherwise fully warranted and mandated by the rules.

As such, the Department's decision is consistent with the rules and must be affirmed. See 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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