

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing Nos. A-05/15-529
) & A-06/15-674
Appeal of)

INTRODUCTION

Petitioner seeks to reopen his Reach Up appeals administratively dismissed by the Board clerk. The following is based on information in the Board record as well as a telephone status conference with the parties on September 9, 2015.

FINDINGS OF FACT

1. Petitioner filed an appeal in May of 2015 regarding the closure of his household's Reach Up benefits. A hearing was scheduled for June 10, 2015. Petitioner did not appear. As per Fair Hearing Rule 1000.3.Q, the Board clerk mailed him a letter asking him to contact the Board if he wished to proceed with the appeal and advising that he needed to show good cause for failing to appear.

2. Petitioner contacted the Board on June 15 indicating that he did not receive his notice and wanted his appeal rescheduled. The hearing was rescheduled for July 9 with a notation that "no further continuances will be granted."

3. In the interim, a second appeal by petitioner was forwarded to the Board which appeared to be for the same reasons the May appeal was filed. The second appeal was assigned a separate docket number and scheduled at the same time as the first appeal on July 9, with an identical notation that "no further continuances will be granted."

4. Petitioner failed to appear at the July 9 hearing. As a result, his appeals were administratively dismissed on July 13 by the Board clerk, pursuant to Fair Hearing rule 1000.3(Q).

5. Petitioner contacted the Board on August 27 regarding the dismissal of his appeals and the matter was scheduled for a telephone status conference as a motion to reopen.

6. During the status conference, petitioner asserted that he had requested that his appeals be heard by telephone. There is no record that petitioner made such a request.

ORDER

Petitioner's motion to reopen is denied.

REASONS

Under Fair Hearing Rule 1000.4.K., requests to reopen are granted only with a showing of good cause. There is no record that petitioner requested to participate in his hearing(s) by phone, which is the sole reason he asserts for not attending. Moreover, as the Department points out, Board rules require that any request to reopen must be made within 30 days of the Board order. See Fair Hearing Rule 1000.4.K.

For these reasons, petitioner's request to reopen is denied. See Fair Hearing Rule 1000.4.K.

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