

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-01/16-76
)
Appeal of)

INTRODUCTION

Petitioner appeals the denial of General Assistance ("GA") utility assistance by the Department for Children and Families ("Department"). The following facts are adduced from a hearing held February 10, 2016, and documents submitted by the Department on February 18.

FINDINGS OF FACT

1. Petitioner has consistently received GA benefits from month to month to assist him in paying his utility bills, as well as rent and personal needs. The Department generally requires applicants in petitioner's circumstances i.e., receiving assistance for monthly costs, to reapply for GA every month.
2. On December 8, 2015, petitioner applied for utility assistance for then-current charges on his electric bill.
3. Petitioner has been regularly informed by Department workers that he is required to verify his need for assistance by providing a copy of his electric bill, as

opposed to having the utility company fax the bill to the Department's local district office. However, on December 8, while in the local district office applying for assistance, he called his utility company to request that his bill be faxed to the office. At hearing, petitioner provided a letter from a customer service worker with his electric company confirming that he called "in December" (without specifying a date) and requested that his bill be faxed to the local district office, and that the bill was then faxed as requested.

4. For unknown reasons, the Department did not receive petitioner's bill from the electric company. A note from a case worker on December 8 states that (uppercase in original) "CLIENT HAS BEEN TOLD REPEATEDLY TO BRING IN UTILITY BILLS BUT NEVER DOES. STATES 'EASIER TO HAVE YOU CALL' HOWEVER THEN WE DON'T ALWAYS GET A COPY OF THE UTILITY BILL SUCH AS TODAY. TOLD CLIENT IT IS HIS RESPONSIBILITY TO BRING IN BILLS IF HE WANTS THEM PAID."

5. The Department denied petitioner's request for assistance on December 8 and mailed him a notice of denial the same day. By that time, petitioner had already left the office assuming his bill would be faxed.

6. Petitioner did not respond to the denial but instead came to the local district office on January 21, 2016, when he realized the electric bill had not been paid as he owed a past due amount. The Department would not accept the amount owed as a qualifying expense for GA purposes, because it was past due.

7. Petitioner appealed the December 8 denial on January 28, 2016. At hearing, he produced several utility bills but could not identify which bill he had sought payment for on December 8, and it was not clear that specific bill was among those he produced.

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 . . . General Assistance, a program to meet emergency needs, has no provision for ongoing assistance. Subsequent requests will be treated as new applications."

GA Rules § 2600.

The GA rules specifically address the responsibility of applicants to provide information:

The applicant is the primary source of information about his need and eligibility for aid or benefits. Information furnished on the signed application and through interviews may be subject to verification, through documentary or collateral sources. Reliance on the applicant as the primary source of information to establish eligibility recognizes the right to privacy, but also places responsibility on the applicant to furnish necessary information completely and accurately or, when needed, to give consent to obtain such information elsewhere.

GA Rules § 2601.

Furthermore, "[c]ontact with sources other than the applicant concerning his eligibility for aid or benefits is limited to interviews, telephone calls, or correspondence necessary to obtain information required to make a decision on eligibility *when the applicant is unable to furnish the necessary information.*" GA Rules § 2601.4 (emphasis added).

The purpose of GA as cited above is to address immediate needs. The rules focus the distribution of assistance on a

monthly basis, where “[d]uring a 30-day period, benefits for emergency needs resulting from a non-catastrophic situation (rule 2610) cannot exceed the difference between the applicable income limit, as defined in rule 2610 B, and the net income for that household. . .” GA Rules § 2650. Moreover, as relied upon by the Department here, payment is allowed for only the “*current* billing period.” GA Rules § 2657.1 (emphasis added).

Petitioner’s appeal came within the time allowed - 90 days, per the Department’s notices and the Board’s rules for appeals from the Department’s Economic Services Division. See Fair Hearing Rule 1000.2.A.¹ Despite the Department’s reliance on the GA rule cited above for payment of “current” utility bills only, this does not necessarily preclude the Board from ordering “appropriate relief including retroactive . . . benefits.” 3 V.S.A. § 3091. Here, however, petitioner failed to heed the clear directives of the Department’s requests for verification, requests that were consistent with the GA rules both as to the nature and timing of the verification. Moreover, the Department mailed petitioner immediate notice of denial of his request, with enough time

¹The GA statute (Chapter 21 of Title 33) and the Department’s rules do not otherwise specifically address a timeline for appeals.

for him to potentially cure the lack of verification. Instead, petitioner did not appeal until well after his bill had become past due. Even assuming, *arguendo*, relief is appropriate, by the time of hearing, the bill in question had not been sufficiently identified and produced.

Under these circumstances, the Department's denial 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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