

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing Nos. B-02/12-118
) & B-03/12-147
Appeal of)

INTRODUCTION

The petitioner appeals two separate decisions by the Department for Children and Families, Economic Services Division, denying his application for temporary housing assistance under the General Assistance (GA) program. The issue is whether the petitioner meets the eligibility requirements for temporary housing assistance.

Petitioner was granted temporary housing assistance for the period of February 9-16, 2012 under the exception rules as a result of Fair Hearing No. B-02/12-79 based on medical documentation that he could not stay at a shelter for the week in question. The question of whether petitioner met the general assistance eligibility rules was deferred.

On February 16, 2012, petitioner applied again for temporary housing assistance to cover the cost of a motel. The Department denied the request based on a lack of medical documentation and the availability of shelter space. Petitioner requested an expedited hearing. The case was set

as a regular hearing due to the availability of shelter space. (Fair Hearing No. B-02/12-118).

On March 7, 2012, petitioner applied again for temporary housing assistance to cover the cost of a motel. The Department denied the application based on a determination that the petitioner is able to work and has no minor children. Petitioner requested an expedited hearing on March 8, 2012. The hearing was consolidated with the prior request and scheduled for March 15, 2012. (Fair Hearing No. B-03/12-147).

The evidence is based on the evidence adduced at hearing and on the prior decision.

FINDINGS OF FACT

1. The petitioner is a fifty-four-year-old man. He is a household of one. Petitioner is currently unemployed.

2. Petitioner came to Vermont after being released from jail in New Jersey.

3. Petitioner did not lose his prior housing as a result of a court ordered eviction, constructive eviction, or natural disaster.

4. Petitioner applied for temporary housing assistance on February 16, 2012 and was denied the same day based upon

no immediate proven need and the availability of shelter space.

5. Shelter space was available for petitioner on February 16, 2012.

6. Petitioner reapplied for temporary housing assistance on March 7, 2012. The Department denied petitioner because he is able to work and has no minor children.

7. ME is a Benefits Program Specialist employed by the Department in the General Assistance Unit. ME testified that petitioner does not meet the criteria for catastrophic assistance and is not a member of a vulnerable population.

8. Petitioner testified at hearing. Petitioner has provided the Department with medical documentation from Dr. CK that he has GERD (gastro-esophageal reflux disease).

Petitioner has a 210A (Employment Medical Report for General Assistance) signed March 2, 2012 that petitioner has severe GERD that will need an endoscopy. Dr. CK wrote that petitioner's condition would not justify exemption from employment or training requirements. Dr. CK wrote that when the endoscopy is done, petitioner should be in a hotel.

Petitioner submitted to the Department another form signed by Dr. CK on March 6, 2012 that petitioner will need to stay in a hotel when the endoscopy is done.

At hearing, petitioner brought in a 210A dated March 13, 2012 identical to the earlier 210A with the additional notation (in darker print) of GERD with spontaneous nausea/vomiting and fecal incontinence. In terms of staying at shelter, the information remained the same about the need for a hotel when the endoscopy is done.

9. The medical documentation shows that petitioner is not precluded from employment or training and that the need for a hotel rather than shelter space should coincide with the endoscopy.

10. Petitioner testified that he is scheduled for an endoscopy on May 15, 2012.

ORDER

The Department's decisions are affirmed.

REASONS

The General Assistance program provides a safety net in limited situations provided that funds are available. 33

V.S.A. § 2103.

An applicant can either qualify for general assistance through either non-catastrophic or catastrophic criteria.

In non-catastrophic situations, an able-bodied person without minor dependents is not eligible for assistance. 33 V.S.A. § 2103(a)(2). An able-bodied person does not include a person who has certain barriers to employment. 33 V.S.A. § 2103(e).

Able-bodied is defined at W.A.M. § 2603(A) as:

“Able-bodied” means no physical or mental impairment exists that prevents the person from working. A person shall not be considered able-bodied if currently unable to work in any type of employment due to physical or emotional problems that have lasted or presumably will last at least 30 days. This eligibility factor must be verified by a signed statement from a physician . . . emphasis added.)

Petitioner does not qualify for non-catastrophic general assistance. Petitioner supplied medical documentation, but that documentation indicates that petitioner can participate in work or training.

In addition, an applicant may qualify for non-catastrophic assistance if the applicant has two or more employment barriers. These barriers include (1) age fifty-five years or older, (2) illiterate or has no more than an eighth grade education, (3) release from a mental health facility within the last six months, (4) full-time student

with less than six months employment in the past five years, and (5) participation in certain drug and alcohol treatment programs. W.A.M. § 2610(A)(2). Petitioner does not meet these criteria.

Assistance is also available if the applicant meets the criteria for catastrophic situations. W.A.M. § 2612. These criteria include (1) death of a spouse or minor child, (2) payment for a service or treatment due to an emergency medical need, (3) natural disaster, or (4) court ordered eviction or constructive eviction due to circumstances beyond the control of the applicant.

The petitioner does not meet the regulatory requirements for catastrophic general assistance.

It should be noted that the Department promulgated policies that provide temporary housing to individuals who are considered vulnerable due to temporary or permanent disability. Under these policies, the Department does not look at whether an applicant meets the criteria for catastrophic events if the applicant is a member of a vulnerable population. Petitioner's present documentation does not rise to this level.

Based on the foregoing, the Department's decisions are affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

#