

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-12/20-796
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Appeal of)
)

INTRODUCTION

Petitioner appeals a denial of financial assistance from the General Assistance (GA) program by the Vermont Department for Children and Families (Department). The following facts are adduced from documents and testimony entered into the record during an expedited hearing held December 15, 2020.

FINDINGS OF FACT

1. Petitioner applied for financial assistance on December 4, 2020, through the Department's GA program as a household of one (HH1). The GA application form includes a variety of check-off boxes for the type of assistance requested - petitioner checked off "temporary housing," "rental/mortgage assistance" and "fuel/utilities." Petitioner's application indicated that she has no employment but receives \$1,063/month from a social security disability benefit along with a 3SquaresVT benefit. Petitioner's

application also stated that she currently was housed in her own apartment and was paying \$745/month in rent.

2. On December 7, 2020, the Department issued a Notice of Decision (NOD) stating that petitioner was ineligible in all of the categories in which she had requested assistance. The Notice state: "Didn't answer phone. Over income for rent and utilities; already has housing." At hearing, the Department's representative explained that the Department is required by the GA Regulations to review each application by conducting a post - application interview (currently by phone). The representative explained that the Department had been unable to reach petitioner to conduct the interview but had issued the NOD based on the income reported by petitioner in her application and the fact that petitioner is also ineligible for temporary housing because she currently has housing.

3. Petitioner contacted the Department on December 8th to reapply for assistance with paying her rent and utilities; petitioner's income remained unchanged.

4. The Department issued a NOD on December 8th denying GA financial assistance for rent or utilities, again based on petitioner being over income.

5. At hearing, petitioner expressed frustration with the income limits for GA financial assistance and stated that she does not have sufficient funds to continue to pay her rent and other necessities.

6. Petitioner is not eligible for a GA financial benefit based on her current financial resources.

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 . . . Households with emergency needs not caused by a catastrophic situation must . . . have income below the applicable income test (rule 2610B)."

GA Rules § 2600. See also GA Rules § 2800 [Emergency Assistance).

Under the Rules, the Department must consider the total gross income of the household. GA Rules § 2640; § 2840. After allowed deductions, the Department compares the net income during the past 30-day period to the application income limit for the program. Id. The income threshold that is applied is the Reach Up program payment standard (basic needs standard) for a family of the same size. A housing standard is then added to that amount. However, because funding is insufficient to meet current need, this figure is then "ratably reduced"; the current reduction is 49.6 percent of the groups need. Reach Up Regulations § 2252.

The Reach Up basic needs standard for a HH1 is currently \$585. Reach Up Rules § 2261.1 [Basic Needs Standards]. The Department then adds to that the maximum housing standard (shelter standard) outside of Chittenden County, which is \$400, for a total of \$985. Reach Up Rules § 2263. Then the ratable reduction of 49.6 percent is applied resulting in an income threshold of \$488. See Reach Up Procedures - P-2210A, Calculating Net Income and Benefits

<https://dcf.vermont.gov/sites/dcf/files/ESD/proc/P2200/P2230A.pdf> Therefore, petitioner would need to have less than

\$488/month in income in order to be eligible for financial assistance. Her income exceeds that threshold.

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

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