

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-05/14-410
)
Appeal of)

INTRODUCTION

Petitioner appeals the closure of her Reach Up benefits imposed by the Vermont Department for Children and Families ("Department"). The following facts are adduced from testimony and representations of the parties along with documents submitted during a hearing held June 10, 2014.

FINDINGS OF FACT

1. Petitioner is a recipient of Reach Up Financial Assistance (RUFA) on behalf of her family.
2. Petitioner entered into a Family Development Plan ("FDP") dated March 31, 2014, which she and her case manager signed. The FDP included a requirement that petitioner attend all appointments with her Reach Up case manager.
3. Petitioner met with her case manager on April 28. At the close of that meeting, petitioner and her case manager scheduled another appointment for May 19 at 9:30 a.m. Petitioner's case manager handed her a notice of the May 19 meeting at the end of their April 28 meeting.

4. Petitioner did not appear at 9:30 a.m. on May 19 for her meeting. After approximately 20 minutes, her case manager called her about the meeting. At the time they spoke, petitioner had dropped her son off at daycare and was on her way to the district office for the meeting. Petitioner was under the impression that the meeting had been scheduled for 10:30 a.m.

5. Although it was possible to start the meeting late, petitioner's case manager cancelled the meeting because she had another meeting immediately following the one with petitioner. In general, petitioner's case manager will cancel meetings if a client is more than 15 minutes late because it can compromise the timeliness and effectiveness of subsequent meetings. This is consistent with the practice in the district office to which petitioner's case is assigned.

6. Because petitioner missed the May 19 meeting, the Department notified her that her benefits would close

effective May 31, finding that petitioner had failed to establish good cause for missing her meeting.¹

7. There is no dispute that the May 19 meeting was scheduled for 9:30 a.m. and that petitioner received written notice of the meeting.

8. There is no dispute that petitioner has received 60 or more cumulative months of Reach Up assistance.

9. Petitioner acknowledges that she never looked at the notice to see that the meeting had been scheduled for 9:30 a.m., but rather had assumed it was scheduled for 10:30 a.m. Petitioner asserts she requested that her meetings be scheduled after 9:30 a.m. because she had to drop her son off at daycare at 9:30 a.m. two days per week.²

10. Petitioner timely appealed the closure of her benefits.

ORDER

The Department's decision should be affirmed.

¹ Effective May 1, 2014, new Reach Up rules went into effect which mandate closure of benefits for program non-compliance, absent good cause, if a household has received 60 or more cumulative months of assistance. See Reach Up Rules § 2238.1.

² By the time of the hearing, petitioner's schedule had changed and she now is able to drop her son off as early as 8:30 a.m.

REASONS

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. Reach Up Rules § 2200. Reach Up regulations now mandate that the Department close benefits when a household that has received 60 or more cumulative months of assistance is noncompliant with program requirements. See Reach Up Rules § 2238.1 ("For families who have received 60 or more countable, cumulative months of assistance, noncompliance with Reach Up services component requirements, without good cause, or not fulfilling the work requirement, regardless of good cause, will result in termination of the family's Reach Up grant.").³

A type of non-compliance includes a failure or refusal to "attend and participate fully in FDP activities." Reach Up Rules § 2371. There is no dispute that petitioner missed the May 19 meeting and that she has received 60 or more cumulative months of Reach Up assistance.

The only disputed issue in this appeal is whether petitioner meets "good cause" for missing her meeting. In

³ A family whose Reach Grant is closed for non-compliance may be eligible again at any time following a two month break in assistance. See Reach Up Rules § 2238.2(A).

general, "circumstance beyond the control of the participant may constitute good cause for an individual's noncompliance." See Reach Up Rules § 2373. Reach Up regulations include a list of potential reasons for failing to meet a program requirement, such as a family emergency, inability to arrange for transportation, inclement weather which prevents attending an appointment, and child-care needs, among several other things. See RUSR § 2373.2 (relating to failing to comply with a component of a Family Development Plan).

None of these factors is present here. Petitioner's main contention is that she had requested her meetings be scheduled at a later time and therefore assumed her meeting was at 10:30 a.m. Even accepting that to be true, she received written notice of the time of the meeting and acknowledged that she failed to look at the notice to see the correct time. If she had done so, she could have rescheduled the meeting as needed. Petitioner's circumstances do not establish good cause under the rules.

The Department's closure of petitioner's benefits is therefore consistent with the applicable regulations and the Board is required to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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