

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,000
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) placing the two children in her care on the same Reach Up Financial Assistance (RUFA) grant rather than allowing them separate grants. The issue is whether under the RUFA regulations the children must be included in the same household in determining their eligibility for benefits. The following facts are not in dispute.

FINDINGS OF FACT

1. For several years the petitioner has been the primary care provider and legal guardian of a seven-year-old boy who is not related to her. Until recently the petitioner received a RUFA grant of \$457 for the support of that boy. Because the petitioner is not a relative, her income and resources were not considered in determining the boy's eligibility for RUFA. The boy's \$457 payment was the RUFA grant amount for a one-person household.

2. In late May 2002 the petitioner became the legal guardian and primary caretaker of a four-year-old girl who is the boy's half-sibling. As of August 1, 2002 the Department increased her RUFA grant to \$604 a month to cover the needs of both children. \$604 is the RUFA payment amount for a two-person household.

3. When she agreed to take the girl the petitioner assumed that the girl would be eligible for her own RUFA grant of \$457 in addition to her half-brother's grant in the same amount. She does not allege, however, that the Department misinformed or misled her in that regard. The primary issue in this case is whether the children must be considered members of one two-person RUFA household or whether they can qualify as separate one-person households. The petitioner also maintains that RUFA payment amounts as a general matter are insufficient to meet the actual financial needs of the children.

ORDER

The Department's decision is affirmed.

REASONS

The RUFA regulations allow eligible children living with a non-parent "caretaker" to receive RUFA benefits separately from the caretaker if the caretaker is not, herself, "needy". W.A.M. § 2242.5(2). However, the regulations clearly require that "the assistance group must include all siblings, including half-siblings, living with the dependent child or children". W.A.M. §§ 2242.

Unfortunately, the RUFA need standard for a two-person household is considerably less than twice the amount for a one-person household. W.A.M § 2245.2. Moreover, the regulations are clear that the actual amount of any RUFA grant is limited to only 50.1 percent of the assistance group's standard needs. W.A.M. § 2245.24.

While the above provisions may be viewed as discouraging unrelated caregivers from taking on the responsibility of becoming guardians of additional siblings, the Department's decision in this matter is clearly in accord with its regulations and must, therefore, be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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