

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-11/21-706
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Appeal of)
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INTRODUCTION

Petitioner appeals a denial of a specific motel placement through the General Assistance emergency housing program, as administered by the Vermont Department for Children and Families' ("Department"). The following is based upon an expedited telephone hearing held December 7, 2021. The primary issue is whether petitioner's appeal constitutes a grievance of any Departmental action, and correspondingly whether the Board has jurisdiction over the appeal.

FINDINGS OF FACT

1. Petitioner is homeless and has been found eligible for temporary housing through the Department's General Assistance ("GA") program. Petitioner's most recent area of residence has been in Chittenden County.

2. When petitioner applied for housing on November 29, 2021, she was found eligible but was informed she could not stay in the motel of her choice because that motel would not

accept her as a guest. Petitioner was on the motel's "do not house list" for unspecified reasons stemming from a prior stay at the motel.

3. The Department attempted to place petitioner at another motel in the Burlington area but could not find a room for her which was available at the time or at a motel that would accept her. The Department searched for a room outside of Chittenden County and the closest placement they could find for petitioner - based on both room availability and finding a motel that would accept petitioner - was a motel room in Caledonia County, which petitioner eventually accepted. However, petitioner wishes to be at a motel in Chittenden County, which is the basis of her appeal.

4. At hearing, petitioner indicated that she wanted to be closer to her network of supports and that it was difficult for her to make progress on her goals (such as finding employment) staying at a long distance from the Burlington area, although petitioner had no complaints about the motel she was in and acknowledged that it was "a roof over my head."

5. The Department credibly represented at hearing that petitioner's current motel was the closest placement they were able to find at the time, but also indicated that

petitioner is free to contact the GA program on any given day to see whether a motel in Chittenden County (or anywhere else she may wish to reside) is available to her.

ORDER

Petitioner's appeal is dismissed as beyond the Board's jurisdiction.

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.

In this case, there is a threshold question of whether the Board has the power to grant any relief to petitioner because she has failed to identify any action by the Department that has had an adverse impact on her.

The statute governing Human Services Board appeals provides:

An applicant for or recipient of assistance, benefits or social services from the Department for Children and Families . . . may file a request for a fair hearing with the Human Services Board. An opportunity for a fair hearing will be granted to any individual requesting a fair hearing because his or her claim for assistance,

benefits or services is denied, or is not acted upon with reasonable promptness; or because the individual is aggrieved by any other agency action affecting his or her receipt of assistance, benefits or services . . . or because the individual is aggrieved by agency policy as it affects his or her situation.

3 V.S.A. § 3091(a).

Petitioner has failed to present a claim that would entitle her to relief, therefore the Board lacks jurisdiction to issue a substantive decision in the appeal. See Fair Hearing No. B-05/21-311. As such, petitioner's appeal must be dismissed as beyond the jurisdiction of the Board. See 3 V.S.A. § 3091(d); Fair Hearing Rule No. 1000.4D.

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